

113TH CONGRESS
2D SESSION

H. R. 5113

To amend title XIX of the Social Security Act to end the increased Federal funding for Medicaid expansion with respect to inmates' hospital care under the Patient Protection and Affordable Care Act, to apply the savings towards a 2015 Medicare Advantage stabilization program to help protect seniors' choices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2014

Mr. COFFMAN (for himself, Mrs. BLACKBURN, Mr. NUGENT, Mr. LAMBORN, and Mr. HALL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XIX of the Social Security Act to end the increased Federal funding for Medicaid expansion with respect to inmates' hospital care under the Patient Protection and Affordable Care Act, to apply the savings towards a 2015 Medicare Advantage stabilization program to help protect seniors' choices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Seniors’
3 Medicare Choices from Obamacare Act of 2014”.

4 **SEC. 2. ELIMINATING PPACA ENHANCED MEDICAID FMAP**
5 **FOR PRISONERS AND APPLYING SAVINGS TO**
6 **MEDICARE ADVANTAGE IMPROVEMENT**
7 **FUND.**

8 (a) **ELIMINATION OF PPACA ENHANCED MEDICAID**
9 **FMAP FOR PRISONERS.—**

10 (1) **IN GENERAL.**—Section 1905 of the Social
11 Security Act (42 U.S.C. 1396d) is amended—

12 (A) in subsection (y)(2)(A), by adding at
13 the end the following: “Such term does not in-
14 clude an individual described in such subpara-
15 graph during the period in which the individual
16 is an inmate in a public institution or in which
17 the public institution maintains jurisdiction
18 over the individual.”; and

19 (B) in subsection (z)(1)(A), by inserting
20 before the period at the end the following: “and
21 who are not inmates of a public institution (or
22 individuals over whom a public institution main-
23 tains jurisdiction)”.

24 (2) **EFFECTIVE DATE.**—The amendments made
25 by paragraph (1) shall apply to items and services
26 furnished on or after January 1, 2015.

1 (b) APPLICATION OF SAVINGS TO 2015 TO ESTAB-
2 LISHMENT OF 2015 MEDICARE ADVANTAGE STABILIZA-
3 TION PROGRAM.—Section 1859 of the Social Security Act
4 (42 U.S.C. 1395w–28) is amended by adding at the end
5 the following new subsection:

6 “(h) 2015 MEDICARE ADVANTAGE STABILIZATION
7 PROGRAM.—

8 “(1) ESTABLISHMENT.—There is established a
9 Medicare Advantage stabilization program (in this
10 subsection referred to as the ‘stabilization program’)
11 under which the Secretary shall, subject to para-
12 graph (6), provide a PMPM stabilization funding
13 amount to each eligible Medicare Advantage plan in
14 accordance with this subsection to be used by such
15 plan for plan year 2015 to address the beneficiary
16 plan inadequacies applicable to such plan (as de-
17 scribed in paragraph (5)).

18 “(2) ELIGIBLE MEDICARE ADVANTAGE
19 PLANS.—For purposes of this subsection, an eligible
20 Medicare Advantage plan is a Medicare Advantage
21 plan to be offered for plan year 2015 that the Sec-
22 retary determines, based on the bid of such plan
23 submitted under section 1854 for such plan year,
24 satisfies at least one of the following criteria:

1 “(A) INCREASED BENEFICIARY COSTS.—

2 The total costs (including premiums, cost-shar-
3 ing responsibilities, and deductibles) projected
4 to be applicable to individuals who enroll in
5 such plan for such plan year are at least 7 per-
6 cent more than the such total costs that were
7 applicable to individuals enrolled in such plan
8 for plan year 2014.

9 “(B) DECREASED SUPPLEMENTAL BENE-
10 FITS.—The supplemental benefits to be offered
11 under such plan for such plan year 2015 are
12 less than the supplemental benefits offered
13 under such plan for plan year 2014.

14 “(C) DECREASED PROVIDER NETWORK.—
15 The number of physicians in the plan’s network
16 has been reduced by 3 percent or more from
17 plan year 2014 to plan year 2015.

18 “(3) DISTRIBUTION OF PMPM STABILIZATION
19 FUNDING AMOUNTS.—

20 “(A) IN GENERAL.—Subject to the avail-
21 ability of funds under paragraph (6), under the
22 stabilization program, the Secretary shall dis-
23 tribute, not later than December 31, 2014, to
24 each eligible Medicare Advantage plan a PMPM
25 stabilization funding amount, as determined by

1 the Secretary in accordance with subparagraph
2 (B).

3 “(B) PMPM STABILIZATION FUNDING
4 AMOUNT.—A PMPM stabilization funding
5 amount, with respect to an eligible Medicare
6 Advantage plan, shall be determined in accord-
7 ance with the following:

8 “(i) Such amount shall be an amount,
9 with respect to each month of plan year
10 2015, for each individual projected to be
11 enrolled in such plan for such plan year.

12 “(ii) Subject to paragraph (6) and
13 clause (iii), such amount shall be an
14 amount determined by the Secretary to be
15 sufficient for such plan to address for plan
16 year 2015 each beneficiary plan inad-
17 equacy specified in paragraph (4) applica-
18 ble to such plan.

19 “(iii) Such amount shall not be more
20 than \$85 per member per month.

21 “(4) TIMING OF DETERMINATIONS.—Under the
22 stabilization program, the Secretary shall determine
23 which Medicare Advantage plans are eligible Medi-
24 care Advantage plans under paragraph (2), and the
25 PMPM stabilization funding amount to be distrib-

1 uted to each such eligible Medicare Advantage plan
2 under paragraph (3), by not later than October 15,
3 2014.

4 “(5) APPLICABLE BENEFICIARY PLAN INAD-
5 EQUACIES.—For purposes of this subsection, a bene-
6 ficiary plan inadequacy applicable to an eligible
7 Medicare Advantage plan is each of the criteria de-
8 scribed in paragraph (2) that the Secretary deter-
9 mined the plan satisfied for qualifying as such an el-
10 igible Medicare Advantage plan.

11 “(6) FUNDING.—

12 “(A) IN GENERAL.—There shall be avail-
13 able to the Secretary from amounts in the gen-
14 eral fund in the Treasury not otherwise appro-
15 priated an amount, not to exceed
16 \$3,000,000,000, to carry out this subsection.
17 Such amounts shall remain so available until
18 December 31, 2015. Any amounts made so
19 available but not expended on or before such
20 date shall be transferred to the general fund in
21 the Treasury.

22 “(B) CLARIFICATION.—Payments under
23 the stabilization program shall not be taken

- 1 into account for purposes of determining the
- 2 premium payments applicable under part B.”.

