

113TH CONGRESS
1ST SESSION

H. R. 670

To amend part B of the title XVIII of the Social Security Act to apply deemed enrollment to residents of Puerto Rico and to provide a special enrollment period and a reduction in the late enrollment penalties for certain residents of Puerto Rico.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2013

Mr. PIERLUISI (for himself, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. GRAYSON, Mr. GRIJALVA, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. SERRANO, Ms. VELÁZQUEZ, and Ms. NORTON) 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 part B of the title XVIII of the Social Security Act to apply deemed enrollment to residents of Puerto Rico and to provide a special enrollment period and a reduction in the late enrollment penalties for certain residents of Puerto Rico.

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 “Puerto Rico Medicare
3 Part B Equity Act of 2013”.

4 **SEC. 2. APPLICATION OF PART B DEEMED ENROLLMENT**
5 **PROCESS TO RESIDENTS OF PUERTO RICO;**
6 **SPECIAL ENROLLMENT PERIOD AND LIMIT**
7 **ON LATE ENROLLMENT PENALTIES.**

8 (a) APPLICATION OF PART B DEEMED ENROLLMENT
9 PROCESS TO RESIDENTS OF PUERTO RICO.—Section
10 1837(f)(3) of the Social Security Act (42 U.S.C.
11 1395p(f)(3)) is amended by striking “, exclusive of Puerto
12 Rico”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall apply to individuals whose initial en-
15 rollment period under section 1837(d) of the Social Secu-
16 rity Act begins on or after the first day of the effective
17 month, specified by the Secretary of Health and Human
18 Services under section 1839(j)(1)(C) of such Act, as added
19 by subsection (c)(2).

20 (c) TRANSITION PROVIDING SPECIAL ENROLLMENT
21 PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES
22 FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839
23 of the Social Security Act (42 U.S.C. 1395r) is amend-
24 ed—

1 (1) in the first sentence of subsection (b), by in-
2 serting “subject to section 1839(j)(2),” after “sub-
3 section (i)(4) or (l) of section 1837,”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF
7 PUERTO RICO.—

8 “(1) SPECIAL ENROLLMENT PERIOD, COVERAGE
9 PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT
10 NOT ENROLLED.—

11 “(A) IN GENERAL.—In the case of a tran-
12 sition individual (as defined in paragraph (3))
13 who is not enrolled under this part as of the
14 day before the first day of the effective month
15 (as defined in subparagraph (C)), the Secretary
16 shall provide for a special enrollment period
17 under section 1837 of 7 months beginning with
18 such effective month during which the indi-
19 vidual may be enrolled under this part.

20 “(B) COVERAGE PERIOD.—In the case of
21 such an individual who enrolls during such spe-
22 cial enrollment period, the coverage period
23 under section 1838 shall begin on the first day
24 of the second month after the month in which
25 the individual enrolls.

1 “(C) EFFECTIVE MONTH DEFINED.—In
2 this section, the term ‘effective month’ means a
3 month, not earlier than October 2014 and not
4 later than January 2015, specified by the Sec-
5 retary.

6 “(2) REDUCTION IN LATE ENROLLMENT PEN-
7 ALTIES FOR CURRENT ENROLLEES AND INDIVID-
8 UALS ENROLLING DURING TRANSITION.—

9 “(A) IN GENERAL.—In the case of a tran-
10 sition individual who is enrolled under this part
11 as of the day before the first day of the effec-
12 tive month or who enrolls under this part on or
13 after the date of the enactment of this sub-
14 section but before the end of the special enroll-
15 ment period under paragraph (1)(A), the
16 amount of the late enrollment penalty imposed
17 under section 1839(b) shall be recalculated by
18 reducing the penalty to 15 percent of the pen-
19 alty otherwise established.

20 “(B) APPLICATION.—Subparagraph (A)
21 shall be applied in the case of a transition indi-
22 vidual who—

23 “(i) is enrolled under this part as of
24 the month before the effective month, for

1 premiums for months beginning with such
2 effective month; or

3 “(ii) enrolls under this part on or
4 after the date of the enactment of this Act
5 and before the end of the special enroll-
6 ment period under paragraph (1)(A), for
7 premiums for months during the coverage
8 period under this part which occur during
9 or after the effective month.

10 “(C) LOSS OF REDUCTION IF INDIVIDUAL
11 TERMINATES ENROLLMENT.—Subparagraph
12 (A) shall not apply to a transition individual if
13 the individual terminates enrollment under this
14 part after the end of the special enrollment pe-
15 riod under paragraph (1).

16 “(3) TRANSITION INDIVIDUAL DEFINED.—In
17 this section, the term ‘transition individual’ means
18 an individual who resides in Puerto Rico and who
19 would have been deemed enrolled under this part
20 pursuant to section 1837(f) before the first day of
21 the effective month but for the fact that the indi-
22 vidual was a resident of Puerto Rico, regardless of
23 whether the individual is enrolled under this part as
24 of such first day.”.

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