

114TH CONGRESS
1ST SESSION

H. R. 2488

To preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2015

Mr. ROTHFUS (for himself, Mr. SCHRADER, Mr. BRADY of Texas, and Mrs. BROOKS of Indiana) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Beneficiary
5 Preservation of Choice Act of 2015”.

1 **SEC. 2. PRESERVATION OF MEDICARE BENEFICIARY**
2 **CHOICE UNDER MEDICARE ADVANTAGE.**

3 Section 1851(e)(2) of the Social Security Act (42
4 U.S.C. 1395w-21(e)(2)) is amended—

5 (1) in subparagraph (C)—

6 (A) in the heading, by inserting “FROM
7 2011 THROUGH 2015” after “45-DAY PERIOD”;
8 and

9 (B) by inserting “and ending with 2015”
10 after “beginning with 2011”; and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(G) CONTINUOUS OPEN ENROLLMENT
14 AND DISENROLLMENT FOR FIRST 3 MONTHS IN
15 2016 AND SUBSEQUENT YEARS.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii) and subparagraph (D), at any time
18 during the first 3 months of a year (begin-
19 ning with 2016), or, if the individual first
20 becomes a Medicare Advantage eligible in-
21 dividual during a year (beginning with
22 2016), during the first 3 months of such
23 year in which the individual is a Medicare
24 Advantage eligible individual, a Medicare
25 Advantage eligible individual may change
26 the election under subsection (a)(1).

1 “(ii) LIMITATION OF ONE CHANGE
2 DURING OPEN ENROLLMENT PERIOD EACH
3 YEAR.—An individual may change the elec-
4 tion pursuant to clause (i) only once dur-
5 ing the applicable 3-month period de-
6 scribed in such clause in each year. The
7 limitation under this clause shall not apply
8 to changes in elections effected during an
9 annual, coordinated election period under
10 paragraph (3) or during a special enroll-
11 ment period under paragraph (4).

12 “(iii) LIMITED APPLICATION TO PART
13 D.—Clauses (i) and (ii) of this subpara-
14 graph shall only apply with respect to
15 changes in enrollment in a prescription
16 drug plan under part D in the case of an
17 individual who, previous to such change in
18 enrollment, is enrolled in a Medicare Ad-
19 vantage plan.

20 “(iv) LIMITATIONS ON MARKETING.—
21 Pursuant to subsection (j), no unsolicited
22 marketing or marketing materials may be
23 sent to an individual described in clause (i)
24 during the continuous open enrollment and

- 1 disenrollment period established for the in-
- 2 dividual under such clause.”.

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