

115TH CONGRESS  
2D SESSION

# H. R. 6662

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2018

Received; read twice and referred to the Committee on Finance

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## AN ACT

To amend title XVIII of the Social Security Act to extend the special election period under part C of the Medicare program for certain deemed individuals enrolled in a reasonable cost reimbursement contract to any Medicare Advantage eligible individual enrolled in such a contract during the final year such contract is extended, 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 “Empowering Seniors’  
3 Enrollment Decision Act of 2018”.

4 **SEC. 2. EXTENDING THE SPECIAL ELECTION PERIOD**  
5 **UNDER PART C OF THE MEDICARE PROGRAM**  
6 **FOR CERTAIN DEEMED INDIVIDUALS EN-**  
7 **ROLLED IN A REASONABLE COST REIM-**  
8 **BURSEMENT CONTRACT TO ANY MA ELIGI-**  
9 **BLE INDIVIDUAL ENROLLED IN SUCH A CON-**  
10 **TRACT DURING THE FINAL YEAR SUCH A**  
11 **CONTRACT IS EXTENDED; EXTENDING CON-**  
12 **VERSIONS OF REASONABLE COST REIM-**  
13 **BURSEMENT CONTRACTS TO MA PLANS.**

14 (a) EXTENDING THE SPECIAL ELECTION PERIOD  
15 UNDER PART C OF THE MEDICARE PROGRAM FOR CER-  
16 TAIN DEEMED INDIVIDUALS ENROLLED IN A REASON-  
17 ABLE COST REIMBURSEMENT CONTRACT TO ANY MA EL-  
18 IGIBLE INDIVIDUAL ENROLLED IN SUCH A CONTRACT  
19 DURING THE FINAL YEAR SUCH A CONTRACT IS EX-  
20 TENDED.—

21 (1) IN GENERAL.—Section 1851(e)(2)(F) of the  
22 Social Security Act (42 U.S.C. 1395w–21(e)(2)(F))  
23 is amended—

24 (A) in the header, by striking “DEEMED  
25 ELECTIONS” and inserting “INDIVIDUALS EN-

1           ROLLED IN A REASONABLE COST REIMBURSE-  
2           MENT CONTRACT”; and

3           (B) by amending clause (i) to read as fol-  
4           lows:

5                   “(i) IN GENERAL.—With respect to a  
6                   reasonable cost reimbursement contract  
7                   under section 1876(h) that is not extended  
8                   or renewed, an individual enrolled in the  
9                   contract for the final year in which such  
10                  contract is extended or renewed may, at  
11                  any time during the period beginning after  
12                  the last day of the annual, coordinated  
13                  election period under paragraph (3) occur-  
14                  ring during such final year and ending on  
15                  the last day of February of the first plan  
16                  year following such final year, change the  
17                  election under subsection (a)(1) (including  
18                  changing the MA plan or MA–PD plan in  
19                  which the individual is enrolled) for such  
20                  first plan year following such final year.”.

21           (2) CLARIFICATION RELATING TO DEEMED IN-  
22           DIVIDUALS ENROLLED IN A REASONABLE REIM-  
23           BURSEMENT CONTRACT.—Section 1851(c)(4)(A) of  
24           the Social Security Act (42 U.S.C. 1395w-  
25           21(c)(4)(A)) is amended—

1 (A) by amending clause (ii) to read as fol-  
 2 lows:

3 “(ii) such previous plan year was the  
 4 final year in which such contract was ex-  
 5 tended or renewed;”; and

6 (B) in clause (iii) by striking “subclause  
 7 (III) of such section” and inserting “section  
 8 1876(h)(5)(C)(iv)(IV)”.

9 (b) EXTENDING CONVERSIONS OF REASONABLE  
 10 COST REIMBURSEMENT CONTRACTS TO MA PLANS.—  
 11 Section 1876(h)(5)(C) of the Social Security Act (42  
 12 U.S.C. 1395mm(h)(5)(C)) is amended—

13 (1) in clause (iv)—

14 (A) in subclause (I), by striking the last  
 15 sentence;

16 (B) by redesignating subclauses (I)  
 17 through (V) as subclauses (II) through (VI), re-  
 18 spectively;

19 (C) by inserting before subclause (II), as  
 20 so redesignated, the following subclause:

21 “(I) The final year in which such  
 22 contract is extended or renewed is re-  
 23 ferred to in this subsection as the ‘last  
 24 reasonable cost reimbursement con-  
 25 tract year for the contract.’”; and

1 (D) in subclause (V), as so redesignated,  
2 by striking “subclause (III)” and inserting  
3 “subclause (IV)”; and

4 (2) in clause (v), by striking “that is extended  
5 or renewed pursuant to clause (iv) provides the no-  
6 tice described in clause (iv)(III)” and inserting “that  
7 is not to be extended or renewed provides the notice  
8 described in clause (iv)(IV)”.

Passed the House of Representatives September 12,  
2018.

Attest:

KAREN L. HAAS,

*Clerk.*