

Committee Print

[SHOWING THE TEXT OF H.R. 2477 AS FAVORABLY FORWARDED BY THE
SUBCOMMITTEE ON HEALTH ON MARCH 11, 2020]

116TH CONGRESS
2D SESSION

H. R. 2477

To amend title XVIII of the Social Security Act to establish a system to notify individuals approaching Medicare eligibility, to simplify and modernize the eligibility enrollment process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2019

Mr. RUIZ (for himself, Mrs. WALORSKI, Mr. SCHNEIDER, and Mr. BILIRAKIS) 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 amend title XVIII of the Social Security Act to establish a system to notify individuals approaching Medicare eligibility, to simplify and modernize the eligibility enrollment process, 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 “Beneficiary Enrollment
3 Notification and Eligibility Simplification Act of 2020” or
4 the “BENES Act of 2020”.

5 **SEC. 2. BENEFICIARY ENROLLMENT NOTIFICATION AND**
6 **ELIGIBILITY SIMPLIFICATION.**

7 (a) ELIGIBILITY AND ENROLLMENT NOTICES.—

8 (1) AS PART OF SOCIAL SECURITY ACCOUNT
9 STATEMENT FOR INDIVIDUALS ATTAINING AGES 63
10 TO 65.—Section 1143(a) of the Social Security Act
11 (42 U.S.C. 1320b–13(a)) is amended by adding at
12 the end the following new paragraph:

13 “(4) MEDICARE ELIGIBILITY INFORMATION.—

14 “(A) IN GENERAL.—In the case of statements
15 provided on or after the date that is 2 years after
16 the date of the enactment of this paragraph to indi-
17 viduals who are attaining ages 63, 64, and 65, the
18 statement shall also include a notice containing the
19 information described in subparagraph (B).

20 “(B) CONTENTS OF NOTICE.—The notice re-
21 quired under subparagraph (A) shall include a clear,
22 simple explanation of—

23 “(i) eligibility for benefits under the Medi-
24 care program under title XVIII, and in par-
25 ticular benefits under part B of such title;

1 “(ii) the reasons a late enrollment penalty
2 for failure to timely enroll could be assessed
3 and how such late enrollment penalty is cal-
4 culated, in particular for benefits under such
5 part B;

6 “(iii) the availability of relief from the late
7 enrollment penalty and retroactive enrollment
8 under section 1837(h) (including as such sec-
9 tion is applied under sections 1818(c) and
10 1818A(c)(3)), with examples of circumstances
11 under which such relief may be granted and ex-
12 amples of circumstances under which such relief
13 would not be granted;

14 “(iv) coordination of benefits (including
15 primary and secondary coverage scenarios) pur-
16 suant to section 1862(b), in particular for bene-
17 fits under such part B; and

18 “(v) enrollment, eligibility, and coordina-
19 tion of benefits under title XVIII with respect
20 to populations, for whom there are special con-
21 siderations, such as residents of Puerto Rico
22 and veterans.

23 “(C) DEVELOPMENT OF NOTICE.—

24 “(i) IN GENERAL.—The Secretary, in co-
25 ordination with the Commissioner of Social Se-

1 curity, and taking into consideration informa-
2 tion collected pursuant to clause (ii), shall, not
3 later than 12 months after the last day of the
4 period for the request of information described
5 in clause (ii), develop the notice to be provided
6 pursuant to subparagraph (A).

7 “(ii) REQUEST FOR INFORMATION.—Not
8 later than 6 months after the date of the enact-
9 ment of this paragraph, the Secretary shall re-
10 quest written information, including rec-
11 ommendations, from stakeholders (including the
12 groups described in subparagraph (D)) on the
13 information to be included in the notice.

14 “(iii) NOTICE IMPROVEMENT.—Beginning
15 4 years after the date of the enactment of this
16 paragraph, and not less than once every 2 years
17 thereafter, the Secretary, in coordination with
18 the Commissioner of Social Security, shall—

19 “(I) review the content of the notice
20 to be provided under subparagraph (A);

21 “(II) request written information, in-
22 cluding recommendations on the notice
23 through a request for information process
24 as described in clause (ii); and

1 “(III) update and revise such notice
2 as the Secretary deems appropriate.

3 “(D) GROUPS.—For purposes of subparagraph
4 (C)(ii), the groups described in this subparagraph
5 include the following:

6 “(i) Individuals who are 60 years of age or
7 older.

8 “(ii) Veterans.

9 “(iii) Individuals with disabilities.

10 “(iv) Individuals with end stage renal dis-
11 ease.

12 “(v) Low-income individuals and families.

13 “(vi) Employers (including human re-
14 sources professionals).

15 “(vii) States (including representatives of
16 State-run Health Insurance Exchanges, Med-
17 icaid offices, and Departments of Insurance).

18 “(viii) State Health Insurance Assistance
19 Programs.

20 “(ix) Health insurers.

21 “(x) Health insurance agents and brokers.

22 “(xi) Such other groups as specified by the
23 Secretary.

24 “(E) POSTING OF NOTICE ON WEBSITES.—The
25 Commissioner of Social Security and the Secretary

1 shall post the notice being required under subpara-
2 graph (A) in a prominent location on their respective
3 Department Internet website.

4 “(F) NO EFFECT ON OBLIGATION TO MAIL
5 STATEMENTS.—Nothing in this paragraph shall be
6 construed to relieve the Commissioner of Social Se-
7 curity from any requirement under subsection (c),
8 including the requirement to mail a statement on an
9 annual basis to each eligible individual who is not re-
10 ceiving benefits under title II and for whom a mail-
11 ing address can be determined through such meth-
12 ods as the Commissioner determines to be appro-
13 priate.”.

14 (2) INDIVIDUALS IN MEDICARE WAITING PE-
15 RIOD.—Title XI of the Social Security Act is amend-
16 ed by inserting after section 1144 the following new
17 section:

18 “MEDICARE ENROLLMENT NOTIFICATION AND ELIGI-
19 BILITY NOTICES FOR INDIVIDUALS IN MEDICARE
20 WAITING PERIOD

21 “SEC. 1144A. (a) NOTICES.—

22 “(1) IN GENERAL.—The Commissioner of So-
23 cial Security shall distribute the notice to be pro-
24 vided pursuant to section 1143(a)(4), as may be
25 modified under paragraph (2), to individuals in the

1 24-month waiting period under section 226(b) of
2 this Act.

3 “(2) AUTHORITY TO MODIFY NOTICE.—The
4 Secretary, in coordination with the Commissioner of
5 Social Security, may modify the notice to be distrib-
6 uted under paragraph (1) as necessary to take into
7 account the individuals described in such paragraph.

8 “(3) POSTING OF NOTICE ON WEBSITES.—The
9 Commissioner of Social Security and the Secretary
10 shall post the notice required under paragraph (1)
11 in a prominent location on their respective Depart-
12 ment Internet website.

13 “(b) TIMING.—Beginning 2 years after the date of
14 the enactment of this section, a notice required under sub-
15 section (a)(1) shall be mailed to an individual not fewer
16 than 2 times in accordance with the following:

17 “(1) The notice shall be provided to such indi-
18 vidual not later than 3 months prior to the date on
19 which such individual’s enrollment period begins as
20 provided under section 1837.

21 “(2) The notice shall subsequently be provided
22 to such individual not later than 1 month prior to
23 such date.”.

24 (b) BENEFICIARY ENROLLMENT SIMPLIFICATION.—

1 (1) EFFECTIVE DATE OF COVERAGE.—Section
2 1838(a) of the Social Security Act (42 U.S.C.
3 1395q(a)) is amended—

4 (A) by amending paragraph (2) to read as
5 follows:

6 “(2)(A) in the case of an individual who enrolls
7 pursuant to subsection (d) of section 1837 before
8 the month in which he first satisfies paragraph (1)
9 or (2) of section 1836, the first day of such month,

10 “(B) in the case of an individual who first sat-
11 isfies such paragraph in a month beginning before
12 January 2022 and who enrolls pursuant to such
13 subsection (d)—

14 “(i) in such month in which he first satis-
15 fies such paragraph, the first day of the month
16 following the month in which he so enrolls,

17 “(ii) in the month following such month in
18 which he first satisfies such paragraph, the first
19 day of the second month following the month in
20 which he so enrolls, or

21 “(iii) more than one month following such
22 month in which he satisfies such paragraph, the
23 first day of the third month following the
24 month in which he so enrolls,

1 “(C) in the case of an individual who first satis-
2 fies such paragraph in a month beginning on or
3 after January 1, 2022, and who enrolls pursuant to
4 such subsection (d) in such month in which he first
5 satisfies such paragraph or in any subsequent month
6 of his initial enrollment period, the first day of the
7 month following the month in which he so enrolls, or

8 “(D) in the case of an individual who enrolls
9 pursuant to subsection (e) of section 1837 in a
10 month beginning—

11 “(i) before January 1, 2022, the July 1
12 following the month in which he so enrolls; or

13 “(ii) on or after January 1, 2022, the first
14 day of the month following the month in which
15 he so enrolls; or”); and

16 (B) by amending paragraph (3) to read as
17 follows:

18 “(3) in the case of an individual who is deemed
19 to have enrolled—

20 “(A) on or before the last day of the third
21 month of his initial enrollment period, the first
22 day of the month in which he first meets the
23 applicable requirements of section 1836 or July
24 1, 1973, whichever is later, or

1 “(B) on or after the first day of the fourth
2 month of his initial enrollment period, and
3 where such month begins—

4 “(i) before January 1, 2022, as pre-
5 scribed under subparagraphs (B)(i),
6 (B)(ii), (B)(iii), and (D)(i) of paragraph
7 (2), or

8 “(ii) on or after January 1, 2022, as
9 prescribed under subparagraphs (C) and
10 (D)(ii) of paragraph (2).”.

11 (2) SPECIAL ENROLLMENT PERIODS FOR EX-
12 CEPTIONAL CIRCUMSTANCES.—

13 (A) ENROLLMENT.—Section 1837 of the
14 Social Security Act (42 U.S.C. 1395p) is
15 amended by adding at the end the following
16 new subsection:

17 “(m) Beginning January 1, 2022, the Secretary may
18 establish special enrollment periods in the case of individ-
19 uals who meet such exceptional conditions as the Secretary
20 may provide, such as individuals who reside in an area
21 with an emergency or disaster as determined by the Sec-
22 retary.”.

23 (B) COVERAGE PERIOD.—Section 1838 of
24 the Social Security Act (42 U.S.C. 1395q) is

1 amended by adding at the end the following
2 new subsection:

3 “(g) Notwithstanding subsection (a), in the case of
4 an individual who enrolls during a special enrollment pe-
5 riod pursuant to section 1837(m), the coverage period
6 shall begin on a date the Secretary provides in a manner
7 consistent (to the extent practicable) with protecting con-
8 tinuity of health benefit coverage.”.

9 (C) CONFORMING AMENDMENT.—Section
10 1839(b) of the Social Security Act (42 U.S.C.
11 1395r(b)) is amended, in the first sentence, by
12 striking “or (l)” and inserting “, (l), or (m)”.

13 (3) TECHNICAL CORRECTION.—Section 1839(b)
14 of the Social Security Act (42 U.S.C. 1395r(b)) is
15 amended by adding at the end the following new
16 sentence: “For purposes of determining any increase
17 under this subsection for individuals whose enroll-
18 ment occurs on or after January 1, 2022, the second
19 sentence of this subsection shall be applied by sub-
20 stituting ‘close of the month’ for ‘close of the enroll-
21 ment period’ each place it appears.”.

22 (4) REPORT.—Not later than January 1, 2022,
23 the Secretary of Health and Human Services shall
24 submit to the Committee on Ways and Means and
25 Committee on Energy and Commerce of the House

1 of Representatives and the Committee on Finance
2 and Special Committee on Aging of the Senate a re-
3 port including recommendations on how to align ex-
4 isting Medicare enrollment periods under title XVIII
5 of the Social Security Act, including the general en-
6 rollment period under part B of such title and the
7 annual, coordinated election period under the Medi-
8 care Advantage program under part C of such title
9 and under the prescription drug program under part
10 D of such title. Such recommendations shall be con-
11 sistent with the goals of maximizing coverage con-
12 tinuity and choice and easing beneficiary transition.