

110TH CONGRESS
1ST SESSION

S. 1108

To amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program and to provide funding for the conduct of outreach and education with respect to the premium and cost-sharing subsidies under such program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 12, 2007

Mr. SMITH (for himself, Mr. BINGAMAN, Ms. SNOWE, Mrs. LINCOLN, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program and to provide funding for the conduct of outreach and education with respect to the premium and cost-sharing subsidies under such program, 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 “Medicare Part D Out-
3 reach and Enrollment Enhancement Act of 2007”.

4 **SEC. 2. SPECIAL ENROLLMENT PERIOD FOR INDIVIDUALS**
5 **ELIGIBLE FOR AN INCOME-RELATED SUB-**
6 **SIDY.**

7 (a) SPECIAL ENROLLMENT PERIOD.—Section
8 1860D–1(b)(3) of the Social Security Act (42 U.S.C.
9 1395w–101(b)(3)) is amended by adding at the end the
10 following new subparagraph:

11 “(F) ELIGIBILITY FOR LOW-INCOME SUB-
12 SIDY.—

13 “(i) IN GENERAL.—Subject to clause
14 (iii), in the case of an applicable individual
15 (as defined in clause (ii)).

16 “(ii) APPLICABLE INDIVIDUAL DE-
17 FINED.—For purposes of this subpara-
18 graph, the term ‘applicable individual’
19 means a part D eligible individual who is
20 determined to be a subsidy-eligible indi-
21 vidual (as defined in section 1860D–
22 14(a)(3)), including such an individual who
23 was enrolled in a prescription drug plan or
24 an MA–PD plan on the date of such deter-
25 mination.

1 “(iii) TIMING OF SPECIAL ENROLL-
 2 MENT PERIOD.—The special enrollment pe-
 3 riod established under this subparagraph
 4 shall be for a 90-day period beginning on
 5 the date the applicable individual receives
 6 notification of such determination.”.

7 (b) ENROLLMENT PROCESS FOR SUBSIDY-ELIGIBLE
 8 INDIVIDUALS ELIGIBLE FOR SPECIAL ENROLLMENT PE-
 9 RIOD.—Section 1860D–1(b)(1) is amended by adding at
 10 the end the following new subparagraph:

11 “(D) SPECIAL RULE FOR SUBSIDY-ELIGI-
 12 BLE INDIVIDUALS ELIGIBLE FOR SPECIAL EN-
 13 ROLLMENT PERIOD.—The process established
 14 under subparagraph (A) shall include, in the
 15 case of an applicable individual (as defined in
 16 clause (ii) of paragraph (3)(F)) the following:

17 “(i) FACILITATED ENROLLMENT.—
 18 During the 90-day period described in
 19 clause (iii) of such paragraph, a process
 20 for the facilitated enrollment of the indi-
 21 vidual in the prescription drug plan or
 22 MA–PD plan that is most appropriate for
 23 such individual (as determined by the Sec-
 24 retary). At the end of such 90-day period,
 25 the individual shall be enrolled in such

1 plan unless the individual declines enroll-
 2 ment in the plan or in the program under
 3 this part, or chooses to enroll in another
 4 plan selected by the individual prior to the
 5 end of such 90-day period.

6 “(ii) ONE-TIME CHANGE OF ENROLL-
 7 MENT.—The opportunity to change enroll-
 8 ment with a prescription drug plan or an
 9 MA–PD plan not less than once during a
 10 plan year. Nothing in the previous sen-
 11 tence shall limit the ability of a part D eli-
 12 gible individual who is a full-benefit dual
 13 eligible individual (as defined in section
 14 1935(c)(6)) to change enrollment under
 15 subparagraph (C)”.

16 (c) WAIVER OF LATE ENROLLMENT PENALTY.—Sec-
 17 tion 1860D–13(b) of the Social Security Act (42 U.S.C.
 18 1395w–113(b)) is amended by adding at the end the fol-
 19 lowing new paragraph:

20 “(8) WAIVER OF PENALTY FOR SUBSIDY-ELIGI-
 21 BLE INDIVIDUALS.—In no case shall a part D eligi-
 22 ble individual who is determined to be a subsidy-eli-
 23 gible individual (as defined in section 1860D–
 24 14(a)(3)) be subject to an increase in the monthly

1 beneficiary premium established under subsection
2 (a).”.

3 (d) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on January 1, 2008.

5 **SEC. 3. OUTREACH AND EDUCATION FOR PREMIUM AND**
6 **COST-SHARING SUBSIDIES UNDER PART D.**

7 (a) ADDITIONAL FUNDING FOR OUTREACH AND AS-
8 SISTANCE.—

9 (1) STATE HEALTH INSURANCE ASSISTANCE
10 PROGRAMS.—There are authorized to be appro-
11 priated for each of fiscal years 2008, 2009, 2010,
12 and 2011, an amount equal to \$1 multiplied by the
13 total number of individuals entitled to benefits, or
14 enrolled, under part A of title XVIII of the Social
15 Security Act, or enrolled under part B of such title
16 during the fiscal year (as determined by the Sec-
17 retary of Health and Human Services, based on the
18 most recent available data before the beginning of
19 the fiscal year) to be used to provide additional
20 grants to State Health Insurance Assistance Pro-
21 grams (SHIPs) to conduct outreach and education
22 related to the Medicare program under such title.

23 (2) NATIONAL CENTER ON SENIOR BENEFITS
24 OUTREACH AND ENROLLMENT.—

1 (A) IN GENERAL.—There are appropriated
2 \$4,000,000 to the National Center on Senior
3 Benefits Outreach and Enrollment established
4 under section 202(a)(20)(B) of the Older Amer-
5 icans Act of 1965 (42 U.S.C. 3012(a)(20)(B))
6 to be used to provide outreach and enrollment
7 assistance with respect to premium and cost-
8 sharing subsidies under the Medicare prescrip-
9 tion drug program under part D of title XVIII
10 of the Social Security Act (42 U.S.C. 1395w-
11 101 et seq.).

12 (B) COORDINATION.—The National Center
13 on Senior Benefits Outreach and Enrollment
14 shall coordinate outreach and enrollment assist-
15 ance conducted under subparagraph (A) with
16 activities conducted by State Health Insurance
17 Assistance Programs (SHIPs) and other appro-
18 priate entities that conduct outreach and edu-
19 cation related to such premium and cost-shar-
20 ing subsidies.

21 (b) ENCOURAGING STATES TO DIRECT SUBSIDY-EL-
22 IGIBLE INDIVIDUALS TO ORGANIZATIONS PROVIDING AS-
23 SISTANCE.—

24 (1) IN GENERAL.—The Secretary of Health and
25 Human Services shall encourage States to direct ap-

1 applicable individuals to appropriate organizations and
 2 entities that provide assistance with respect to—

3 (A) applying for premium and cost-sharing
 4 subsidies under section 1860D–14 of the Social
 5 Security Act (42 U.S.C. 1395w–114); and

6 (B) enrolling in a prescription drug plan or
 7 an MA–PD plan under part D of title XVIII of
 8 the Social Security Act (42 U.S.C. 1395w–101
 9 et seq.).

10 (2) APPLICABLE INDIVIDUALS DEFINED.—In
 11 this subsection, the term “applicable individual”
 12 means an individual the State believes to be, or de-
 13 termines to be, eligible for premium and cost-sharing
 14 subsidies under section 1860D–14 of the Social Se-
 15 curity Act (42 U.S.C. 1395w–114).

16 **SEC. 4. SCREENING BY COMMISSIONER OF SOCIAL SECU-**
 17 **RITY FOR ELIGIBILITY UNDER MEDICARE**
 18 **SAVINGS PROGRAMS.**

19 (a) IN GENERAL.—Section 1860D–14(a)(3)(B)(i) of
 20 the Social Security Act (42 U.S.C. 1395w–
 21 114(a)(3)(B)(i)) is amended by inserting after the first
 22 sentence the following: “As part of making an eligibility
 23 determination under the preceding sentence for an indi-
 24 vidual, the Commissioner shall screen for the individual’s
 25 eligibility for medical assistance for any medicare cost-

1 sharing described in section 1905(p)(3) and, if the screen-
 2 ing indicates the individual is likely eligible for any such
 3 medicare cost-sharing, transmit the pertinent information
 4 to the appropriate State Medicaid agency for the deter-
 5 mination of eligibility and enrollment of the individual for
 6 such medicare cost-sharing under the State plan (or under
 7 a waiver of such plan).”.

8 (b) EFFECTIVE DATE.—The amendment made by
 9 this section shall take effect on the date of enactment of
 10 this Act.

11 **SEC. 5. ADMINISTRATION ON AGING STUDY AND REPORT**
 12 **ON SCREENING PROCESSES USED BY GOV-**
 13 **ERNMENT NEEDS-BASED PROGRAMS.**

14 (a) STUDY.—

15 (1) IN GENERAL.—The Assistant Secretary of
 16 the Administration on Aging (in this section referred
 17 to as the “Assistant Secretary”) shall conduct a
 18 comprehensive study of screening processes used by
 19 government needs-based programs.

20 (2) MATTERS STUDIED.—In conducting the
 21 study under paragraph (1), the Assistant Secretary
 22 shall—

23 (A) assess any duplications of effort under
 24 existing screening processes used by govern-
 25 ment needs-based programs;

1 (B) determine the feasibility of creating a
2 uniform screening process for such needs-based
3 programs;

4 (C) determine how the Federal govern-
5 ment, State governments, and community-based
6 organizations can better coordinate existing
7 screening processes in order to facilitate the en-
8 rollment of seniors into need-based programs;

9 (D) include a cost-benefit analysis with re-
10 spect to creating a uniform screening process or
11 better streamlining existing screening processes;
12 and

13 (E) determine the feasibility of using the
14 Internet to administer screening processes, as
15 well as the costs and benefits of migrating to on
16 line system.

17 (b) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Assistant Secretary shall
19 submit a report to Congress containing the results of the
20 study conducted under subsection (a), together with rec-
21 ommendations—

22 (1) to streamline and improve the effectiveness
23 of screening processes used by government needs-
24 based programs; and

1 (2) for such legislation or administrative action
2 as the Assistant Secretary determines appropriate.

3 (c) AUTHORIZATION.—There are authorized to be ap-
4 propriated such sums as are necessary to carry out this
5 section.

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