Committee Print

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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 Com-
merce, for a period to be subsequently determined by the Speaker, in
each case for consideration of such provisions as fall within the jurisdic-
tion of the committee concerned.

A BILL

To amend title XVIII of the Social Security Act to establish
a system to notify individuals approaching Medicare eligi-
bility, 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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Beneficiary Enrollment Notification and Eligibility Simplification Act of 2020” or the “BENES Act of 2020”.

SEC. 2. BENEFICIARY ENROLLMENT NOTIFICATION AND ELIGIBILITY SIMPLIFICATION.

(a) Eligibility and Enrollment Notices.—

(1) As part of Social Security Account Statement for Individuals Attaining Ages 63 to 65.—Section 1143(a) of the Social Security Act (42 U.S.C. 1320b–13(a)) is amended by adding at the end the following new paragraph:

“(4) Medicare Eligibility Information.—

“(A) In general.—In the case of statements provided on or after the date that is 2 years after the date of the enactment of this paragraph to individuals who are attaining ages 63, 64, and 65, the statement shall also include a notice containing the information described in subparagraph (B).

“(B) Contents of Notice.—The notice required under subparagraph (A) shall include a clear, simple explanation of—

“(i) eligibility for benefits under the Medicare program under title XVIII, and in particular benefits under part B of such title;
“(ii) the reasons a late enrollment penalty for failure to timely enroll could be assessed and how such late enrollment penalty is calculated, in particular for benefits under such part B;

“(iii) the availability of relief from the late enrollment penalty and retroactive enrollment under section 1837(h) (including as such section is applied under sections 1818(c) and 1818A(c)(3)), with examples of circumstances under which such relief may be granted and examples of circumstances under which such relief would not be granted;

“(iv) coordination of benefits (including primary and secondary coverage scenarios) pursuant to section 1862(b), in particular for benefits under such part B; and

“(v) enrollment, eligibility, and coordination of benefits under title XVIII with respect to populations, for whom there are special considerations, such as residents of Puerto Rico and veterans.

“(C) DEVELOPMENT OF NOTICE.—

“(i) IN GENERAL.—The Secretary, in coordination with the Commissioner of Social Se-
curity, and taking into consideration information collected pursuant to clause (ii), shall, not later than 12 months after the last day of the period for the request of information described in clause (ii), develop the notice to be provided pursuant to subparagraph (A).

“(ii) REQUEST FOR INFORMATION.—Not later than 6 months after the date of the enactment of this paragraph, the Secretary shall request written information, including recommendations, from stakeholders (including the groups described in subparagraph (D)) on the information to be included in the notice.

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

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

“(II) request written information, including recommendations on the notice through a request for information process as described in clause (ii); and
“(III) update and revise such notice as the Secretary deems appropriate.

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

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

“(ii) Veterans.

“(iii) Individuals with disabilities.

“(iv) Individuals with end stage renal disease.

“(v) Low-income individuals and families.

“(vi) Employers (including human resources professionals).

“(vii) States (including representatives of State-run Health Insurance Exchanges, Medicaid offices, and Departments of Insurance).

“(viii) State Health Insurance Assistance Programs.

“(ix) Health insurers.

“(x) Health insurance agents and brokers.

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

“(E) POSTING OF NOTICE ON WEBSITES.—The Commissioner of Social Security and the Secretary
shall post the notice being required under subparagraph (A) in a prominent location on their respective Department Internet website.

“(F) NO EFFECT ON OBLIGATION TO MAIL STATEMENTS.—Nothing in this paragraph shall be construed to relieve the Commissioner of Social Security from any requirement under subsection (c), including the requirement to mail a statement on an annual basis to each eligible individual who is not receiving benefits under title II and for whom a mailing address can be determined through such methods as the Commissioner determines to be appropriate.”.

(2) INDIVIDUALS IN MEDICARE WAITING PERIOD.—Title XI of the Social Security Act is amended by inserting after section 1144 the following new section:

“MEDICARE ENROLLMENT NOTIFICATION AND ELIGIBILITY NOTICES FOR INDIVIDUALS IN MEDICARE WAITING PERIOD

“Sec. 1144A. (a) Notices.—

“(1) IN GENERAL.—The Commissioner of Social Security shall distribute the notice to be provided pursuant to section 1143(a)(4), as may be modified under paragraph (2), to individuals in the
24-month waiting period under section 226(b) of this Act.

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

“(3) POSTING OF NOTICE ON WEBSITES.—The Commissioner of Social Security and the Secretary shall post the notice required under paragraph (1) in a prominent location on their respective Department Internet website.

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

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

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

(b) BENEFICIARY ENROLLMENT SIMPLIFICATION.—
(1) Effective date of coverage.—Section 1838(a) of the Social Security Act (42 U.S.C. 1395q(a)) is amended—

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

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

“(B) in the case of an individual who first satisfies such paragraph in a month beginning before January 2022 and who enrolls pursuant to such subsection (d)—

“(i) in such month in which he first satisfies such paragraph, the first day of the month following the month in which he so enrolls,

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

“(iii) more than one month following such month in which he satisfies such paragraph, the first day of the third month following the month in which he so enrolls,
“(C) in the case of an individual who first satisfies such paragraph in a month beginning on or after January 1, 2022, and who enrolls pursuant to such subsection (d) in such month in which he first satisfies such paragraph or in any subsequent month of his initial enrollment period, the first day of the month following the month in which he so enrolls, or

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

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

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

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

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

“(A) on or before the last day of the third month of his initial enrollment period, the first day of the month in which he first meets the applicable requirements of section 1836 or July 1, 1973, whichever is later, or
“(B) on or after the first day of the fourth month of his initial enrollment period, and where such month begins—

“(i) before January 1, 2022, as prescribed under subparagraphs (B)(i), (B)(ii), (B)(iii), and (D)(i) of paragraph (2), or

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

(2) Special enrollment periods for exceptional circumstances.—

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

“(m) Beginning January 1, 2022, the Secretary may establish special enrollment periods in the case of individuals who meet such exceptional conditions as the Secretary may provide, such as individuals who reside in an area with an emergency or disaster as determined by the Secretary.”.

(B) Coverage period.—Section 1838 of the Social Security Act (42 U.S.C. 1395q) is
amended by adding at the end the following new subsection:

“(g) Notwithstanding subsection (a), in the case of an individual who enrolls during a special enrollment period pursuant to section 1837(m), the coverage period shall begin on a date the Secretary provides in a manner consistent (to the extent practicable) with protecting continuity of health benefit coverage.”.

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

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

(4) REPORT.—Not later than January 1, 2022, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and Committee on Energy and Commerce of the House
of Representatives and the Committee on Finance and Special Committee on Aging of the Senate a report including recommendations on how to align existing Medicare enrollment periods under title XVIII of the Social Security Act, including the general enrollment period under part B of such title and the annual, coordinated election period under the Medicare Advantage program under part C of such title and under the prescription drug program under part D of such title. Such recommendations shall be consistent with the goals of maximizing coverage continuity and choice and easing beneficiary transition.