

**AMENDMENT TO H.R. 2477**  
**OFFERED BY MR. SCHRADER OF OREGON**

Add at the end the following section:

1 **SEC. 3. TREATMENT UNDER MEDICARE OF INDIVIDUALS**  
2 **TRANSITIONING FROM COBRA CONTINU-**  
3 **ATION COVERAGE.**

4 (a) SPECIAL ENROLLMENT PERIOD FOR INDIVID-  
5 UALS ENROLLED IN COBRA CONTINUATION COV-  
6 ERAGE.—Section 1837(i) of the Social Security Act (42  
7 U.S.C. 1395p(i)) is amended by adding at the end the fol-  
8 lowing new paragraph:

9 “(5)(A) In the case of an individual who—

10 “(i)(I) at the time the individual first sat-  
11 isfies paragraph (1) or (2) of section 1836, is  
12 enrolled in COBRA continuation coverage (as  
13 defined in subparagraph (D)); or

14 “(II) is enrolled in COBRA continuation  
15 coverage (and made such enrollment after at-  
16 taining 65 years of age) and immediately prior  
17 to such enrollment was an individual described  
18 in paragraph (1) or (2) of this subsection; and

1           “(ii) has elected not to enroll (or to be  
2           deemed enrolled) under this section during the  
3           individual’s initial enrollment period;  
4           there shall be a special enrollment period described  
5           in subparagraph (B).

6           “(B) The special enrollment period referred to  
7           in subparagraph (A) is the period that includes each  
8           month during any part of which the individual is en-  
9           rolled in COBRA continuation coverage ending with  
10          the last day of the eighth consecutive month in  
11          which the individual is at no time so enrolled.

12          “(C) An individual may only enroll during the  
13          special enrollment period provided under subpara-  
14          graph (B) one time during the individual’s lifetime.

15          “(D) For purposes of this paragraph, the term  
16          ‘COBRA continuation coverage’ means continuation  
17          coverage—

18                 “(i) under a COBRA continuation provi-  
19                 sion (as defined in section 2791(d)(4) of the  
20                 Public Health Service Act);

21                 “(ii) pursuant to section 8905a of title 5,  
22                 United States Code; or

23                 “(iii) under a similar State program that  
24                 provides comparable continuation coverage.”.

1 (b) COVERAGE PERIOD FOR INDIVIDUALS  
2 TRANSITIONING FROM COBRA CONTINUATION COV-  
3 ERAGE.—Section 1838(e) of the Social Security Act (42  
4 U.S.C. 1395q(e)) is amended—

5 (1) by striking “pursuant to section 1837(i)(3)  
6 or 1837(i)(4)(B)” and inserting the following: “pur-  
7 suant to—

8 “(1) section 1837(i)(3) or 1837(i)(4)(B)—”;

9 (2) by redesignating paragraphs (1) and (2) as  
10 subparagraphs (A) and (B), respectively, and mov-  
11 ing the indentation of each such subparagraph 2  
12 ems to the right;

13 (3) by striking the period at the end of the sub-  
14 paragraph (B), as so redesignated, and inserting “;  
15 or”; and

16 (4) by adding at the end the following new  
17 paragraph:

18 “(2) section 1837(i)(5), the coverage period  
19 shall begin on the first day of the month following  
20 the month in which the individual so enrolls.”.

21 (c) NO INCREASE IN PREMIUM.—Section 1839(b) of  
22 such Act (42 U.S.C. 1395r(b)) is amended in the first sen-  
23 tence, by inserting “, (i)(5),” after “subsection (i)(4)”.

24 (d) UPDATING COBRA CONTINUATION COVERAGE  
25 NOTIFICATIONS.—The Secretary of Labor, in consultation

1 with the Secretary of Health and Human Services, shall  
2 update the COBRA continuation coverage election notice  
3 and COBRA continuation coverage general notice required  
4 under section 606 of the Employee Retirement Income Se-  
5 curity Act of 1974 (29 U.S.C. 1166) to be given by an  
6 employer to an employee eligible for COBRA continuation  
7 coverage to include an explanation of how the Medicare  
8 secondary payer rules under section 1862(b) of the Social  
9 Security Act (42 U.S.C. 1395y(b)) apply with respect to  
10 COBRA continuation coverage and an explanation that  
11 COBRA continuation coverage may disenroll an individual  
12 from coverage or fail to pay claims if the individual fails  
13 to enroll in part B of the Medicare program when the indi-  
14 vidual becomes eligible to do so.

15 (e) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect on the date of the enactment  
17 of this Act and shall apply to periods of COBRA continu-  
18 ation coverage beginning on or after such date.

