

116TH CONGRESS
1ST 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Beneficiary Enrollment
5 Notification and Eligibility Simplification Act of 2019” or
6 the “BENES Act of 2019”.

1 **SEC. 2. BENEFICIARY ENROLLMENT NOTIFICATION AND**
2 **ELIGIBILITY SIMPLIFICATION.**

3 (a) **ELIGIBILITY AND ENROLLMENT NOTICES.—**

4 (1) **AS PART OF SOCIAL SECURITY ACCOUNT**
5 **STATEMENT FOR INDIVIDUALS AGE 60 TO 65.—**Section
6 **tion 1143(a) of the Social Security Act (42 U.S.C.**
7 **1320b–13(a)) is amended by adding at the end the**
8 **following new paragraph:**

9 “(4) **MEDICARE ELIGIBILITY INFORMATION.—**

10 “(A) **IN GENERAL.—**In the case of state-
11 **ments provided on or after the date that is 2**
12 **years after the date of the enactment of this**
13 **Act to individuals who have attained 60 years**
14 **of age but have not attained 65 years of age,**
15 **the statement shall also include a notice con-**
16 **taining the information described in subpara-**
17 **graph (B).**

18 “(B) **CONTENTS OF NOTICE.—**The notice
19 **required under subparagraph (A) shall contain**
20 **information on (including a clear, simple expla-**
21 **nation of)—**

22 “(i) **eligibility for benefits under the**
23 **Medicare program under title XVIII, and**
24 **in particular benefits under part B of such**
25 **title;**

1 “(ii) the possibility of a late enroll-
2 ment penalty for failure to timely enroll
3 (including the process for requesting relief
4 under section 1837(h) in plain language);

5 “(iii) the need for coordination of ben-
6 efits under such part B (including primary
7 and secondary coverage scenarios) imposed
8 under title XVIII; and

9 “(iv) populations, such as veterans,
10 for whom there are special considerations
11 with respect to enrollment under this title.

12 “(C) DEVELOPMENT OF NOTICE.—

13 “(i) IN GENERAL.—The Secretary, in
14 consultation with representatives of each of
15 the groups described in subparagraph
16 (D)(i), and in coordination with the Com-
17 missioner of Social Security, shall develop
18 the notice to be provided pursuant to sub-
19 paragraph (A).

20 “(ii) NOTICE IMPROVEMENT.—The
21 Secretary, not less than once every two
22 years, shall—

23 “(I) review the content of the no-
24 tice to be provided under subpara-
25 graph (A); and

1 “(II) update and revise such no-
2 tice as the Secretary deems appro-
3 priate.

4 “(D) GROUPS FOR CONSULTATION.—

5 “(i) IN GENERAL.—For purposes of
6 subparagraph (C), the groups described in
7 this clause include the following:

8 “(I) Individuals who are more
9 than 60 years of age.

10 “(II) Veterans.

11 “(III) Individuals with disabil-
12 ities.

13 “(IV) Individuals with end stage
14 renal disease.

15 “(V) Low-income individuals and
16 families.

17 “(VI) Employers (including
18 human resources professionals).

19 “(VII) States (including rep-
20 resentatives of State-run Health In-
21 surance Exchanges, Medicaid offices,
22 and Departments of Insurance).

23 “(VIII) State Health Insurance
24 Assistance Programs.

25 “(IX) Health insurers.

1 shall distribute the notice developed and used by the
2 Commissioner under section 1143(a)(4) to individ-
3 uals in the Medicare waiting period under section
4 226(b) of this Act.

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

10 “(3) POSTING OF NOTICE ON WEBSITES.—The
11 Commissioner of Social Security and the Secretary
12 shall each ensure that the notice being distributed
13 under paragraph (1) is posted in a prominent loca-
14 tion on their respective Department Internet
15 website.

16 “Timing

17 “(b) Beginning two years after the date of the enact-
18 ment of this section, a notice required under subsection
19 (a)(1) shall be mailed to an individual no less than two
20 times in accordance with the following:

21 “(1) The notice shall be provided to such indi-
22 vidual no later than 3 months prior to the date of
23 such individual’s enrollment period as provided
24 under section 1837.

1 “(2) The notice shall subsequently be provided
2 to such individual no later than one month prior to
3 such date.”.

4 (b) BENEFICIARY MEDICARE PART B ENROLLMENT
5 PERIODS AND EFFECTIVE DATE OF COVERAGE.—

6 (1) EFFECTIVE DATES.—Section 1838(a) of the
7 Social Security Act (42 U.S.C. 1395q(a)) is amend-
8 ed—

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

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

15 “(B) in the case of an individual not described
16 in subparagraph (A) who first satisfies such para-
17 graph in a month beginning before January 2021
18 and who enrolls—

19 “(i) pursuant to such subsection (d) in
20 such month in which he first satisfies such
21 paragraph, the first day of the month following
22 the month in which he so enrolls;

23 “(ii) pursuant to such subsection (d) in the
24 month following such month in which he first
25 satisfies such paragraph, the first day of the

1 second month following the month in which he
2 so enrolls; or

3 “(iii) pursuant to such subsection (d) more
4 than one month following such month in which
5 he satisfies such paragraph, the first day of the
6 third month following the month in which he so
7 enrolls;

8 “(C) in the case of an individual not described
9 in subparagraph (A) who first satisfies such para-
10 graph in a month beginning on or after January 1,
11 2021, and who enrolls pursuant to such subsection
12 (d) in such month in which he first satisfies such
13 paragraph or in any subsequent month of his initial
14 enrollment period, the first day of the month fol-
15 lowing the month in which he so enrolls;

16 “(D) in the case of an individual not described
17 in subparagraph (A) who enrolls pursuant to sub-
18 section (e) of section 1837 in a month beginning be-
19 fore October 15, 2020, the July 1 following the
20 month in which he so enrolls; or

21 “(E) in the case of an individual not described
22 in subparagraph (A) who enrolls pursuant to sub-
23 section (e) of section 1837 in a month beginning on
24 or after October 15, 2020, the first day of the

1 month following the month in which he so enrolls.”;
2 and

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

5 “(3)(A) in the case of an individual who is
6 deemed to have enrolled on or before the last day of
7 the third month of his initial enrollment period, the
8 first day of the month in which he first meets the
9 applicable requirements of section 1836 or July 1,
10 1973, whichever is later;

11 “(B) in the case of an individual who is deemed
12 to have enrolled on or after the first day of the
13 fourth month of his initial enrollment period begin-
14 ning before January 1, 2021, as prescribed under
15 subparagraphs (B)(i), (B)(ii), (B)(iii), and (D) of
16 paragraph (2) of this subsection; or

17 “(C) in the case of an individual who is deemed
18 to have enrolled on or after the first day of the
19 fourth month of his initial enrollment period begin-
20 ning on or after January 1, 2021, as prescribed
21 under paragraph (2)(C) of this subsection.”.

22 (2) GENERAL AND SPECIAL ENROLLMENT PERI-
23 ODS.—Section 1837(e) of the Social Security Act
24 (42 U.S.C. 1395p(e)) is amended to read as follows:

25 “(e) ENROLLMENT PERIODS.—

1 “(1) FOR COVERAGE DURING YEARS BEFORE
2 2022.—There shall be a general enrollment period
3 during the period beginning on January 1 and end-
4 ing on March 31 of each year before 2022.

5 “(2) FOR COVERAGE DURING YEARS BEGINNING
6 WITH 2022.—For coverage during years beginning
7 with 2022 and each subsequent year, there shall be
8 a general enrollment period beginning on October 15
9 of the previous year through December 31 of such
10 previous year.

11 “(3) EXCEPTIONAL CIRCUMSTANCES.—The
12 Secretary may establish a special enrollment period
13 in the case that an individual meets such exceptional
14 conditions as the Secretary may provide.”.

15 (3) TECHNICAL CORRECTION.—

16 (A) IN GENERAL.—Section 1839(b) of the
17 Social Security Act (42 U.S.C. 1395r(b)) is
18 amended by striking “close of the enrollment
19 period” each place it appears and inserting
20 “close of the month”.

21 (B) EFFECTIVE DATE.—The amendment
22 made by subparagraph (A) shall take effect on
23 November 1, 2021.

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