

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1407

To amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2009

Mr. DOGGETT (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ARCURI, Mr. BOSWELL, Mr. KENNEDY, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. SNYDER, and Mr. SOUDER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

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## A BILL

To amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

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 “Medicare Part D Home  
5       and Community Services Copayment Equity Act of 2009”.

1 **SEC. 2. ELIMINATION OF PART D COST-SHARING FOR CER-**  
2 **TAIN NON-INSTITUTIONALIZED FULL-BEN-**  
3 **EFIT DUAL ELIGIBLE INDIVIDUALS.**

4 (a) IN GENERAL.—Section 1860D–14(a)(1)(D)(i) of  
5 the Social Security Act (42 U.S.C. 1395w–  
6 114(a)(1)(D)(i)) is amended—

7 (1) in the heading, by striking “INSTITU-  
8 TIONALIZED INDIVIDUALS.—In” and inserting  
9 “ELIMINATION OF COST-SHARING FOR CERTAIN  
10 FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

11 “(I) INSTITUTIONALIZED INDI-  
12 VIDUALS.—In”; and

13 (2) by adding at the end the following new sub-  
14 clauses:

15 “(II) CERTAIN OTHER INDIVID-  
16 UALS.—In the case of an individual  
17 who is a full-benefit dual eligible indi-  
18 vidual and who is a resident of a facil-  
19 ity described in subclause (III) or who  
20 is receiving home and community-  
21 based services in a home setting pro-  
22 vided under a home and community-  
23 based waiver approved for the State  
24 under section 1915 or 1115, the elimi-  
25 nation of any beneficiary coinsurance  
26 described in section 1860D–2(b)(2)

1 (for all amounts through the total  
2 amount of expenditures at which ben-  
3 efits are available under section  
4 1860D-2(b)(4)).

5 “(III) FACILITY DESCRIBED.—

6 For purposes of subclause (II), a fa-  
7 cility described in this subclause is an  
8 assisted living facility or a resident  
9 care program facility (as such terms  
10 are defined by the Secretary), a board  
11 and care facility (as defined in section  
12 1903(q)(4)(B)), or any other facility  
13 that is licensed or certified by the  
14 State involved and is determined ap-  
15 propriate by the Secretary, such as a  
16 community mental health center that  
17 meets the requirements of section  
18 1913(c) of the Public Health Service  
19 Act, a psychiatric health facility, a  
20 mental health rehabilitation center,  
21 and a mental retardation develop-  
22 mental disability facility.”.

1           (b) **EFFECTIVE DATE.**—The amendments made by  
2 subsection (a) shall apply to drugs dispensed on or after  
3 the date of the enactment of this Act.

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