117TH CONGRESS
2D SESSION

H. R. 9368

To amend title XVIII of the Social Security Act to limit certain late enrollment penalties under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 2022

Mr. GOHMERT 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 limit certain late enrollment penalties under the Medicare program.

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 "Helping End Lifetime

5 Penalties Act of 2022".

SEC. 2. LIMITING CERTAIN LATE ENROLLMENT PENALTIES UNDER THE MEDICARE PROGRAM.

(a) PARTS A AND B.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended—

(1) in the first sentence, by inserting "for each of the first 12 months in which such individual is so enrolled" after "shall be increased"; and

(2) by adding at the end the following new sentences: "In the case of an individual who is subject to an increase under this subsection for one or more months with respect to a continuous period of eligibility and who terminates a coverage period during such continuous period of eligibility and subsequently reenrolls during the same continuous period of eligibility, such individual shall be subject to an increase under this subsection for each of the first 12 months in which such individual is so reenrolled (or, in the case such individual was subject to less than 12 months of an increase under this subsection with respect to a previous enrollment during the same continuous period of eligibility, for each of the first 12 months beginning with the month after the last month of application of any otherwise applicable increase under this subsection). In calculating the amount of any increase imposed under this subsection pursuant to the preceding sentence with re-

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1 spect to the termination of coverage and reenroll-

2 ment of an individual, there shall only be taken into

3 account months that are described paragraph (2) of

4 the second sentence of this subsection with respect

5 to such termination and reenrollment.''.

6 (b) PART D.—Section 1860D–13(b)(1) of the Social

7 Security Act (42 U.S.C. 1395w–113(b)(1)) is amended—

8 (1) by inserting ``, for each of the first 12

9 months in which such individual is enrolled in a pre-

10 scription drug plan under this part with respect to

11 such continuous period,'' after ``subsection (a)''; and

12 (2) by adding at the end the following new sen-

13 tences: ``In the case of an individual who is subject

14 to an increase under this subsection for one or more

15 months with respect to a continuous period of eligi-

16 bility and who terminates a coverage period during

17 such continuous period of eligibility and subse-

18 quently reenrolls during the same continuous period

19 of eligibility, such individual shall be subject to an

20 increase under this subsection for each of the first

21 12 months in which such individual is so reenrolled

22 (or, in the case such individual was subject to less

23 than 12 months of an increase under this subsection

24 with respect to a previous enrollment during the

25 same continuous period of eligibility, for each of the

1   first 12 months beginning with the month after the

2   last month of application of any otherwise applicable

3   increase under this subsection). In calculating the

4   amount of any increase imposed under this sub-

5   section pursuant to the preceding sentence with re-

6   spect to the termination of coverage and reenroll-

7   ment of an individual, the term 'uncovered month'

8   shall only include those months occurring during the

9   period beginning with such termination and ending

10   with such reenrollment.''.

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