

117TH CONGRESS  
1ST SESSION

# S. 1844

To amend title XVIII of the Social Security Act to move Medicare cost-sharing benefits from Medicaid to Medicare, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 26, 2021

Mr. CASEY (for himself, Mr. BLUMENTHAL, Ms. STABENOW, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to move Medicare cost-sharing benefits from Medicaid to Medicare, 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 “Lowering Medicare  
5 Premiums and Prescription Drug Costs Act”.

6 **SEC. 2. MEDICARE COST ASSISTANCE PROGRAM.**

7 (a) IN GENERAL.—Title XVIII of the Social Security  
8 Act (42 U.S.C. 1395 et seq.) is amended by adding at  
9 the end the following new section:

1 **“SEC. 1899B. MEDICARE COST ASSISTANCE PROGRAM.**

2 “(a) IN GENERAL.—Effective beginning January 1,  
3 2023, in the case of a Medicare Cost Assistance Program  
4 eligible individual (as defined in subsection (b)(1)), the  
5 Secretary shall provide Medicare cost assistance for the  
6 following costs incurred with respect to the individual:

7 “(1)(A) premiums under section 1818; and

8 “(B) premiums under section 1839.

9 “(2) Coinsurance under this title (including co-  
10 insurance described in section 1813).

11 “(3) Deductibles established under this title (in-  
12 cluding those described in section 1813 and section  
13 1833(b)).

14 “(4) The difference between the amount that is  
15 paid under section 1833(a) and the amount that  
16 would be paid under such section if any reference to  
17 a percent less than 100 percent therein were deemed  
18 a reference to ‘100 percent’.

19 “(b) DETERMINATION OF ELIGIBILITY.—

20 “(1) MEDICARE COST ASSISTANCE PROGRAM  
21 ELIGIBLE INDIVIDUAL DEFINED.—The term ‘Medi-  
22 care Cost Assistance Program eligible individual’  
23 means an individual who—

24 “(A) is eligible for and is receiving medical  
25 assistance for the payment of medicare cost-  
26 sharing under a State Medicaid program pursu-

1 ant to clause (i), (iii), or (iv) of section  
2 1902(a)(10)(E) as of December 31, 2022; or

3 “(B)(i) is entitled to hospital insurance  
4 benefits under part A (including an individual  
5 entitled to such benefits pursuant to an enroll-  
6 ment under section 1818); and

7 “(ii) has income at or below 200 percent of  
8 the poverty line applicable to a family of the  
9 size involved.

10 “(2) JOINT DETERMINATION BY COMMISSIONER  
11 OF SOCIAL SECURITY FOR LIS AND MEDICARE COST  
12 ASSISTANCE.—

13 “(A) IN GENERAL.—The determination of  
14 whether an individual is a Medicare Cost As-  
15 sistance Program eligible individual described in  
16 paragraph (1) shall be determined by the Com-  
17 missioner of Social Security jointly with the de-  
18 termination of whether an individual is a sub-  
19 sidy eligible individual described in section  
20 1860D–14(a)(3). Such determination shall be  
21 made with respect to eligibility for Medicare  
22 cost assistance under this section and premium  
23 and cost-sharing subsidies under section  
24 1860D–14 upon application of an individual for  
25 a determination with respect to eligibility for ei-

1 ther such assistance or such subsidies. There  
2 are authorized to be appropriated to the Social  
3 Security Administration such sums as may be  
4 necessary for the determination of eligibility  
5 under this paragraph.

6 “(B) EFFECTIVE PERIOD.—Determina-  
7 tions under this paragraph with respect to eligi-  
8 bility for each of such assistance or such sub-  
9 sidies shall be effective beginning with the  
10 month in which the individual applies for a de-  
11 termination described in subparagraph (A) and  
12 shall remain in effect until such time as the  
13 Secretary determines the individual is no longer  
14 eligible as determined under subparagraph  
15 (C)(ii).

16 “(C) REDETERMINATIONS.—With respect  
17 to eligibility determinations under this para-  
18 graph—

19 “(i) redeterminations shall be made at  
20 the same time with respect to eligibility for  
21 Medicare cost assistance under this section  
22 and cost-sharing subsidies under section  
23 1860D–14, but not more frequently than  
24 once every 12 months;

1           “(ii) a redetermination shall automati-  
2 cally determine that an individual remains  
3 eligible for such assistance or subsidies un-  
4 less—

5                   “(I) the Commissioner has infor-  
6 mation indicating that the individual’s  
7 circumstances have changed such that  
8 the individual is no longer eligible for  
9 such assistance or subsidies;

10                   “(II) the Commissioner sends no-  
11 tice to the individual regarding such  
12 information that requests a response  
13 either confirming or correcting such  
14 information; and

15                   “(III) the individual either con-  
16 firms such information or fails to pro-  
17 vide documentation indicating that  
18 such circumstances have not changed  
19 within 60 days of receiving the notice  
20 described in subclause (II);

21           “(iii) the Commissioner shall establish  
22 procedures for appeals of such determina-  
23 tions that are similar to the procedures de-  
24 scribed in the third sentence of section  
25 1631(c)(1)(A); and

1           “(iv) judicial review of the final deci-  
2           sion of the Commissioner made after a  
3           hearing shall be available to the same ex-  
4           tent, and with the same limitations, as pro-  
5           vided in subsections (g) and (h) of section  
6           205.

7           “(D) TREATMENT OF MEDICAID BENE-  
8           FICIARIES.—The Secretary shall provide that  
9           individuals who are full-benefit dual eligible in-  
10          dividuals (as defined in section 1935(e)(6)) or  
11          who are recipients of supplemental security in-  
12          come benefits under title XVI shall be treated  
13          as a Medicare Cost Assistance Program eligible  
14          individual described in paragraph (1) and, in  
15          the case of such individual who is a part D eli-  
16          gible individual, a subsidy eligible individual de-  
17          scribed in section 1860D–14(a)(3).

18          “(E) SIMPLIFIED APPLICATION FORM.—

19                 “(i) IN GENERAL.—The Secretary  
20                 shall develop and distribute a simplified  
21                 application form for use by individuals in  
22                 applying for Medicare cost assistance  
23                 under this section and premium and cost-  
24                 sharing subsidies under section 1860D–14.  
25                 Such form shall be easily readable by ap-

1           plicants and uniform nationally. The Sec-  
2           retary shall provide for the translation of  
3           such application form into at least the 10  
4           languages (other than English) that are  
5           most often used by individuals applying for  
6           hospital insurance benefits under section  
7           226 or 226A and shall make the translated  
8           forms available to the Commissioner of So-  
9           cial Security.

10           “(ii) CONSULTATION.—In developing  
11           such form, the Secretary shall consult with  
12           beneficiary groups.

13           “(3) INCOME DETERMINATIONS.—For purposes  
14           of applying this section—

15           “(A) in the case of an individual who is  
16           not treated as a Medicare Cost Assistance Pro-  
17           gram eligible individual or a subsidy eligible in-  
18           dividual under paragraph (2)(D), income shall  
19           be determined in the manner described under  
20           section 1612 for purposes of the supplemental  
21           security income program, except that support  
22           and maintenance furnished in kind shall not be  
23           counted as income; and

24           “(B) the term ‘poverty line’ has the mean-  
25           ing given such term in section 673(2) of the

1           Community Services Block Grant Act (42  
2           U.S.C. 9902(2)), including any revision re-  
3           quired by such section.

4           “(c) BENEFICIARY PROTECTIONS.—

5           “(1) IN GENERAL.—In the case in which the  
6           payment for Medicare cost assistance for a Medicare  
7           Cost Assistance Program eligible individual with re-  
8           spect to an item or service is reduced or eliminated  
9           the individual shall not have any legal liability to  
10          make payment to a provider of services or supplier  
11          or to an organization described in section  
12          1903(m)(1)(A) for the service, and any lawful sanc-  
13          tion that may be imposed upon a provider of services  
14          or supplier or such an organization for excess  
15          charges under this title or title XIX shall apply to  
16          the imposition of any charge imposed upon the indi-  
17          vidual in such case.

18          “(2) CLARIFICATION.—This paragraph shall  
19          not be construed as preventing payment of any  
20          medicare cost assistance by a medicare supplemental  
21          policy or an employer retiree health plan on behalf  
22          of an individual.

23          “(d) ADMINISTRATION.—



1           “(1) IN GENERAL.—The Secretary shall estab-  
2           lish procedures for the administration of the pro-  
3           gram under this section.

4           “(2) FUNDING.—For purposes of carrying out  
5           this section, the Secretary shall make payments from  
6           the Federal Hospital Insurance Trust Fund under  
7           section 1817 and the Federal Supplementary Med-  
8           ical Insurance Trust Fund under section 1841, in  
9           such proportion as the Secretary determines appro-  
10          priate, of such amounts as the Secretary determines  
11          necessary to provide Medicare cost assistance under  
12          this section.

13          “(e) REFERENCES TO MEDICARE COST-SHARING.—  
14          Effective beginning January 1, 2023, any reference to  
15          medicare cost-sharing described in section 1905(p) shall  
16          be deemed a reference to Medicare cost assistance under  
17          this section.

18          “(f) OUTREACH EFFORTS.—For provisions relating  
19          to outreach efforts to increase awareness of the availability  
20          of Medicare cost assistance, see section 1144.”.

21          (b) SPECIAL ENROLLMENT PERIOD.—

22                 (1) NO PREMIUM PENALTY.—Section 1839(b)  
23                 of the Social Security Act (42 U.S.C. 1395r(b)) is  
24                 amended, in the last sentence, by inserting the fol-  
25                 lowing before the period: “or, effective beginning

1 January 1, 2023, for individuals who are Medicare  
2 Cost Assistance Program eligible individuals (as de-  
3 fined in section 1899B(b)(1)).”.

4 (2) SPECIAL ENROLLMENT PERIOD.—Section  
5 1837 of the Social Security Act (42 U.S.C. 1395p)  
6 is amended by adding at the end the following new  
7 subsection:

8 “(o) SPECIAL ENROLLMENT PERIOD FOR MEDICARE  
9 COST ASSISTANCE PROGRAM ELIGIBLE INDIVIDUAL.—

10 “(1) IN GENERAL.—Effective beginning Janu-  
11 ary 1, 2023, the Secretary shall establish special en-  
12 rollment periods for Medicare Cost Assistance Pro-  
13 gram eligible individuals (as defined in section  
14 1899B(b)(1)).

15 “(2) COVERAGE PERIOD.—In the case of an in-  
16 dividual who enrolls during the special enrollment  
17 period provided under paragraph (1), the coverage  
18 period under this part shall—

19 “(A) begin on the first day of the first  
20 month in which the individual applies for a de-  
21 termination under section 1899B(b)(2)(A); and

22 “(B) remain in effect until such time as  
23 the Secretary determines the individual no  
24 longer eligible as determined under section  
25 1899B(b)(2)(C)(ii).”.

1           (3) CONFORMING SUNSET OF STATE AGREE-  
2           MENTS RELATING TO ENROLLMENT OF QUALIFIED  
3           MEDICARE BENEFICIARIES.—

4           (A) PART A.—Section 1818(g) of the So-  
5           cial Security Act (42 U.S.C. 1395i–2(g)) is  
6           amended by adding at the end the following  
7           new paragraph:

8           “(3) SUNSET.—This subsection shall not apply on or  
9           after January 1, 2023.”.

10           (B) PART B.—Section 1843(h) of the So-  
11           cial Security Act (42 U.S.C. 1395v(h)) is  
12           amended by adding at the end the following  
13           new paragraph:

14           “(3) SUNSET WITH RESPECT TO QUALIFIED MEDI-  
15           CARE BENEFICIARIES.—This subsection shall not apply  
16           with respect to qualified medicare beneficiaries on or after  
17           January 1, 2023.”.

18           (c) PUBLIC AWARENESS CAMPAIGN.—Section 1144  
19           of the Social Security Act (42 U.S.C. 1320b–14) is  
20           amended by adding at the end the following new sub-  
21           section:

22           “(d) PUBLIC AWARENESS CAMPAIGN.—

23           “(1) IN GENERAL.—The Commissioner shall  
24           conduct a public awareness campaign to educate  
25           Medicare beneficiaries on the availability of Medicare

1 cost assistance for low-income individuals under sec-  
2 tion 1899B.

3 “(2) COORDINATION.—In carrying out such  
4 public awareness campaign, the Commissioner shall  
5 coordinate with State health insurance assistance  
6 programs described in subsection (a)(1)(A) of sec-  
7 tion 119 of the Medicare Improvements for Patients  
8 and Providers Act of 2008 (42 U.S.C. 1395b–3  
9 note)), the Administrator of the Administration for  
10 Community Living, and the Administrator of the  
11 Centers for Medicare & Medicaid Services.

12 “(3) FUNDING.—There are hereby appropriated  
13 to the Commissioner, out of any funds in the Treas-  
14 ury not otherwise appropriated, \$10,000,000 for  
15 each of fiscal years 2023 through 2025, to provide  
16 grants to State health insurance assistance pro-  
17 grams to carry out outreach and education activities  
18 under the public awareness campaign pursuant to  
19 this subsection.”.

20 **SEC. 3. MOVING MEDICARE COST-SHARING BENEFITS**  
21 **FROM MEDICAID TO MEDICARE.**

22 (a) ENDING MOST MEDICARE COST-SHARING BENE-  
23 FITS UNDER MEDICAID.—Section 1902(a)(10) of the So-  
24 cial Security Act (42 U.S.C. 1396a(a)(10)) is amended—

1 (1) by inserting “for calendar quarters begin-  
2 ning before January 1, 2023,” before “for making”  
3 each place it appears in clauses (i), (iii), and (iv) of  
4 subparagraph (E); and

5 (2) in the matter following subparagraph (G)—

6 (A) by inserting “furnished during cal-  
7 endar quarters beginning before January 1,  
8 2023” after “(described in section  
9 1905(p)(3))”;

10 (B) by striking “(XV)” and inserting “,  
11 (XV)”;

12 (C) by striking “and (XVIII)” and insert-  
13 ing “, (XVIII)”;

14 (D) by inserting “, and (XIX) no medical  
15 assistance for medicare cost-sharing, other than  
16 medical assistance for medicare cost-sharing for  
17 qualified disabled and working individuals de-  
18 scribed in section 1905(s), shall be made avail-  
19 able after January 1, 2023” before the semi-  
20 colon at the end.

21 (b) CONFORMING AMENDMENTS.—

22 (1) TITLE XIX.—

23 (A) Section 1903(i) of such Act (42 U.S.C.  
24 1396b(i)) is amended—

1 (i) in paragraph (26), by striking “;  
2 and” and inserting a semicolon;

3 (ii) in paragraph (27), by striking the  
4 period at the end and inserting “; and”;  
5 and

6 (iii) by inserting after paragraph (27)  
7 the following new paragraph:

8 “(28) with respect to any amount expended for  
9 medical assistance for medicare cost-sharing (other  
10 than medical assistance for medicare cost-sharing  
11 for qualified disabled and working individuals de-  
12 scribed in section 1905(s)) furnished during cal-  
13 endar quarters beginning on or after January 1,  
14 2023.”.

15 (B) Section 1905(a) of such Act (42  
16 U.S.C. 1396d(a)) is amended, in the first sen-  
17 tence, by inserting “furnished during calendar  
18 quarters beginning before January 1, 2023”  
19 after “medicare cost-sharing”.

20 (C) Section 1933(g) of such Act (42  
21 U.S.C. 1396u-3(g)) is amended—

22 (i) in paragraph (2)(Q), by striking  
23 “paragraph (4), for each subsequent year”  
24 and inserting “paragraphs (4) and (5), for  
25 each subsequent year before 2023”; and

1 (ii) by adding at the end the fol-  
 2 lowing:

3 “(5) SUNSET.—No individual shall be selected  
 4 to be a qualifying individual for any calendar year  
 5 or period under this section beginning on or after  
 6 January 1, 2023, and no State allocation shall be  
 7 made for any fiscal year or period under this section  
 8 beginning on or after January 1, 2023.”.

9 (D) Section 1935(a) of such Act (42  
 10 U.S.C. 1396u–5(a)) is amended—

11 (i) in paragraph (2), by striking  
 12 “make determinations” and inserting  
 13 “prior to January 1, 2023, make deter-  
 14 minations”; and

15 (ii) in paragraph (3), by inserting  
 16 “prior to January 1, 2023,” before “the  
 17 State shall”.

18 (2) TITLE XI.—Section 1144 of the Social Se-  
 19 curity Act (42 U.S.C. 1320b–14) is amended—

20 (A) in subsection (a)—

21 (i) in paragraph (1)(A)—

22 (I) by striking “sections  
 23 1902(a)(10)(E) and 1933” and in-  
 24 serting “section 1902(a)(10)(E) and

1 (prior to January 1, 2023) section  
2 1933”;

3 (II) by striking “for the transi-  
4 tional assistance under section  
5 1860D–31(f), or” and inserting a  
6 comma; and

7 (III) by inserting “, or for Medi-  
8 care premium and cost-sharing assist-  
9 ance under section 1899B (in the case  
10 of months beginning on or after Janu-  
11 ary 1, 2023)” before the semicolon;  
12 and

13 (ii) by striking paragraph (2) and in-  
14 serting the following:

15 “(2) CONTENT OF NOTICE.—Any notice fur-  
16 nished under paragraph (1) shall state that eligi-  
17 bility for such medical assistance, subsidies, or pro-  
18 gram is conditioned upon meeting the applicable eli-  
19 gibility criteria.”;

20 (B) in subsection (b)(1)(A)—

21 (i) by striking “sections  
22 1902(a)(10)(E) and 1933” and inserting  
23 “section 1902(a)(10)(E) and (prior to Jan-  
24 uary 1, 2023) section 1933”;



1 (ii) by striking “for transitional as-  
2 sistance under section 1860D–31(f), or”;  
3 and

4 (iii) by inserting “, or for Medicare  
5 premium and cost-sharing assistance under  
6 section 1899B” before the semicolon; and  
7 (C) in subsection (c)—

8 (i) in paragraph (1)(B), by inserting  
9 “, and (beginning January 1, 2023,) pro-  
10 vide an application for enrollment under  
11 the Medicare Savings Program” before the  
12 period;

13 (ii) in paragraph (2), in the para-  
14 graph header, by inserting “MEDICARE  
15 SAVINGS PROGRAM APPLICATION AND” be-  
16 fore “LIS APPLICATION”; and

17 (iii) in paragraph (7), by striking  
18 “means the program of medical assist-  
19 ance” and all that follows through the pe-  
20 riod and inserting “means—

21 “(A) prior to January 1, 2023, the pro-  
22 gram of medical assistance for payment of the  
23 cost of medicare cost-sharing under the Med-  
24 icaid program pursuant to sections  
25 1902(a)(10)(E) and 1933; and

1           “(B) beginning January 1, 2023, the pro-  
2           gram for medical assistance for payment of the  
3           cost of medicare cost-sharing for qualified dis-  
4           abled and working individuals described in sec-  
5           tion 1905(s) pursuant to section  
6           1902(a)(10)(E)(ii) and medicare premium and  
7           cost-sharing assistance provided under section  
8           1899B.”.

9           (c) ENSURING THAT MEDICARE COST-SHARING  
10          BENEFICIARIES UNDER MEDICAID RECEIVE MEDICARE  
11          COST ASSISTANCE.—Not later than June 1, 2022, the  
12          Secretary of Health and Human Services and the Commis-  
13          sioner of Social Security shall jointly develop and imple-  
14          ment a transition plan to ensure that all individuals who  
15          are eligible for and are receiving medical assistance for  
16          the payment of medicare cost-sharing under a State Med-  
17          icaid program pursuant to clauses (i), (iii), and (iv) of sec-  
18          tion 1902(a)(10)(E) of the Social Security Act (42 U.S.C.  
19          1396a(a)(10)(E)) as of December 31, 2022, receive Medi-  
20          care cost assistance under section 1899B of such Act, as  
21          added by section 2, as of January 1, 2023.

1 **SEC. 4. ENHANCING PRESCRIPTION DRUG AFFORDABILITY**  
2 **BY EXPANDING ACCESS TO ASSISTANCE WITH**  
3 **OUT-OF-POCKET COSTS UNDER MEDICARE**  
4 **PART D FOR LOW-INCOME SENIORS AND IN-**  
5 **DIVIDUALS WITH DISABILITIES.**

6 (a) EXPANDING ACCESS.—Section 1860D–14 of the  
7 Social Security Act (42 U.S.C. 1395w–114) is amended—

8 (1) in subsection (a)—

9 (A) in the heading, by striking “150 PER-  
10 CENT” and inserting “200 PERCENT”;

11 (B) in paragraph (1)—

12 (i) in the heading, by striking “135  
13 PERCENT” and inserting “200 PERCENT”;

14 and

15 (ii) in the matter preceding subpara-  
16 graph (A)—

17 (I) by striking “135 percent” and  
18 inserting “200 percent”; and

19 (II) by striking “and who meets  
20 the resources requirement described in  
21 paragraph (3)(D) or who is covered  
22 under this paragraph under para-  
23 graph (3)(B)(i)” and inserting “or  
24 who is covered under this paragraph  
25 under paragraph (3)(B)(v)”;

26 (C) by striking paragraph (2);

1 (D) in paragraph (3)—

2 (i) in subparagraph (A)—

3 (I) in clause (i), by adding “and”

4 at the end;

5 (II) in clause (ii)—

6 (aa) by striking “150 per-

7 cent” and inserting “200 per-

8 cent”; and

9 (bb) by striking “; and” at

10 the end and inserting a period;

11 and

12 (III) by striking clause (iii);

13 (ii) by striking subparagraphs (B) and

14 (C) and inserting the following:

15 “(B) DETERMINATIONS.—For provisions

16 relating to joint determinations with respect to

17 eligibility for Medicare cost assistance under

18 section 1899B and premium and cost-sharing

19 subsidies under this section, see section

20 1899B(b)(2).

21 “(C) INCOME DETERMINATIONS.—For pur-

22 poses of applying this section—

23 “(i) in the case of an individual who

24 is not treated as a Medicare cost-sharing

25 assistance eligible individual and a subsidy

1 eligible individual under section  
2 1899B(b)(2)(D), income shall be deter-  
3 mined in the manner described under sec-  
4 tion 1612 for purposes of the supplemental  
5 security income program, except that sup-  
6 port and maintenance furnished in kind  
7 shall not be counted as income; and

8 “(ii) the term ‘poverty line’ has the  
9 meaning given such term in section 673(2)  
10 of the Community Services Block Grant  
11 Act (42 U.S.C. 9902(2)), including any re-  
12 vision required by such section.”.

13 (iii) by striking subparagraphs (D),  
14 (E), and (G); and

15 (E) in paragraph (4), by striking subpara-  
16 graph (B); and

17 (2) in subsection (e)(1), in the second sentence,  
18 by striking “subsections (a)(1)(D) and (a)(2)(E)”  
19 and inserting “subsection (a)(1)(D)”.

20 (b) TREATMENT OF REDUCTION OF COST-SHARING  
21 FOR INDIVIDUALS RECEIVING HOME AND COMMUNITY  
22 BASED SERVICES.—Section 1860D–14(a)(1)(D) of the  
23 Social Security Act (42 U.S.C. 1395w–114(a)(1)(D)) is  
24 amended—

1           (1) by striking “who would be such an institu-  
2           tionalized individual or couple, if the full-benefit  
3           dual eligible individual were not”; and

4           (2) by striking “or subsection (c) or (d) of sec-  
5           tion 1915 or under a State plan amendment under  
6           subsection (i) of such section” and inserting “, sec-  
7           tion 1115A, section 1915, or under a State plan  
8           amendment”.

9           (c) EFFECTIVE DATE.—The amendments made by  
10          this section shall apply to plan year 2023 and subsequent  
11          plan years.

○