

116TH CONGRESS
1ST SESSION

S. 1928

To amend title XVIII of the Social Security Act to improve the enrollment of retiring individuals in the Medicare program.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2019

Mr. PORTMAN (for himself and Mr. CASEY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to improve the enrollment of retiring individuals in 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 “Enrollment Reshaping
5 Entry For Older, Retiring Members Act” or the “Enroll-
6 ment REFORM Act”.

1 **SEC. 2. COORDINATION OF MEDICARE BENEFITS WITH**
2 **OTHER HEALTH CARE INSURANCE.**

3 (a) IN GENERAL.—Section 1862(b)(1)(A) of the So-
4 cial Security Act (42 U.S.C. 1395y(b)(1)(A)) is amended
5 by adding at the end the following new clause:

6 “(vi) COORDINATION OF BENEFITS
7 WITH OTHER HEALTH CARE INSURANCE.—
8 Notwithstanding any other provision of
9 law, in the event that an individual is en-
10 rolled in an employer group health plan
11 (including a multiemployer or multiple em-
12 ployer group health plan) by virtue of cur-
13 rent employment status with an employer
14 that does not have 20 or more individuals
15 in current employment status for each
16 working day in each of 20 or more cal-
17 endar weeks in the current calendar year
18 and the preceding calendar year and the
19 individual is eligible but not enrolled in
20 coverage under part B, such employer
21 group health plan shall not reduce benefits
22 under the plan with respect to the indi-
23 vidual on the basis that the individual
24 could have been enrolled in coverage under
25 part B. Nothing in the preceding sentence
26 shall require such employer group health

1 plan to provide coverage to an individual
 2 who elects to enroll in coverage under part
 3 B or to prohibit such plan from termi-
 4 nating such coverage or reducing benefits
 5 if such individual makes such election.”.

6 (b) EFFECTIVE DATE.—The amendment made by
 7 subsection (a) shall apply to items and services furnished
 8 on or after the date of the enactment of this Act.

9 **SEC. 3. LIMITATION ON DOCUMENTATION AN INDIVIDUAL**
 10 **IS REQUIRED TO PROVIDE IN ORDER TO**
 11 **DEMONSTRATE EMPLOYMENT-BASED**
 12 **HEALTH INSURANCE FOR PURPOSES OF**
 13 **AVOIDING THE PART B LATE ENROLLMENT**
 14 **PENALTY.**

15 (a) IN GENERAL.—Section 1839 of the Social Secu-
 16 rity Act (42 U.S.C. 1395r) is amended—

17 (1) in subsection (b), in the second sentence, by
 18 striking “For purposes” and inserting “Subject to
 19 subsection (j), for purposes”; and

20 (2) by adding at the end the following new sub-
 21 section:

22 “(j) LIMITATION ON DOCUMENTATION AN INDI-
 23 VIDUAL IS REQUIRED TO PROVIDE IN ORDER TO DEM-
 24 ONSTRATE EMPLOYMENT-BASED HEALTH INSURANCE

1 FOR PURPOSES OF AVOIDING THE LATE ENROLLMENT
2 PENALTY.—

3 “(1) LIMITATION.—Subject to paragraph (2),
4 for purposes of demonstrating enrollment in a group
5 health plan or a large group health plan for a period
6 of time under the second sentence of subsection (b),
7 the Secretary may not require an individual to pro-
8 vide documentation of such enrollment for more
9 than the 36-month period immediately preceding the
10 close of the enrollment period in which the individual
11 enrolled (or reenrolled).

12 “(2) LIMITATION NOT APPLICABLE IF INDI-
13 VIDUAL IS UNABLE TO PROVIDE DOCUMENTATION
14 FOR ENTIRE 36-MONTH PERIOD.—In the case where
15 an individual is unable to provide documentation of
16 enrollment described in paragraph (1) for the entire
17 preceding 36-month period described in such para-
18 graph, the limitation under paragraph (1) shall not
19 apply.

20 “(3) INDIVIDUAL CAN PROVIDE ADDITIONAL
21 DOCUMENTATION.—Nothing in this subsection shall
22 preclude an individual from providing the Secretary
23 with documentation of enrollment for periods prior
24 to the preceding 36-month period described in para-
25 graph (1), including in the case where the limitation

1 under paragraph (1) does not apply because of the
2 application of paragraph (2).”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall apply to calculations of premiums
5 under such section 1839 made on or after the date of the
6 enactment of this Act.

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