

111TH CONGRESS
1ST SESSION

S. 534

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.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2009

Mr. NELSON of Florida (for himself, Ms. COLLINS, and Mr. BINGAMAN) 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 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 “Home and Community
5 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—

8 “(aa) an assisted living facil-
9 ity or a resident care program fa-
10 cility (as such terms are defined
11 by the Secretary);

12 “(bb) a board and care facil-
13 ity (as defined in section
14 1903(q)(4)(B)); or

15 “(cc) any other facility that
16 is licensed or certified by the
17 State and is determined appro-
18 priate by the Secretary, such as a
19 community mental health center
20 that meets the requirements of
21 section 1913(c) of the Public
22 Health Service Act, a psychiatric
23 health facility, a mental health
24 rehabilitation center, and a men-

1 tal retardation developmental dis-
2 ability facility.”.

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

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