

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5197

To amend title XVIII of the Social Security Act to provide certain medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2000

Mr. ANDREWS introduced the following bill; which was referred to the Committee on 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

---

## A BILL

To amend title XVIII of the Social Security Act to provide certain medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted.

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 Welcome  
5       Back Act of 2000”.

1 **SEC. 2. MEDICARE PART B SPECIAL ENROLLMENT PERIOD**  
2 **AND WAIVER OF PART B LATE ENROLLMENT**  
3 **PENALTY AND MEDIGAP SPECIAL OPEN EN-**  
4 **ROLLMENT PERIOD FOR CERTAIN INDIVID-**  
5 **UALS RESIDING ABROAD.**

6 (a) MEDICARE PART B SPECIAL ENROLLMENT PE-  
7 RIOD; WAIVER OF PART B PENALTY FOR LATE ENROLL-  
8 MENT.—

9 (1) IN GENERAL.—In the case of any eligible  
10 individual (as defined in subsection (c)(1)), the Sec-  
11 retary of Health and Human Services shall provide  
12 for a special enrollment period during which the in-  
13 dividual may enroll under part B of title XVIII of  
14 the Social Security Act. Such period shall be for a  
15 period of 8 months and shall begin with the first  
16 month that begins on or after the date the eligible  
17 individual first resides in the United States after the  
18 time described in subsection (c)(1)(B).

19 (2) COVERAGE PERIOD.—In the case of an eli-  
20 gible individual who enrolls during the special enroll-  
21 ment period provided under paragraph (1), the cov-  
22 erage period under part B of title XVIII of the So-  
23 cial Security Act shall begin on the first day of the  
24 month following the month in which the individual  
25 enrolls.

1           (3) WAIVER OF PART B LATE ENROLLMENT  
2           PENALTY.—In the case of an eligible individual who  
3           enrolls during the special enrollment period provided  
4           under paragraph (1), there shall be no increase pur-  
5           suant to section 1839(b) of the Social Security Act  
6           (42 U.S.C. 1395r(b)) in the monthly premium under  
7           part B of title XVIII of such Act.

8           (b) MEDIGAP SPECIAL OPEN ENROLLMENT PE-  
9           RIOD.—Notwithstanding any other provision of law, an  
10          issuer of a medicare supplemental policy (as defined in  
11          section 1882(g) of the Social Security Act (42 U.S.C.  
12          1395ss(g))—

13                 (1) may not deny or condition the issuance or  
14                 effectiveness of a medicare supplemental policy; and

15                 (2) may not discriminate in the pricing of the  
16                 policy on the basis of the individual’s health status,  
17                 medical condition (including both physical and men-  
18                 tal illnesses), claims experience, receipt of health  
19                 care, medical history, genetic information, evidence  
20                 of insurability (including conditions arising out of  
21                 acts of domestic violence), or disability;

22                 in the case of an eligible individual who seeks to enroll  
23                 during the 6-month period described in subsection (a)(1).

24           (c) DEFINITIONS.—In this section:

1           (1) ELIGIBLE INDIVIDUAL.—The term “eligible  
2 individual” means an individual—

3           (A) who, as of the date of the enactment  
4 of this Act, has attained 65 years of age and  
5 was eligible to enroll under part B of title  
6 XVIII of the Social Security Act, and

7           (B) who at the time the individual first  
8 satisfied paragraph (1) or (2) of section 1836  
9 of the Social Security Act (42 U.S.C. 1395o)—

10           (i) was not residing in a State (as de-  
11 termined by the Secretary of Health and  
12 Human Services for purposes of such sec-  
13 tion 1836), and

14           (ii) did not elect to enroll (or to be  
15 deemed enrolled) under section 1837 of the  
16 Social Security Act (42 U.S.C. 1395p)  
17 during the individual’s initial enrollment  
18 period.

19           (2) STATE.—The term “State” has the mean-  
20 ing given that term in section 410(5) of the Social  
21 Security Act (42 U.S.C. 610(5)), and includes the  
22 Commonwealth of the Northern Marianas and the  
23 Trust Territory of the Pacific Islands.

○