

106TH CONGRESS  
1ST SESSION

# S. 1918

To waive the 24-month waiting period for disabled individuals to qualify for Medicare benefits in the case of individuals suffering from terminal illnesses with not more than 2 years to live.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 1999

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To waive the 24-month waiting period for disabled individuals to qualify for Medicare benefits in the case of individuals suffering from terminal illnesses with not more than 2 years to live.

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 for Individ-  
5 uals With Terminal Illnesses Act of 1999”.

1 **SEC. 2. ELIMINATION OF MEDICARE WAITING PERIOD FOR**  
2 **INDIVIDUALS WITH A TERMINAL ILLNESS.**

3 (a) IN GENERAL.—Section 226 of the Social Security  
4 Act (42 U.S.C. 426) is amended by adding at the end the  
5 following:

6 “(j)(1) Notwithstanding subsection (f), each indi-  
7 vidual with a terminal illness (as defined in paragraph (2))  
8 who would be described in subsection (b) but for the re-  
9 quirement that the individual has been entitled to the  
10 specified benefits for 24 months shall be entitled to hos-  
11 pital insurance benefits under part A of title XVIII for  
12 each month beginning with the latest of—

13 “(A) the first month after the expiration of the  
14 24-month period,

15 “(B) in the case of a qualified railroad retire-  
16 ment beneficiary (as defined in subsection (d)), the  
17 first month of the individual’s entitlement or status  
18 as such a beneficiary, or

19 “(C) the date of enactment of the Medicare for  
20 Individuals With Terminal Illnesses Act of 1999.

21 “(2) As used in this subsection, the term ‘terminal  
22 illness’ means a medically determinable physical impair-  
23 ment which is expected to result in the death of such indi-  
24 vidual within the next 24 months.”.

25 (b) CONFORMING AMENDMENTS.—

1           (1) AMENDMENTS TO THE RAILROAD RETIRE-  
2           MENT ACT OF 1974.—Section 7(d)(2) of the Rail-  
3           road Retirement Act of 1974 (45 U.S.C. 231f(d)(2))  
4           is amended—

5                   (A) in clause (i), by striking “or” at the  
6                   end;

7                   (B) in clause (ii), by striking the comma at  
8                   the end and inserting “; or”; and

9                   (C) by inserting after clause (ii) the fol-  
10                  lowing:

11                   “(iii)(I) has not attained age 65;

12                   “(II) has a terminal illness (as defined in sec-  
13                  tion 226(j)(2) of the Social Security Act); and

14                   “(III) is entitled to an annuity under section 2  
15                  of this Act, or under the Railroad Retirement Act of  
16                  1937 and section 2 of this Act, or could have been  
17                  includable in the computation of an annuity under  
18                  section 3(f)(3) of this Act, and could currently be  
19                  entitled to monthly insurance benefits under section  
20                  223 of the Social Security Act or under section 202  
21                  of that Act on the basis of disability if service as an  
22                  employee after December 31, 1936, had been in-  
23                  cluded in the term ‘employment’ as defined in that  
24                  Act and if an application for disability benefits had  
25                  been filed.”.

1           (2) AMENDMENTS TO THE SOCIAL SECURITY  
2 ACT.—

3           (A) DESCRIPTION OF PROGRAM.—Section  
4 1811 of the Social Security Act (42 U.S.C.  
5 1395c) is amended by striking “and (3)” and  
6 inserting “(3) individuals under age 65 who  
7 have a terminal illness (as defined in section  
8 226(j)(2)) and who are eligible for benefits  
9 under title II of this Act (or would have been  
10 so entitled to such benefits if certain govern-  
11 ment employment were covered under such  
12 title) or under the railroad retirement system  
13 on the basis of a disability, and (4)”.

14           (B) HOSPITAL INSURANCE BENEFITS FOR  
15 DISABLED INDIVIDUALS WHO HAVE EXHAUSTED  
16 THEIR ENTITLEMENT.—Section 1818A of the  
17 Social Security Act (42 U.S.C. 1395i–2a) is  
18 amended—

19           (i) in subsection (a)(2)(A), by striking  
20 “section 226(b)” and inserting “subsection  
21 (b) or (j) of section 226”;

22           (ii) in subsection (a)(2)(C), by strik-  
23 ing “section 226(b)” and inserting “sub-  
24 section (b) or (j) of section 226”;

1 (iii) in subsection (b)(2), by striking  
2 “section 226(b)” and inserting “subsection  
3 (b) or (j) of section 226”; and

4 (iv) in subsection (d)(1)(B)(ii), by  
5 striking “section 226(b)” and inserting  
6 “subsection (b) or (j) of section 226”.

7 (C) ENROLLMENT PERIODS.—Section  
8 1837 of the Social Security Act (42 U.S.C.  
9 1395p) is amended—

10 (i) in subsection (g)(1), by inserting  
11 “but does not satisfy the requirements of  
12 section 226(j)” after “section 226(b)”; and

13 (ii) in subsection (i)(4)(A), by striking  
14 “section 226(b)” and inserting “subsection  
15 (b) or (j) of section 226”.

16 (D) EXCLUSIONS FROM COVERAGE AND  
17 MEDICARE AS SECONDARY PAYER.—Section  
18 1862(b)(1)(B)(i) of the Social Security Act (42  
19 U.S.C. 1395y(b)(1)(B)(i)) is amended by strik-  
20 ing “section 226(b)” and inserting “subsection  
21 (b) or (j) of section 226”.

22 (e) EFFECTIVE DATE.—The amendments made by  
23 this Act shall apply with respect to any application for  
24 hospital insurance benefits submitted to the Secretary of

1 Health and Human Services on or after the date of enact-  
2 ment of this Act.

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