

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

# H. R. 5691

To amend title XVIII of the Social Security Act to provide for a Medicare prescription drug special enrollment period in 2006 for all part D eligible individuals and to waive the late enrollment penalty for low-income individuals who enroll during such period.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2006

Mrs. DRAKE introduced the following bill; which was referred to the Committee on Energy and 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

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## A BILL

To amend title XVIII of the Social Security Act to provide for a Medicare prescription drug special enrollment period in 2006 for all part D eligible individuals and to waive the late enrollment penalty for low-income individuals who enroll during such period.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MEDICARE PRESCRIPTION DRUG SPECIAL EN-**  
2 **ROLLMENT PERIOD IN 2006 FOR ALL PART D**  
3 **ELIGIBLE INDIVIDUALS AND WAIVER OF**  
4 **LATE ENROLLMENT PENALTY FOR LOW-IN-**  
5 **COME INDIVIDUALS WHO ENROLL DURING**  
6 **SUCH PERIOD.**

7 Section 1860D–1(b)(3) of the Social Security Act (42  
8 U.S.C. 1395w–101(b)(3)) is amended by adding at the  
9 end the following new subparagraph:

10 “(F) 2006 ENROLLMENTS.—

11 “(i) IN GENERAL.—In the case of a part D  
12 eligible individual who is not enrolled in a pre-  
13 scription drug plan under this part (or an MA-  
14 PD plan under part C) as of the date of the en-  
15 actment of this subparagraph, a special enroll-  
16 ment period starting on such date of enactment  
17 and ending on November 14, 2006.

18 “(ii) TREATMENT OF LATE ENROLLMENT  
19 PENALTY.—In establishing the special enroll-  
20 ment period under clause (i), the Secretary  
21 shall ensure the following:

22 “(I) IN GENERAL.—Subject to sub-  
23 clause (II), nothing in this subparagraph  
24 shall be construed as affecting the applica-  
25 tion of section 1860D–13(b), and the spe-  
26 cial enrollment period shall not be treated

1 as an initial enrollment period for purposes  
2 of part C.

3 “(II) NO LATE ENROLLMENT PEN-  
4 ALTIES FOR LOW-INCOME.—In the case of  
5 a subsidy-eligible individual (as defined in  
6 section 1860D–14(a)(3)) who enrolls in a  
7 prescription drug plan (or an MA–PD  
8 plan) during the special enrollment period  
9 under clause (i), any month that starts be-  
10 fore the date of such enrollment shall not  
11 be treated as an ‘uncovered month’ for  
12 purposes of the late enrollment penalty  
13 under section 1860D–13(b).

14 “(iii) EFFECTIVE DATE OF ENROLL-  
15 MENT.—In establishing the special enrollment  
16 period under clause (i), the Secretary shall en-  
17 sure that enrollments occurring during the spe-  
18 cial enrollment period shall take effect with the  
19 first day of the first calendar month following  
20 the date on which the enrollment occurs.”.

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