

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

# S. 2260

To amend titles XVIII and XIX of the Social Security Act to make improvements to payments to Medicare Advantage plans and to reinstate protections in the Medicaid program for working families, their children, and the disabled against excessive out-of-pocket costs, inadequate benefits, and health care coverage loss.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2006

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

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## A BILL

To amend titles XVIII and XIX of the Social Security Act to make improvements to payments to Medicare Advantage plans and to reinstate protections in the Medicaid program for working families, their children, and the disabled against excessive out-of-pocket costs, inadequate benefits, and health care coverage loss.

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 “Patients Before Profits  
5       Act of 2006”.

1 **SEC. 2. ELIMINATION OF CERTAIN MEDICARE ADVANTAGE**  
2 **OVERPAYMENTS.**

3 (a) IN GENERAL.—Section 1853(a)(1)(C)(ii) of the  
4 Social Security Act (42 U.S.C. 1395w–23(a)(1)(C)(ii)), as  
5 added by section 5301 of the Deficit Reduction Act of  
6 2005, is amended—

7 (1) in the heading, by striking “DURING PHASE-  
8 OUT OF BUDGET NEUTRALITY FACTOR”;

9 (2) in the matter preceding subclause (I), by  
10 striking “through 2010” and inserting “and subse-  
11 quent years”; and

12 (3) in subclause (II), by striking “only for  
13 2008, 2009, and 2010” and inserting “for 2008 and  
14 subsequent years”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect as if included in the enact-  
17 ment of section 5301 of the Deficit Reduction Act of 2005.

18 **SEC. 3. ELIMINATION OF PRIVATE INSURANCE SLUSH**  
19 **FUND.**

20 (a) ELIMINATION.—Subsection (e) of section 1858 of  
21 the Social Security Act (42 U.S.C. 1395w–27a) is re-  
22 pealed.

23 (b) CONFORMING AMENDMENT.—Section 1858(f)(1)  
24 of the Social Security Act (42 U.S.C. 1395w–27a(f)(1))  
25 is amended by striking “subject to subsection (e),”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect as if included in the enact-  
3 ment of section 221(c) of the Medicare Prescription Drug,  
4 Improvement, and Modernization Act of 2003 (Public Law  
5 108–173; 117 Stat. 2181).

6 **SEC. 4. REINSTATING PROTECTIONS FOR ADEQUATE BENE-**  
7 **FITS AND AFFORDABLE COST SHARING.**

8 (a) REPEAL OF STATE OPTION FOR ALTERNATIVE  
9 PREMIUMS AND COST SHARING.—

10 (1) REPEAL.—Section 1916A of the Social Se-  
11 curity Act, as added by sections 6041(a), 6042(a),  
12 and 6043(a) of the Deficit Reduction Act of 2005,  
13 is repealed.

14 (2) CONFORMING AMENDMENTS.—

15 (A) Subsection (y) of section 1903 of the  
16 Social Security Act (42 U.S.C. 1396b), as  
17 added by section 6043(b) of the Deficit Reduc-  
18 tion Act of 2005, is repealed.

19 (B) Section 1916 of the Social Security  
20 Act (42 U.S.C. 1396o) is amended—

21 (i) in subsection (f), by striking “and  
22 section 1916A” after “(b)(3)”; and

23 (ii) by striking subsection (h).

24 (b) REPEAL OF STATE OPTION OF PROVIDING  
25 BENCHMARK BENEFIT PACKAGES.—Section 1937 of the

1 Social Security Act, as added by section 6044(a) of the  
2 Deficit Reduction Act of 2005, is repealed.

3 (c) REPEAL OF HEALTH OPPORTUNITY ACCOUNTS  
4 DEMONSTRATION.—Section 1938 of the Social Security  
5 Act, as added by section 6082 of the Deficit Reduction  
6 Act of 2005, is repealed.

7 (d) ADDITIONAL CONFORMING AMENDMENT.—Sec-  
8 tion 1939 of the Social Security Act, as redesignated by  
9 section 6082 of the Deficit Reduction Act of 2005, is re-  
10 designated as section 1937 of the Social Security Act.

11 (e) EFFECTIVE DATE.—The repeals and amend-  
12 ments made by this subsections (a) through (d) shall take  
13 effect as if included in the enactment of the Deficit Reduc-  
14 tion Act of 2005.

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