

110TH CONGRESS  
1ST SESSION

# H. R. 2945

To amend part C of title XVIII of the Social Security Act to provide beneficiary protections against excessive cost-sharing under the Medicare Advantage Program.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2007

Mr. STARK introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 part C of title XVIII of the Social Security Act to provide beneficiary protections against excessive cost-sharing under the Medicare Advantage Program.

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 Advantage  
5 Truth in Advertising Act of 2007”.

1 **SEC. 2. PROTECTION AGAINST EXCESSIVE MA COST-SHAR-**  
2 **ING.**

3 (a) IN GENERAL.—Section 1852(a)(1) of the Social  
4 Security Act (42 U.S.C. 1395w-22(a)(1)) is amended—

5 (1) in subparagraph (A), by inserting before the  
6 period at the end the following: “with cost-sharing  
7 that is no greater (and may be less) than the cost-  
8 sharing that would otherwise be imposed under such  
9 program option”;

10 (2) in subparagraph (B)(i), by striking “or an  
11 actuarially equivalent level of cost-sharing as deter-  
12 mined in this part”; and

13 (3) by amending clause (ii) of subparagraph  
14 (B) to read as follows:

15 “(ii) PERMITTING USE OF FLAT CO-  
16 PAYMENT OR PER DIEM RATE.—Nothing in  
17 clause (i) shall be construed as prohibiting  
18 an MA plan from using a flat copayment  
19 or per diem rate, in lieu of the cost-sharing  
20 that would be imposed under part A or B,  
21 so long as the amount of the cost-sharing  
22 imposed does not exceed the amount of the  
23 cost-sharing that would be imposed under  
24 the respective part if the individual were  
25 not enrolled in a plan under this part.”.

1           (b) **EFFECTIVE DATE.**—The amendments made by  
2 subsection (a) shall apply to plan years beginning on or  
3 after January 1, 2009.

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