

107TH CONGRESS
2D SESSION

H. R. 5276

To amend title XIX of the Social Security Act to improve the qualified Medicare beneficiary (QMB) and special low-income Medicare beneficiary (SLMB) programs within the Medicaid Program.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2002

Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, and Mr. STARK) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to improve the qualified Medicare beneficiary (QMB) and special low-income Medicare beneficiary (SLMB) programs within the Medicaid 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Medicare Beneficiary Assistance Improvement Act of
6 2002”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

1 (B) by striking “and” at the end of clause
2 (iii); and

3 (C) by striking clause (iv).

4 (2) Section 1933 of such Act (42 U.S.C. 1396v)
5 is repealed.

6 (3) The amendments made by this subsection
7 shall take effect as of January 1, 2003.

8 (c) APPLICATION OF CHIP ENHANCED MATCHING
9 RATE FOR SLMB ASSISTANCE.—

10 (1) IN GENERAL.—Section 1905(b)(4) of such
11 Act (42 U.S.C. 1396d(b)(4)) is amended by insert-
12 ing “or section 1902(a)(10)(E)(iii)” after “section
13 1902(a)(10)(A)(ii)(XVIII)”.

14 (2) EFFECTIVE DATE.—The amendment made
15 by paragraph (1) shall apply to medical assistance
16 for medicare cost-sharing for months beginning with
17 January 2003.

18 **SEC. 4. ELIMINATING BARRIERS TO ENROLLMENT.**

19 (a) AUTOMATIC ELIGIBILITY FOR SSI RECIPIENTS IN
20 209(b) STATES AND SSI CRITERIA STATES.—Section
21 1905(p) of the Social Security Act (42 U.S.C. 1396d(p))
22 is amended by adding at the end the following new para-
23 graph:

24 “(6) In the case of a State which has elected treat-
25 ment under section 1902(f) for aged, blind, and disabled

1 individuals, individuals with respect to whom supplemental
2 security income payments are being paid under such title
3 are deemed for purposes of this title to be qualified medi-
4 care beneficiaries.”.

5 (b) SELF-CERTIFICATION OF INCOME.—Such section
6 1905(p) is further amended by adding at the end the fol-
7 lowing new paragraph:

8 “(7) In determining whether an individual qualifies
9 as a qualified medicare beneficiary or is eligible for bene-
10 fits under section 1902(a)(10)(E)(iii), the State shall per-
11 mit individuals to qualify on the basis of self-certifications
12 of income without the need to provide additional docu-
13 mentation.”.

14 (c) AUTOMATIC REENROLLMENT WITHOUT NEED TO
15 REAPPLY.—

16 (1) IN GENERAL.—Such section 1905(p) is fur-
17 ther amended by adding at the end the following
18 new paragraph:

19 “(8) In the case of an individual who has been deter-
20 mined to qualify as a qualified medicare beneficiary or to
21 be eligible for benefits under section 1902(a)(10)(E)(iii),
22 the individual shall be deemed to continue to be so quali-
23 fied or eligible without the need for any annual or periodic
24 application unless and until the individual notifies the
25 State that the individual’s eligibility conditions have

1 changed so that the individual is no longer so qualified
2 or eligible.”.

3 (2) CONFORMING AMENDMENT.—Section
4 1902(e)(8) of the Social Security Act (42 U.S.C.
5 1396a(e)(8)) is amended by striking the second sen-
6 tence.

7 (d) USE OF SIMPLIFIED APPLICATION PROCESS.—
8 Such section 1905(p) is further amended by adding at the
9 end the following new paragraph:

10 “(9) A State shall permit individuals to apply to qual-
11 ify as a qualified medicare beneficiary or for benefits
12 under section 1902(a)(10)(E)(iii) through the use of the
13 simplified application form developed under section
14 1905(p)(5)(A) and shall permit such an application to be
15 made over the telephone or by mail, without the need for
16 an interview in person by the applicant or a representative
17 of the applicant.”.

18 (e) ROLE OF SOCIAL SECURITY OFFICES.—

19 (1) ENROLLMENT AND PROVISION OF INFORMA-
20 TION AT SOCIAL SECURITY OFFICES.—Such section
21 is further amended by adding at the end the fol-
22 lowing new paragraph:

23 “(10) The Commissioner of Social Security shall pro-
24 vide, through local offices of the Social Security
25 Administration—

1 “(A) for the enrollment under State plans
2 under this title for appropriate medicare cost-shar-
3 ing benefits for individuals who qualify as a qualified
4 medicare beneficiary or for benefits under section
5 1902(a)(10)(E)(iii); and

6 “(B) for providing oral and written notice of
7 the availability of such benefits.”.

8 (2) CLARIFYING AMENDMENT.—Section
9 1902(a)(5) of such Act (42 U.S.C. 1396a(a)(5)) is
10 amended by inserting “as provided in section
11 1905(p)(10)” before “except”.

12 (f) OUTSTATIONING OF STATE ELIGIBILITY WORK-
13 ERS AT SSA FIELD OFFICES.—Section 1902(a)(55) of
14 such Act (42 U.S.C. 1396a(a)(55)) is amended—

15 (1) by striking “subsection (a)(10)(A)(i)(IV),
16 (a)(10)(A)(i)(VI), (a)(10)(A)(i)(VII), or
17 (a)(10)(A)(ii)(IX)” and inserting “paragraph
18 (10)(A)(i)(IV), (10)(A)(i)(VI), (10)(A)(i)(VII),
19 (10)(A)(ii)(IX), or (10)(E)”;

20 (2) in subparagraph (A), by inserting “and in
21 the case of applications of individuals for medical as-
22 sistance under paragraph (10)(E), at locations that
23 include field offices of the Social Security Adminis-
24 tration”.

1 **SEC. 5. ELIMINATION OF ASSET TEST.**

2 (a) IN GENERAL.—Section 1905(p)(1) of the Social
3 Security Act (42 U.S.C. 1396d(p)(1)) is amended—

4 (1) by adding “and” at the end of subpara-
5 graph (A);

6 (2) by striking “, and” at the end of subpara-
7 graph (B) and inserting a period; and

8 (3) by striking subparagraph (C).

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply to eligibility determinations for
11 medicare cost-sharing furnished for periods beginning on
12 or after January 1, 2003.

13 **SEC. 6. IMPROVING ASSISTANCE WITH OUT-OF-POCKET**
14 **COSTS.**

15 (a) ELIMINATING APPLICATION OF ESTATE RECOV-
16 ERY PROVISIONS.—Section 1917(b)(1)(B)(ii) of the Social
17 Security Act (42 U.S.C. 1396p(b)(1)(B)(ii)) is amended
18 by inserting “(but not including medical assistance for
19 medicare cost-sharing or for benefits described in section
20 1902(a)(10)(E))” before the period at the end.

21 (b) PROVIDING FOR 3-MONTHS RETROACTIVE ELIGI-
22 BILITY.—

23 (1) IN GENERAL.—Section 1905(a) of such Act
24 (42 U.S.C. 1396d(a)) is amended, in the matter be-
25 fore paragraph (1), by striking “described in sub-
26 section (p)(1), if provided after the month” and in-

1 serting “described in subsection (p)(1), if provided
2 in or after the third month before the month”.

3 (2) CONFORMING AMENDMENTS.—(A) The first
4 sentence of section 1902(e)(8) of such Act (42
5 U.S.C. 1396a(e)(8)), as amended by section 4(c)(2),
6 is amended by striking “(8)” and the first sentence.

7 (B) Section 1848(g)(3) of such Act (42 U.S.C.
8 1395w-4(g)(3)) is amended by adding at the end
9 the following new subparagraph:

10 “(C) TREATMENT OF RETROACTIVE ELIGI-
11 BILITY.—In the case of an individual who is de-
12 termined to be eligible for medical assistance
13 described in subparagraph (A) retroactively, the
14 Secretary shall provide a process whereby
15 claims previously for services furnished during
16 the period of retroactive eligibility which were
17 not submitted in accordance with such subpara-
18 graph are resubmitted and re-processed in ac-
19 cordance with such subparagraph.”.

20 **SEC. 7. IMPROVING PROGRAM INFORMATION AND COORDI-**
21 **NATION WITH STATE, LOCAL, AND OTHER**
22 **PARTNERS.**

23 (a) DATA MATCH DEMONSTRATION PROJECT.—

24 (1) IN GENERAL.—The Secretary of Health and
25 Human Services (acting through the Administrator

1 of the Centers for Medicare & Medicaid Services),
2 the Secretary of the Treasury, and the Adminis-
3 trator of Social Security shall enter into an arrange-
4 ment under which a demonstration is conducted,
5 consistent with this subsection, for the exchange be-
6 tween the Centers for Medicare & Medicaid Services,
7 the Internal Revenue Service, and the Social Secu-
8 rity Administration of information in order to iden-
9 tify individuals who are medicare beneficiaries and
10 who, based on data from the Internal Revenue Serv-
11 ice that (such as their not filing tax returns or other
12 appropriate filters) are likely to be qualified medi-
13 care beneficiaries or individuals otherwise eligible for
14 medical assistance under section 1902(a)(10)(E) of
15 the Social Security Act (42 U.S.C.
16 1396a(a)(10)(E)).

17 (2) LIMITATION ON USE OF INFORMATION.—
18 Specific information on income or related matters
19 exchanged under paragraph (1) may be disclosed
20 only as required to carry out subsection (b) and for
21 related Federal and State outreach efforts.

22 (3) PERIOD.—The project under this subsection
23 shall be for an initial period of 3 years and may be
24 extended for additional periods (not to exceed 3

1 years each) after such an extension is recommended
2 in a report under subsection (d).

3 (b) STATE DEMONSTRATION GRANTS.—

4 (1) IN GENERAL.—The Secretary of Health and
5 Human Services shall enter into a demonstration
6 project with States (as defined for purposes of title
7 XIX of the Social Security Act) in order to provide
8 funds to States in order to use information identi-
9 fied under subsection (a), and other appropriate in-
10 formation, in order to do ex parte determinations or
11 other methods for identifying and enrolling poten-
12 tially eligible individuals.

13 (2) AUTHORIZATION OF APPROPRIATIONS.—

14 There are authorized to be appropriated such sums
15 as may be necessary to the Secretary for the purpose
16 of making grants under this subsection.

17 (c) ADDITIONAL CMS FUNDING FOR OUTREACH AND

18 ENROLLMENT PROJECTS.—There are hereby appro-
19 priated, out of any funds in the Treasury not otherwise
20 appropriated, to the Centers for Medicare & Medicaid
21 Services. \$100,000,000 which shall be used only for the
22 purpose of providing grants to States to fund projects to
23 improve outreach and increase enrollment in Medicare
24 Savings Programs. Such projects may include cooperative
25 grants and contracts with community groups and other

1 groups (such as the Department of Veterans' Affairs and
2 the Indian Health Service) to assist in the enrollment of
3 eligible individuals.

4 (d) REPORTS.—The Secretary of Health and Human
5 Services shall submit to Congress periodic reports on the
6 projects conducted under this section. Such reports shall
7 include such recommendations for extension of such
8 projects, and changes in laws based on based projects, as
9 the Secretary deems appropriate.

10 **SEC. 8. NOTICES TO CERTAIN NEW MEDICARE BENE-**
11 **FICIARIES.**

12 (a) SSA NOTICE.—At the time that the Commis-
13 sioner of Social Security sends a notice to individuals that
14 they have been determined to be eligible for benefits under
15 part A or B of title XVIII of the Social Security Act, the
16 Commissioner shall send a notice and application for bene-
17 fits under title XIX of the Social Security Act to those
18 individuals the Commissioner identifies as being likely to
19 be eligible for benefits under clause (i), (ii), or (iii) of sec-
20 tion 1902(a)(10)(E) of such Act (42 U.S.C.
21 1396a(a)(10)(E)). Such notice and application shall be ac-
22 companied by information on how to submit such an appli-
23 cation and on where to obtain more information (including
24 answers to questions) on the application process.

1 (b) INCLUDING INFORMATION IN MEDICARE & YOU
2 HANDBOOK.—The Secretary of Health and Human Serv-
3 ices shall include in the annual handbook distributed
4 under section 1804(a) of the Social Security Act (42
5 U.S.C. 1395b–2(a)) information on the availability of
6 Medicare Savings Programs and a toll-free telephone num-
7 ber that medicare beneficiaries may use to obtain addi-
8 tional information.

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