

112TH CONGRESS
1ST SESSION

H. R. 1580

To preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Mr. GONZALEZ (for himself, Mr. PIERLUISI, Mr. BUCHANAN, Mr. ALTMIRE, Mr. DAVIS of Kentucky, Mr. HANNA, Mr. BURGESS, Ms. RICHARDSON, Mr. CUELLAR, Mr. KIND, Mrs. McMORRIS RODGERS, Mr. SESSIONS, Mr. KELLY, Mr. CRITZ, Mr. AUSTRIA, Mr. SHUSTER, Ms. JACKSON LEE of Texas, Mr. RENACCI, Mr. SHULER, Mr. GUTHRIE, Ms. HAYWORTH, Mr. SHIMKUS, Mr. BILBRAY, Mr. HALL, Mr. MEEHAN, Mr. CANSECO, Mr. ALEXANDER, Mr. PAUL, Mr. HINOJOSA, and Mr. BRADY of Texas) 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

A BILL

To preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act.

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. SHORT TITLE.**

2 This Act may be cited as the “Medicare Beneficiary
3 Preservation of Choice Act of 2011”.

4 **SEC. 2. PRESERVATION OF MEDICARE BENEFICIARY**
5 **CHOICE UNDER MEDICARE ADVANTAGE.**

6 (a) IN GENERAL.—Section 1851(e)(2) of the Social
7 Security Act (42 U.S.C. 1395w–21(e)(2)) is amended by
8 amending subparagraph (C), as amended by section
9 3204(a) of the Patient Protection and Affordable Care Act
10 (Public Law 111–148), to read as follows:

11 “(C) CONTINUOUS OPEN ENROLLMENT
12 AND DISENROLLMENT FOR FIRST 3 MONTHS IN
13 SUBSEQUENT YEARS.—

14 “(i) IN GENERAL.—Subject to clause
15 (ii) and subparagraph (D), at any time
16 during the first 3 months of a year, or, if
17 the individual first becomes a Medicare
18 Advantage eligible individual during a
19 year, during the first 3 months of such
20 year in which the individual is a Medicare
21 Advantage eligible individual, a Medicare
22 Advantage eligible individual may change
23 the election under subsection (a)(1).

24 “(ii) LIMITATION OF ONE CHANGE
25 DURING OPEN ENROLLMENT PERIOD EACH
26 YEAR.—An individual may exercise the

1 right under clause (i) only once during the
2 applicable 3-month period described in
3 such clause in each year. The limitation
4 under this clause shall not apply to
5 changes in elections effected during an an-
6 nual, coordinated election period under
7 paragraph (3) or during a special enroll-
8 ment period under paragraph (4).

9 “(iii) LIMITED APPLICATION TO PART
10 D.—The previous provisions of this sub-
11 paragraph shall only apply with respect to
12 changes in enrollment in a prescription
13 drug plan under part D in the case of an
14 individual who, previous to such change in
15 enrollment, is enrolled in a Medicare Ad-
16 vantage plan.”.

17 (b) CONFORMING AMENDMENT.—Section 1860D-
18 1(b)(1)(B)(iii) of such Act (42 U.S.C. 1395w-
19 101(b)(1)(B)(iii)) is amended by striking “, (C),”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to 2012 and suc-
22 ceeding years.

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