

112TH CONGRESS
1ST SESSION

S. 1479

To preserve Medicare beneficiary choice by restoring and expanding Medicare open enrollment and disenrollment opportunities.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2011

Mr. CASEY (for himself and Mr. TOOMEY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To preserve Medicare beneficiary choice by restoring and expanding Medicare open enrollment and disenrollment opportunities.

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 Beneficiary
5 Preservation of Choice Act of 2011”.

6 **SEC. 2. PRESERVATION OF MEDICARE BENEFICIARY**
7 **CHOICE UNDER MEDICARE ADVANTAGE.**

8 (a) IN GENERAL.—Section 1851(e)(2)(C) of the So-
9 cial Security Act (42 U.S.C. 1395w–21(e)(2)(C)) is
10 amended to read as follows:

1 “(C) CONTINUOUS OPEN ENROLLMENT
2 AND DISENROLLMENT FOR FIRST 3 MONTHS IN
3 SUBSEQUENT YEARS.—

4 “(i) IN GENERAL.—Subject to clause
5 (ii) and subparagraph (D), at any time
6 during the first 3 months of a year, or, if
7 the individual first becomes a Medicare
8 Advantage eligible individual during a
9 year, during the first 3 months of such
10 year in which the individual is a Medicare
11 Advantage eligible individual, a Medicare
12 Advantage eligible individual may change
13 the election under subsection (a)(1).

14 “(ii) LIMITATION OF ONE CHANGE
15 DURING OPEN ENROLLMENT PERIOD EACH
16 YEAR.—An individual may exercise the
17 right under clause (i) only once during the
18 applicable 3-month period described in
19 such clause in each year. The limitation
20 under this clause shall not apply to
21 changes in elections effected during an an-
22 nual, coordinated election period under
23 paragraph (3) or during a special enroll-
24 ment period under paragraph (4).

1 “(iii) LIMITED APPLICATION TO PART
2 D.—The previous provisions of this sub-
3 paragraph shall only apply with respect to
4 changes in enrollment in a prescription
5 drug plan under part D in the case of an
6 individual who, previous to such change in
7 enrollment, is enrolled in a Medicare Ad-
8 vantage plan.”.

9 (b) CONFORMING AMENDMENT.—Section 1860D-
10 1(b)(1)(B)(iii) of such Act (42 U.S.C. 1395w-
11 101(b)(1)(B)(iii)) is amended by striking “, (C),”.

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

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