

112TH CONGRESS  
1ST SESSION

# S. 1999

To amend title XVIII of the Social Security Act to apply the frailty adjustment under PACE payment rules to certain specialized MA plans for special needs individuals.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2011

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to apply the frailty adjustment under PACE payment rules to certain specialized MA plans for special needs individuals.

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Senior Medicare Fair-  
3 ness Act”.

**4 SEC. 2. APPLICATION OF MA FRAILTY ADJUSTMENT.**

5 Section 1853(a)(1)(B)(iv) of the Social Security Act  
6 (42 U.S.C. 1395w-23(a)(1)(B)(iv)) is amended—

7 (1) in subclause (I), by adding at the end the  
8 following new sentence: “For plan year 2013 and

1 subsequent plan years, with respect to a plan that  
2 is described in subclause (III), the Secretary shall  
3 apply payment rules under section 1894(d) (other  
4 than paragraph (3) of such section) rather than the  
5 payment rules that would otherwise apply under this  
6 part for plan enrollees described in section  
7 1894(e).”; and

8 (2) by adding at the end the following new sub-  
9 clause:

10 “(III) PLAN DESCRIBED.—A  
11 plan described in this subclause is a  
12 specialized MA plan for special needs  
13 individuals described in section  
14 1859(b)(6)(B)(ii) that offers inte-  
15 grated Medicare and Medicaid services  
16 under a contract with the State Med-  
17 icaid agency under title XIX and is  
18 offered by an MA organization that as  
19 of January 1, 2010, had a contract  
20 with such State Medicaid agency that  
21 participated in the ‘Demonstrations  
22 Serving Those Dually-Eligible for  
23 Medicare and Medicaid’ under this  
24 title.”.

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