

117TH CONGRESS
2D SESSION

S. 5149

To amend title XVIII of the Social Security Act to exclude independent agents and brokers from requirement to record calls with beneficiaries under the Medicare Advantage and Prescription Drug Benefit programs.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30 (legislative day, NOVEMBER 29), 2022

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

A BILL

To amend title XVIII of the Social Security Act to exclude independent agents and brokers from requirement to record calls with beneficiaries under the Medicare Advantage and Prescription Drug Benefit programs.

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. EXCLUDING INDEPENDENT AGENTS AND BRO-**
 2 **KERS FROM REQUIREMENT TO RECORD**
 3 **CALLS WITH BENEFICIARIES UNDER MEDI-**
 4 **CARE ADVANTAGE AND PRESCRIPTION DRUG**
 5 **BENEFIT PROGRAMS.**

6 (a) **MEDICARE ADVANTAGE PROGRAM.**—Section
 7 1851(h) of the Social Security Act (42 U.S.C. 1395w–
 8 21(h)) is amended by adding at the end the following new
 9 paragraph:

10 “(8) **EXCLUSION OF INDEPENDENT AGENTS**
 11 **AND BROKERS FROM REQUIREMENT TO RECORD**
 12 **CALLS WITH BENEFICIARIES.**—The requirement de-
 13 scribed in paragraph (g)(2)(ii) of section 422.2274
 14 of title 42, Code of Federal Regulations, or any suc-
 15 cessor regulation (relating to recording calls with
 16 beneficiaries), shall not apply to an agent or broker
 17 appointed in accordance with paragraph (7)(A).”.

18 (b) **PRESCRIPTION DRUG BENEFIT PROGRAM.**—Sec-
 19 tion 1860D–4(l) of the Social Security Act (42 U.S.C.
 20 1395w–104(l)) is amended—

21 (1) by redesignating paragraphs (1) through
 22 (4) as subparagraphs (A) through (D), respectively,
 23 and indenting appropriately;

24 (2) by striking “ACTIVITIES.—The following
 25 provisions” and inserting “ACTIVITIES.—

1 “(1) IN GENERAL.—The following provisions”;

2 and

3 (3) by adding at the end the following new
4 paragraph:

5 “(2) EXCLUSION OF INDEPENDENT AGENTS
6 AND BROKERS FROM REQUIREMENT TO RECORD
7 CALLS WITH BENEFICIARIES.—The requirement de-
8 scribed in paragraph (g)(2)(ii) of section 423.2274
9 of title 42, Code of Federal Regulations, or any suc-
10 cessor regulation (relating to recording calls with
11 beneficiaries), shall not apply to an agent or broker
12 appointed in accordance with section 1851(h)(7)(A),
13 as applied under paragraph (1)(D).”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to plan years beginning on or after
16 January 1, 2023.

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