

105TH CONGRESS  
2D SESSION

# S. 2551

To amend title XVIII of the Social Security Act to permit the replacement of health insurance policies for certain disabled medicare beneficiaries notwithstanding that the replacement policies may duplicate medicare benefits.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, OCTOBER 2), 1998

Mr. D'AMATO 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 permit the replacement of health insurance policies for certain disabled medicare beneficiaries notwithstanding that the replacement policies may duplicate medicare benefits.

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. PERMITTING REPLACEMENT OF CERTAIN**  
2 **HEALTH INSURANCE POLICIES BY CERTAIN**  
3 **DISABLED MEDICARE BENEFICIARIES NOT-**  
4 **WITHSTANDING DUPLICATION OF MEDICARE**  
5 **BENEFITS.**

6 Section 1882(d)(3)(A) of the Social Security Act (42  
7 U.S.C. 1395ss(d)(3)(A)) is amended—

8 (1) in clause (vi)(III), by inserting “or (ix)”  
9 after “(v)”;

10 (2) in clause (viii), by striking “or (vi)(III)”  
11 and inserting “(vi)(III), or (ix)” each place it ap-  
12 pears; and

13 (3) by adding at the end the following new  
14 clause:

15 “(ix) For purposes of this subparagraph, a health in-  
16 surance policy (which may be a contract for a health main-  
17 tenance organization) that becomes effective on or after  
18 January 1, 1999, is not considered to ‘duplicate’ health  
19 benefits under this title or title XIX or under another  
20 health insurance policy if it—

21 “(I) provides comprehensive health care benefits  
22 that replace the benefits provided by another health  
23 insurance policy that was originally purchased before  
24 January 1, 1996, and that has been maintained pur-  
25 suant to a State law governing the sale or dis-

1       continuation of health insurance contracts sold to in-  
2       dividuals;

3               “(II) is being provided to an individual who is  
4       enrolled (or is eligible to be enrolled) under part B  
5       on the basis of being entitled to benefits under part  
6       A pursuant to section 226(b); and

7               “(III) is otherwise prevented by this subpara-  
8       graph from purchasing a health insurance policy to  
9       replace an existing policy that has been maintained  
10       by an insurer pursuant to a State law.”.

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