

107TH CONGRESS  
1ST SESSION

# H. R. 2709

To amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries by allowing plans to target enrollment to special needs beneficiaries and by eliminating the beneficiary lock-in and other administrative barriers to serving this population.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2001

Mr. RAMSTAD (for himself and Mr. CARDIN) 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

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## A BILL

To amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries by allowing plans to target enrollment to special needs beneficiaries and by eliminating the beneficiary lock-in and other administrative barriers to serving this population.

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 Improve-  
3 ments for Special Needs Beneficiaries Act of 2001”.

4 **SEC. 2. SPECIALIZED MEDICARE+CHOICE PLANS FOR SPE-**  
5 **CIAL NEEDS BENEFICIARIES.**

6 (a) TREATMENT AS COORDINATED CARE PLAN.—  
7 Section 1851(a)(2)(A) of the Social Security Act (42  
8 U.S.C. 1395w–21(a)(2)(A)) is amended by adding at the  
9 end the following new sentence: “Specialized  
10 Medicare+Choice plans for special needs beneficiaries (as  
11 defined in section 1859(b)(4)) may be any type of coordi-  
12 nated care plan.”.

13 (b) SPECIALIZED MEDICARE+CHOICE PLAN FOR  
14 SPECIAL NEEDS BENEFICIARIES DEFINED.—Section  
15 1859(b) of such Act (42 U.S.C. 1395w–29(b)) is amended  
16 by adding at the end the following new paragraph:

17 “(4) SPECIALIZED MEDICARE+CHOICE PLANS  
18 FOR SPECIAL NEEDS BENEFICIARIES.—

19 “(A) IN GENERAL.—The term ‘specialized  
20 Medicare+Choice plan for special needs bene-  
21 ficiaries’ means a Medicare+Choice plan that  
22 exclusively serves special needs beneficiaries (as  
23 defined in subparagraph (B)).

24 “(B) SPECIAL NEEDS BENEFICIARY.—The  
25 term ‘special needs beneficiary’ means a  
26 Medicare+Choice eligible individual who—

1 “(i) is institutionalized (as defined by  
2 the Secretary);

3 “(ii) is entitled to medical assistance  
4 under a State plan under title XIX; or

5 “(iii) meets such requirements as the  
6 Secretary may determine would benefit  
7 from enrollment in such a specialized  
8 Medicare+Choice plan described in sub-  
9 paragraph (A).”.

10 (c) RESTRICTION ON ENROLLMENT PERMITTED.—  
11 Section 1859 of such Act (42 U.S.C. 1395w–29) is  
12 amended by adding at the end the following new sub-  
13 section:

14 “(f) RESTRICTION ON ENROLLMENT FOR SPECIAL-  
15 IZED MEDICARE+CHOICE PLANS FOR SPECIAL NEEDS  
16 BENEFICIARIES.—In the case of a specialized  
17 Medicare+Choice plan (as defined in subsection (b)(4)),  
18 notwithstanding any other provision of this part and in  
19 accordance with regulations of the Secretary, the plan may  
20 restrict the enrollment of individuals under the plan to in-  
21 dividuals who are within one or more classes of special  
22 needs beneficiaries.”.

23 (d) CONTINUOUS OPEN ENROLLMENT PER-  
24 MITTED.—Section 1851(e)(2)(D) of such Act (42 U.S.C.  
25 1395w–21(e)(2)(D)) is amended to read as follows:

1                   “(D) CONTINUOUS OPEN ENROLLMENT  
 2                   FOR SPECIAL NEEDS BENEFICIARIES.—At any  
 3                   time after 2001, in the case of a special needs  
 4                   beneficiary (as defined in section  
 5                   1859(b)(4)(B)), the beneficiary may change the  
 6                   election under subsection (a)(1).”.

7           (e) WAIVER OF REQUIREMENTS PERMITTED.—Sec-  
 8           tion 1857 of such Act (42 U.S.C. 1395w–27) is amended  
 9           by adding at the end the following new subsection:

10           “(j) WAIVER OF REQUIREMENTS FOR SPECIALIZED  
 11           MEDICARE+CHOICE PLANS.—The Secretary is author-  
 12           ized to waive those requirements of this part which the  
 13           Secretary finds to be impediments to a Medicare+Choice  
 14           plan’s ability to optimize the care being provided to indi-  
 15           viduals enrolled in a specialized Medicare+Choice plan for  
 16           special needs beneficiaries (as defined in section  
 17           1859(b)(4)).”.

18           (f) EFFECTIVE DATES.—

19                   (1) IN GENERAL.—The amendments made by  
 20                   this section take effect upon the date of the enact-  
 21                   ment of this Act.

22                   (2) DEADLINE FOR ISSUANCE OF REQUIRE-  
 23                   MENTS FOR SPECIAL NEEDS BENEFICIARIES; TRAN-  
 24                   SITION.—No later than September 1, 2002, the Sec-  
 25                   retary of Health and Human Services shall issue

1 final regulations to establish requirements for special  
2 needs beneficiaries under section 1859(b)(4)(B)(iii)  
3 of the Social Security Act, as added by subsection  
4 (c).

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