

109TH CONGRESS
1ST SESSION

H. R. 2869

To amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2005

Mr. GENE GREEN of Texas (for himself, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. STARK, Mr. FARR, Mr. GRIJALVA, Mr. BACA, Mr. REYES, Mr. GONZALEZ, Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. HINOJOSA, Mrs. CAPPS, Ms. SOLIS, Ms. DEGETTE, Mr. STUPAK, Mr. TOWNS, Mr. ORTIZ, Ms. JACKSON-LEE of Texas, Mr. McDERMOTT, Mr. DOGGETT, and Ms. LEE) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce and Transportation and Infrastructure, 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

A BILL

To amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

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 “Ending the Medicare
3 Disability Waiting Period Act of 2004”.

4 **SEC. 2. PHASE OUT OF WAITING PERIOD FOR MEDICARE**
5 **DISABILITY BENEFITS.**

6 (a) IN GENERAL.—Section 226(b) of the Social Secu-
7 rity Act (42 U.S.C. 426(b)) is amended—

8 (1) in paragraph (2)(A), by striking “, and has
9 for 24 calendar months been entitled to,” and insert-
10 ing “, and for the waiting period (as defined in sub-
11 section (k)) has been entitled to,”;

12 (2) in paragraph (2)(B), by striking “, and has
13 been for not less than 24 months,” and inserting “,
14 and has been for the waiting period (as defined in
15 subsection (k)),”;

16 (3) in paragraph (2)(C)(ii), by striking “, in-
17 cluding the requirement that he has been entitled to
18 the specified benefits for 24 months,” and inserting
19 “, including the requirement that the individual has
20 been entitled to the specified benefits for the waiting
21 period (as defined in subsection (k)),”;

22 (4) in the flush matter following paragraph
23 (2)(C)(ii)(II)—

24 (A) in the first sentence, by striking “for
25 each month beginning with the later of (I) July
26 1973 or (II) the twenty-fifth month of his enti-

1 tlement or status as a qualified railroad retire-
2 ment beneficiary described in paragraph (2),
3 and” and inserting “for each month beginning
4 after the waiting period (as so defined) for
5 which the individual satisfies paragraph (2)
6 and”;

7 (B) in the second sentence, by striking
8 “the ‘twenty-fifth month of his entitlement’ re-
9 fers to the first month after the twenty-fourth
10 month of entitlement to specified benefits re-
11 ferred to in paragraph (2)(C) and”; and

12 (C) in the third sentence, by striking “,
13 but not in excess of 78 such months”.

14 (b) SCHEDULE FOR PHASE OUT OF WAITING PE-
15 RIOD.—Section 226 of the Social Security Act (42 U.S.C.
16 426) is amended by adding at the end the following new
17 subsection:

18 “(k) For purposes of subsection (b) (and for purposes
19 of section 1837(g)(1) of this Act and section 7(d)(2)(ii)
20 of the Railroad Retirement Act of 1974), the term ‘waiting
21 period’ means—

22 “(1) for 2006, 18 months;

23 “(2) for 2007, 16 months;

24 “(3) for 2008, 14 months;

25 “(4) for 2009, 12 months;

1 “(5) for 2010, 10 months;
2 “(6) for 2011, 8 months;
3 “(7) for 2012, 6 months;
4 “(8) for 2013, 4 months;
5 “(9) for 2014, 2 months; and
6 “(10) for 2015 and each subsequent year, 0
7 months.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) SUNSET.—Effective January 1, 2015, sub-
10 section (f) of section 226 of the Social Security Act
11 (42 U.S.C. 426) is repealed.

12 (2) MEDICARE DESCRIPTION.—Section 1811(2)
13 of such Act (42 U.S.C. 1395c(2)) is amended by
14 striking “entitled for not less than 24 months” and
15 inserting “entitled for the waiting period (as defined
16 in section 226(k))”.

17 (3) MEDICARE COVERAGE.—Section 1837(g)(1)
18 of such Act (42 U.S.C. 1395p(g)(1)) is amended by
19 striking “of the later of (A) April 1973 or (B) the
20 third month before the 25th month of such entitle-
21 ment” and inserting “of the third month before the
22 first month following the waiting period (as defined
23 in section 226(k)) applicable under section 226(b)”.

1 (4) RAILROAD RETIREMENT SYSTEM.—Section
2 7(d)(2)(ii) of the Railroad Retirement Act of 1974
3 (45 U.S.C. 231f(d)(2)(ii)) is amended—

4 (A) by striking “, for not less than 24
5 months” and inserting “, for the waiting period
6 (as defined in section 226(k) of the Social Secu-
7 rity Act)”;

8 (B) by striking “could have been entitled
9 for 24 calendar months, and” and inserting
10 “could have been entitled for the waiting period
11 (as defined in section 226(k) of the Social Secu-
12 rity Act), and”.

13 (d) EFFECTIVE DATE.—Except as provided in sub-
14 section (c)(1), the amendments made by this section shall
15 apply to insurance benefits under title XVIII of the Social
16 Security Act with respect to items and services furnished
17 in months beginning at least 90 days after the date of
18 the enactment of this Act.

19 **SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVID-**
20 **UALS WITH LIFE-THREATENING CONDITIONS.**

21 (a) IN GENERAL.—Section 226(h) of the Social Secu-
22 rity Act (42 U.S.C. 426(h)) is amended—

23 (1) by redesignating paragraphs (1), (2), and
24 (3) as subparagraphs (A), (B), and (C), respectively;

1 (2) in the matter preceding subparagraph (A)
2 (as redesignated by paragraph (1)), by inserting
3 “(1)” after “(h)”;

4 (3) in paragraph (1) (as designated by para-
5 graph (2))—

6 (A) in the matter preceding subparagraph
7 (A) (as redesignated by paragraph (1)), by in-
8 serting “or any other life-threatening condition
9 identified by the Secretary” after “amyotrophic
10 lateral sclerosis (ALS)”; and

11 (B) in subparagraph (B) (as redesignated
12 by paragraph (1)), by striking “(rather than
13 twenty-fifth month)”; and

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

16 “(2) For purposes of identifying life-threatening con-
17 ditions under paragraph (1), the Secretary shall compile
18 a list of conditions that are fatal without medical treat-
19 ment. In compiling such list, the Secretary shall consult
20 with the Director of the National Institutes of Health (in-
21 cluding the Office of Rare Diseases), the Director of the
22 Centers for Disease Control and Prevention, the Director
23 of the National Science Foundation, and the Institute of
24 Medicine of the National Academy of Sciences.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to insurance benefits under title
3 XVIII of the Social Security Act with respect to items and
4 services furnished in months beginning at least 90 days
5 after the date of the enactment of this Act.

6 **SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON**
7 **DELAY AND PREVENTION OF DISABILITY**
8 **CONDITIONS.**

9 (a) STUDY.—The Secretary of Health and Human
10 Services (in this section referred to as the “Secretary”)
11 shall request that the Institute of Medicine of the National
12 Academy of Sciences conduct a study on the range of dis-
13 ability conditions that can be delayed or prevented if indi-
14 viduals receive access to health care services and coverage
15 before the condition reaches disability levels.

16 (b) REPORT.—Not later than the date that is 2 years
17 after the date of enactment of this Act, the Secretary shall
18 submit to Congress a report containing the results of the
19 Institute of Medicine study authorized under this section.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$750,000 for the period of fiscal years 2006 and 2007.

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