

112TH CONGRESS
1ST SESSION

H. R. 3691

To amend title XVIII of the Social Security Act with respect to application of the frailty adjustment to certain Medicare Advantage plans.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2011

Mr. PAULSEN (for himself, Mr. KIND, Ms. MCCOLLUM, Mr. KLINE, Mr. CRAVAACK, Mr. MCGOVERN, Mrs. BACHMANN, Mr. WALZ of Minnesota, and Mr. ELLISON) 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

A BILL

To amend title XVIII of the Social Security Act with respect to application of the frailty adjustment to certain Medicare Advantage plans.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senior Medicare Fair-
5 ness Act of 2011”.

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

2 Section 1853(a)(1)(B)(iv) of the Social Security Act
3 (42 U.S.C. 1395w-23(a)(1)(B)(iv)) is amended—

4 (1) in subclause (I), by adding at the end the
5 following new sentence: “For plan year 2013 and
6 subsequent plan years, with respect to a plan that
7 is described in subclause (III), the Secretary shall
8 apply payment rules under section 1894(d) (other
9 than paragraph (3) of such section) rather than the
10 payment rules that would otherwise apply under this
11 part for plan enrollees described in section
12 1894(e).”; and

13 (2) by adding at the end the following new sub-
14 clause:

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

1 Serving Those Dually-Eligible for
2 Medicare and Medicaid' under this
3 title.”.

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