

117TH CONGRESS
1ST SESSION

S. 1844

To amend title XVIII of the Social Security Act to move Medicare cost-sharing benefits from Medicaid to Medicare, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2021

Mr. CASEY (for himself, Mr. BLUMENTHAL, Ms. STABENOW, and Mr. SANDERS) 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 move Medicare cost-sharing benefits from Medicaid to Medicare, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lowering Medicare
5 Premiums and Prescription Drug Costs Act”.

6 **SEC. 2. MEDICARE COST ASSISTANCE PROGRAM.**

7 (a) IN GENERAL.—Title XVIII of the Social Security
8 Act (42 U.S.C. 1395 et seq.) is amended by adding at
9 the end the following new section:

1 **“SEC. 1899B. MEDICARE COST ASSISTANCE PROGRAM.**

2 “(a) IN GENERAL.—Effective beginning January 1,
3 2023, in the case of a Medicare Cost Assistance Program
4 eligible individual (as defined in subsection (b)(1)), the
5 Secretary shall provide Medicare cost assistance for the
6 following costs incurred with respect to the individual:

7 “(1)(A) premiums under section 1818; and

8 “(B) premiums under section 1839.

9 “(2) Coinsurance under this title (including co-
10 insurance described in section 1813).

11 “(3) Deductibles established under this title (in-
12 cluding those described in section 1813 and section
13 1833(b)).

14 “(4) The difference between the amount that is
15 paid under section 1833(a) and the amount that
16 would be paid under such section if any reference to
17 a percent less than 100 percent therein were deemed
18 a reference to ‘100 percent’.

19 “(b) DETERMINATION OF ELIGIBILITY.—

20 “(1) MEDICARE COST ASSISTANCE PROGRAM
21 ELIGIBLE INDIVIDUAL DEFINED.—The term ‘Medi-
22 care Cost Assistance Program eligible individual’
23 means an individual who—

24 “(A) is eligible for and is receiving medical
25 assistance for the payment of medicare cost-
26 sharing under a State Medicaid program pursu-

1 ant to clause (i), (iii), or (iv) of section
 2 1902(a)(10)(E) as of December 31, 2022; or

3 “(B)(i) is entitled to hospital insurance
 4 benefits under part A (including an individual
 5 entitled to such benefits pursuant to an enroll-
 6 ment under section 1818); and

7 “(ii) has income at or below 200 percent of
 8 the poverty line applicable to a family of the
 9 size involved.

10 “(2) JOINT DETERMINATION BY COMMISSIONER
 11 OF SOCIAL SECURITY FOR LIS AND MEDICARE COST
 12 ASSISTANCE.—

13 “(A) IN GENERAL.—The determination of
 14 whether an individual is a Medicare Cost As-
 15 sistance Program eligible individual described in
 16 paragraph (1) shall be determined by the Com-
 17 missioner of Social Security jointly with the de-
 18 termination of whether an individual is a sub-
 19 sidy eligible individual described in section
 20 1860D–14(a)(3). Such determination shall be
 21 made with respect to eligibility for Medicare
 22 cost assistance under this section and premium
 23 and cost-sharing subsidies under section
 24 1860D–14 upon application of an individual for
 25 a determination with respect to eligibility for ei-

1 ther such assistance or such subsidies. There
2 are authorized to be appropriated to the Social
3 Security Administration such sums as may be
4 necessary for the determination of eligibility
5 under this paragraph.

6 “(B) EFFECTIVE PERIOD.—Determina-
7 tions under this paragraph with respect to eligi-
8 bility for each of such assistance or such sub-
9 sidies shall be effective beginning with the
10 month in which the individual applies for a de-
11 termination described in subparagraph (A) and
12 shall remain in effect until such time as the
13 Secretary determines the individual is no longer
14 eligible as determined under subparagraph
15 (C)(ii).

16 “(C) REDETERMINATIONS.—With respect
17 to eligibility determinations under this para-
18 graph—

19 “(i) redeterminations shall be made at
20 the same time with respect to eligibility for
21 Medicare cost assistance under this section
22 and cost-sharing subsidies under section
23 1860D–14, but not more frequently than
24 once every 12 months;

1 “(ii) a redetermination shall automati-
2 cally determine that an individual remains
3 eligible for such assistance or subsidies un-
4 less—

5 “(I) the Commissioner has infor-
6 mation indicating that the individual’s
7 circumstances have changed such that
8 the individual is no longer eligible for
9 such assistance or subsidies;

10 “(II) the Commissioner sends no-
11 tice to the individual regarding such
12 information that requests a response
13 either confirming or correcting such
14 information; and

15 “(III) the individual either con-
16 firms such information or fails to pro-
17 vide documentation indicating that
18 such circumstances have not changed
19 within 60 days of receiving the notice
20 described in subclause (II);

21 “(iii) the Commissioner shall establish
22 procedures for appeals of such determina-
23 tions that are similar to the procedures de-
24 scribed in the third sentence of section
25 1631(c)(1)(A); and

“(iv) judicial review of the final decision of the Commissioner made after a hearing shall be available to the same extent, and with the same limitations, as provided in subsections (g) and (h) of section 205.

“(D) TREATMENT OF MEDICAID BENEFICIARIES.—The Secretary shall provide that individuals who are full-benefit dual eligible individuals (as defined in section 1935(c)(6)) or who are recipients of supplemental security income benefits under title XVI shall be treated as a Medicare Cost Assistance Program eligible individual described in paragraph (1) and, in the case of such individual who is a part D eligible individual, a subsidy eligible individual described in section 1860D–14(a)(3).

“(E) SIMPLIFIED APPLICATION FORM.—

“(i) IN GENERAL.—The Secretary shall develop and distribute a simplified application form for use by individuals in applying for Medicare cost assistance under this section and premium and cost-sharing subsidies under section 1860D–14. Such form shall be easily readable by ap-

1 plicants and uniform nationally. The Sec-
 2 retary shall provide for the translation of
 3 such application form into at least the 10
 4 languages (other than English) that are
 5 most often used by individuals applying for
 6 hospital insurance benefits under section
 7 226 or 226A and shall make the translated
 8 forms available to the Commissioner of So-
 9 cial Security.

10 “(ii) CONSULTATION.—In developing
 11 such form, the Secretary shall consult with
 12 beneficiary groups.

13 “(3) INCOME DETERMINATIONS.—For purposes
 14 of applying this section—

15 “(A) in the case of an individual who is
 16 not treated as a Medicare Cost Assistance Pro-
 17 gram eligible individual or a subsidy eligible in-
 18 dividual under paragraph (2)(D), income shall
 19 be determined in the manner described under
 20 section 1612 for purposes of the supplemental
 21 security income program, except that support
 22 and maintenance furnished in kind shall not be
 23 counted as income; and

24 “(B) the term ‘poverty line’ has the mean-
 25 ing given such term in section 673(2) of the

1 Community Services Block Grant Act (42
2 U.S.C. 9902(2)), including any revision re-
3 quired by such section.

4 “(c) BENEFICIARY PROTECTIONS.—

5 “(1) IN GENERAL.—In the case in which the
6 payment for Medicare cost assistance for a Medicare
7 Cost Assistance Program eligible individual with re-
8 spect to an item or service is reduced or eliminated
9 the individual shall not have any legal liability to
10 make payment to a provider of services or supplier
11 or to an organization described in section
12 1903(m)(1)(A) for the service, and any lawful sanc-
13 tion that may be imposed upon a provider of services
14 or supplier or such an organization for excess
15 charges under this title or title XIX shall apply to
16 the imposition of any charge imposed upon the indi-
17 vidual in such case.

18 “(2) CLARIFICATION.—This paragraph shall
19 not be construed as preventing payment of any
20 medicare cost assistance by a medicare supplemental
21 policy or an employer retiree health plan on behalf
22 of an individual.

23 “(d) ADMINISTRATION.—

1 “(1) IN GENERAL.—The Secretary shall estab-
 2 lish procedures for the administration of the pro-
 3 gram under this section.

4 “(2) FUNDING.—For purposes of carrying out
 5 this section, the Secretary shall make payments from
 6 the Federal Hospital Insurance Trust Fund under
 7 section 1817 and the Federal Supplementary Med-
 8 ical Insurance Trust Fund under section 1841, in
 9 such proportion as the Secretary determines appro-
 10 priate, of such amounts as the Secretary determines
 11 necessary to provide Medicare cost assistance under
 12 this section.

13 “(e) REFERENCES TO MEDICARE COST-SHARING.—
 14 Effective beginning January 1, 2023, any reference to
 15 medicare cost-sharing described in section 1905(p) shall
 16 be deemed a reference to Medicare cost assistance under
 17 this section.

18 “(f) OUTREACH EFFORTS.—For provisions relating
 19 to outreach efforts to increase awareness of the availability
 20 of Medicare cost assistance, see section 1144.”.

21 (b) SPECIAL ENROLLMENT PERIOD.—

22 (1) NO PREMIUM PENALTY.—Section 1839(b)
 23 of the Social Security Act (42 U.S.C. 1395r(b)) is
 24 amended, in the last sentence, by inserting the fol-
 25 lowing before the period: “or, effective beginning

1 January 1, 2023, for individuals who are Medicare
 2 Cost Assistance Program eligible individuals (as de-
 3 fined in section 1899B(b)(1)).”.

4 (2) SPECIAL ENROLLMENT PERIOD.—Section
 5 1837 of the Social Security Act (42 U.S.C. 1395p)
 6 is amended by adding at the end the following new
 7 subsection:

8 “(o) SPECIAL ENROLLMENT PERIOD FOR MEDICARE
 9 COST ASSISTANCE PROGRAM ELIGIBLE INDIVIDUAL.—

10 “(1) IN GENERAL.—Effective beginning Janu-
 11 ary 1, 2023, the Secretary shall establish special en-
 12 rollment periods for Medicare Cost Assistance Pro-
 13 gram eligible individuals (as defined in section
 14 1899B(b)(1)).

15 “(2) COVERAGE PERIOD.—In the case of an in-
 16 dividual who enrolls during the special enrollment
 17 period provided under paragraph (1), the coverage
 18 period under this part shall—

19 “(A) begin on the first day of the first
 20 month in which the individual applies for a de-
 21 termination under section 1899B(b)(2)(A); and

22 “(B) remain in effect until such time as
 23 the Secretary determines the individual no
 24 longer eligible as determined under section
 25 1899B(b)(2)(C)(ii).”.

1 (3) CONFORMING SUNSET OF STATE AGREE-
2 MENTS RELATING TO ENROLLMENT OF QUALIFIED
3 MEDICARE BENEFICIARIES.—

4 (A) PART A.—Section 1818(g) of the So-
5 cial Security Act (42 U.S.C. 1395i–2(g)) is
6 amended by adding at the end the following
7 new paragraph:

8 “(3) SUNSET.—This subsection shall not apply on or
9 after January 1, 2023.”.

10 (B) PART B.—Section 1843(h) of the So-
11 cial Security Act (42 U.S.C. 1395v(h)) is
12 amended by adding at the end the following
13 new paragraph:

14 “(3) SUNSET WITH RESPECT TO QUALIFIED MEDI-
15 CARE BENEFICIARIES.—This subsection shall not apply
16 with respect to qualified medicare beneficiaries on or after
17 January 1, 2023.”.

18 (c) PUBLIC AWARENESS CAMPAIGN.—Section 1144
19 of the Social Security Act (42 U.S.C. 1320b–14) is
20 amended by adding at the end the following new sub-
21 section:

22 “(d) PUBLIC AWARENESS CAMPAIGN.—

23 “(1) IN GENERAL.—The Commissioner shall
24 conduct a public awareness campaign to educate
25 Medicare beneficiaries on the availability of Medicare

1 cost assistance for low-income individuals under sec-
 2 tion 1899B.

3 “(2) COORDINATION.—In carrying out such
 4 public awareness campaign, the Commissioner shall
 5 coordinate with State health insurance assistance
 6 programs described in subsection (a)(1)(A) of sec-
 7 tion 119 of the Medicare Improvements for Patients
 8 and Providers Act of 2008 (42 U.S.C. 1395b–3
 9 note)), the Administrator of the Administration for
 10 Community Living, and the Administrator of the
 11 Centers for Medicare & Medicaid Services.

12 “(3) FUNDING.—There are hereby appropriated
 13 to the Commissioner, out of any funds in the Treas-
 14 ury not otherwise appropriated, \$10,000,000 for
 15 each of fiscal years 2023 through 2025, to provide
 16 grants to State health insurance assistance pro-
 17 grams to carry out outreach and education activities
 18 under the public awareness campaign pursuant to
 19 this subsection.”.

20 **SEC. 3. MOVING MEDICARE COST-SHARING BENEFITS**
 21 **FROM MEDICAID TO MEDICARE.**

22 (a) ENDING MOST MEDICARE COST-SHARING BENE-
 23 FITS UNDER MEDICAID.—Section 1902(a)(10) of the So-
 24 cial Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by inserting “for calendar quarters beginning before January 1, 2023,” before “for making” each place it appears in clauses (i), (iii), and (iv) of subparagraph (E); and

(2) in the matter following subparagraph (G)—

(A) by inserting “furnished during calendar quarters beginning before January 1, 2023” after “(described in section 1905(p)(3))”;

(B) by striking “(XV)” and inserting “, (XV)”;

(C) by striking “and (XVIII)” and inserting “, (XVIII)”;

(D) by inserting “, and (XIX) no medical assistance for medicare cost-sharing, other than medical assistance for medicare cost-sharing for qualified disabled and working individuals described in section 1905(s), shall be made available after January 1, 2023” before the semicolon at the end.

(b) CONFORMING AMENDMENTS.—

(1) TITLE XIX.—

(A) Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

1 (i) in paragraph (26), by striking “;
2 and” and inserting a semicolon;

3 (ii) in paragraph (27), by striking the
4 period at the end and inserting “; and”;
5 and

6 (iii) by inserting after paragraph (27)
7 the following new paragraph:

8 “(28) with respect to any amount expended for
9 medical assistance for medicare cost-sharing (other
10 than medical assistance for medicare cost-sharing
11 for qualified disabled and working individuals de-
12 scribed in section 1905(s)) furnished during cal-
13 endar quarters beginning on or after January 1,
14 2023.”.

15 (B) Section 1905(a) of such Act (42
16 U.S.C. 1396d(a)) is amended, in the first sen-
17 tence, by inserting “furnished during calendar
18 quarters beginning before January 1, 2023”
19 after “medicare cost-sharing”.

20 (C) Section 1933(g) of such Act (42
21 U.S.C. 1396u-3(g)) is amended—

22 (i) in paragraph (2)(Q), by striking
23 “paragraph (4), for each subsequent year”
24 and inserting “paragraphs (4) and (5), for
25 each subsequent year before 2023”; and

1 (ii) by adding at the end the fol-
 2 lowing:

3 “(5) SUNSET.—No individual shall be selected
 4 to be a qualifying individual for any calendar year
 5 or period under this section beginning on or after
 6 January 1, 2023, and no State allocation shall be
 7 made for any fiscal year or period under this section
 8 beginning on or after January 1, 2023.”.

9 (D) Section 1935(a) of such Act (42
 10 U.S.C. 1396u–5(a)) is amended—

11 (i) in paragraph (2), by striking
 12 “make determinations” and inserting
 13 “prior to January 1, 2023, make deter-
 14 minations”; and

15 (ii) in paragraph (3), by inserting
 16 “prior to January 1, 2023,” before “the
 17 State shall”.

18 (2) TITLE XI.—Section 1144 of the Social Se-
 19 curity Act (42 U.S.C. 1320b–14) is amended—

20 (A) in subsection (a)—

21 (i) in paragraph (1)(A)—

22 (I) by striking “sections
 23 1902(a)(10)(E) and 1933” and in-
 24 serting “section 1902(a)(10)(E) and

1 (prior to January 1, 2023) section
2 1933”;

3 (II) by striking “for the transi-
4 tional assistance under section
5 1860D–31(f), or” and inserting a
6 comma; and

7 (III) by inserting “, or for Medi-
8 care premium and cost-sharing assist-
9 ance under section 1899B (in the case
10 of months beginning on or after Janu-
11 ary 1, 2023)” before the semicolon;
12 and

13 (ii) by striking paragraph (2) and in-
14 serting the following:

15 “(2) CONTENT OF NOTICE.—Any notice fur-
16 nished under paragraph (1) shall state that eligi-
17 bility for such medical assistance, subsidies, or pro-
18 gram is conditioned upon meeting the applicable eli-
19 gibility criteria.”;

20 (B) in subsection (b)(1)(A)—

21 (i) by striking “sections
22 1902(a)(10)(E) and 1933” and inserting
23 “section 1902(a)(10)(E) and (prior to Jan-
24 uary 1, 2023) section 1933”;

(ii) by striking “for transitional assistance under section 1860D–31(f), or”;
and

(iii) by inserting “, or for Medicare premium and cost-sharing assistance under section 1899B” before the semicolon; and
(C) in subsection (c)—

(i) in paragraph (1)(B), by inserting “, and (beginning January 1, 2023,) provide an application for enrollment under the Medicare Savings Program” before the period;

(ii) in paragraph (2), in the paragraph header, by inserting “MEDICARE SAVINGS PROGRAM APPLICATION AND” before “LIS APPLICATION”; and

(iii) in paragraph (7), by striking “means the program of medical assistance” and all that follows through the period and inserting “means—

“(A) prior to January 1, 2023, the program of medical assistance for payment of the cost of medicare cost-sharing under the Medicaid program pursuant to sections 1902(a)(10)(E) and 1933; and

1 “(B) beginning January 1, 2023, the pro-
2 gram for medical assistance for payment of the
3 cost of medicare cost-sharing for qualified dis-
4 abled and working individuals described in sec-
5 tion 1905(s) pursuant to section
6 1902(a)(10)(E)(ii) and medicare premium and
7 cost-sharing assistance provided under section
8 1899B.”.

9 (c) ENSURING THAT MEDICARE COST-SHARING
10 BENEFICIARIES UNDER MEDICAID RECEIVE MEDICARE
11 COST ASSISTANCE.—Not later than June 1, 2022, the
12 Secretary of Health and Human Services and the Commis-
13 sioner of Social Security shall jointly develop and imple-
14 ment a transition plan to ensure that all individuals who
15 are eligible for and are receiving medical assistance for
16 the payment of medicare cost-sharing under a State Med-
17 icaid program pursuant to clauses (i), (iii), and (iv) of sec-
18 tion 1902(a)(10)(E) of the Social Security Act (42 U.S.C.
19 1396a(a)(10)(E)) as of December 31, 2022, receive Medi-
20 care cost assistance under section 1899B of such Act, as
21 added by section 2, as of January 1, 2023.

1 **SEC. 4. ENHANCING PRESCRIPTION DRUG AFFORDABILITY**
 2 **BY EXPANDING ACCESS TO ASSISTANCE WITH**
 3 **OUT-OF-POCKET COSTS UNDER MEDICARE**
 4 **PART D FOR LOW-INCOME SENIORS AND IN-**
 5 **DIVIDUALS WITH DISABILITIES.**

6 (a) EXPANDING ACCESS.—Section 1860D–14 of the
 7 Social Security Act (42 U.S.C. 1395w–114) is amended—

8 (1) in subsection (a)—

9 (A) in the heading, by striking “150 PER-
 10 CENT” and inserting “200 PERCENT”;

11 (B) in paragraph (1)—

12 (i) in the heading, by striking “135
 13 PERCENT” and inserting “200 PERCENT”;

14 and

15 (ii) in the matter preceding subpara-
 16 graph (A)—

17 (I) by striking “135 percent” and
 18 inserting “200 percent”; and

19 (II) by striking “and who meets
 20 the resources requirement described in
 21 paragraph (3)(D) or who is covered
 22 under this paragraph under para-
 23 graph (3)(B)(i)” and inserting “or
 24 who is covered under this paragraph
 25 under paragraph (3)(B)(v)”;

26 (C) by striking paragraph (2);

1 (D) in paragraph (3)—

2 (i) in subparagraph (A)—

3 (I) in clause (i), by adding “and”

4 at the end;

5 (II) in clause (ii)—

6 (aa) by striking “150 per-

7 cent” and inserting “200 per-

8 cent”; and

9 (bb) by striking “; and” at

10 the end and inserting a period;

11 and

12 (III) by striking clause (iii);

13 (ii) by striking subparagraphs (B) and

14 (C) and inserting the following:

15 “(B) DETERMINATIONS.—For provisions

16 relating to joint determinations with respect to

17 eligibility for Medicare cost assistance under

18 section 1899B and premium and cost-sharing

19 subsidies under this section, see section

20 1899B(b)(2).

21 “(C) INCOME DETERMINATIONS.—For pur-

22 poses of applying this section—

23 “(i) in the case of an individual who

24 is not treated as a Medicare cost-sharing

25 assistance eligible individual and a subsidy

1 eligible individual under section
 2 1899B(b)(2)(D), income shall be deter-
 3 mined in the manner described under sec-
 4 tion 1612 for purposes of the supplemental
 5 security income program, except that sup-
 6 port and maintenance furnished in kind
 7 shall not be counted as income; and

8 “(ii) the term ‘poverty line’ has the
 9 meaning given such term in section 673(2)
 10 of the Community Services Block Grant
 11 Act (42 U.S.C. 9902(2)), including any re-
 12 vision required by such section.”.

13 (iii) by striking subparagraphs (D),
 14 (E), and (G); and

15 (E) in paragraph (4), by striking subpara-
 16 graph (B); and

17 (2) in subsection (c)(1), in the second sentence,
 18 by striking “subsections (a)(1)(D) and (a)(2)(E)”
 19 and inserting “subsection (a)(1)(D)”.

20 (b) TREATMENT OF REDUCTION OF COST-SHARING
 21 FOR INDIVIDUALS RECEIVING HOME AND COMMUNITY
 22 BASED SERVICES.—Section 1860D–14(a)(1)(D) of the
 23 Social Security Act (42 U.S.C. 1395w–114(a)(1)(D)) is
 24 amended—

1 (1) by striking “who would be such an institu-
2 tionalized individual or couple, if the full-benefit
3 dual eligible individual were not”; and

4 (2) by striking “or subsection (c) or (d) of sec-
5 tion 1915 or under a State plan amendment under
6 subsection (i) of such section” and inserting “, sec-
7 tion 1115A, section 1915, or under a State plan
8 amendment”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to plan year 2023 and subsequent
11 plan years.

○