

118TH CONGRESS
1ST SESSION

S. 1691

To amend title XVIII of the Social Security Act to improve the enrollment of retiring individuals in the Medicare program.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2023

Mr. CASEY (for himself, Mr. SULLIVAN, and Mr. BRAUN) 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 improve the enrollment of retiring individuals in the Medicare program.

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 “Healthcare Enrollment
5 Reform Modernization And Navigation Act” or the
6 “HERMAN Act”.

1 **SEC. 2. COORDINATION OF MEDICARE BENEFITS WITH**
2 **OTHER HEALTH CARE INSURANCE.**

3 (a) IN GENERAL.—Section 1862(b)(1)(A) of the So-
4 cial Security Act (42 U.S.C. 1395y(b)(1)(A)) is amended
5 by adding at the end the following new clause:

6 “(vi) COORDINATION OF BENEFITS
7 WITH OTHER HEALTH CARE INSURANCE.—

8 Notwithstanding any other provision of
9 law, in the event that an individual is en-
10 rolled in an employer group health plan
11 (including a multiemployer or multiple em-
12 ployer group health plan) by virtue of cur-
13 rent employment status with an employer
14 that does not have 20 or more individuals
15 in current employment status for each
16 working day in each of 20 or more cal-
17 endar weeks in the current calendar year
18 and the preceding calendar year and the
19 individual is eligible but not enrolled in
20 coverage under part B, such employer
21 group health plan shall not reduce benefits
22 under the plan with respect to the indi-
23 vidual on the basis that the individual
24 could have been enrolled in coverage under
25 part B. Nothing in the preceding sentence
26 shall require such employer group health

1 plan to provide coverage to an individual
2 who elects to enroll in coverage under part
3 B or to prohibit such plan from termi-
4 nating such coverage or reducing benefits
5 if such individual makes such election.”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall apply to items and services furnished
8 on or after the date of the enactment of this Act.

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