

116TH CONGRESS
2D SESSION

H. R. 8181

To amend title XVIII to provide for certain Medigap coverage for Medicare beneficiaries with end-stage renal disease, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2020

Mrs. AXNE 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 to provide for certain Medigap coverage for Medicare beneficiaries with end-stage renal disease, 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 “Jack Reynold’s Mem-
5 ory MediGap Expansion”.

1 **SEC. 2. MEDIGAP COVERAGE FOR BENEFICIARIES WITH**
2 **END-STAGE RENAL DISEASE.**

3 (a) **GUARANTEED AVAILABILITY OF MEDIGAP POLI-**
4 **CIES TO ALL ESRD MEDICARE BENEFICIARIES.—**

5 (1) **IN GENERAL.**—Section 1882(s) of the So-
6 cial Security Act (42 U.S.C. 1395ss(s)) is amend-
7 ed—

8 (A) in paragraph (2)—

9 (i) in subparagraph (A), by striking
10 “is 65” and all that follows through the
11 period at the end and inserting the fol-
12 lowing: “is—

13 “(i) 65 years of age or older and is
14 enrolled for benefits under part B; or

15 “(ii) is entitled to benefits under
16 226A(b) and is enrolled for benefits under
17 part B.”; and

18 (ii) in subparagraph (D), in the mat-
19 ter preceding clause (i), by inserting “(or
20 is entitled to benefits under 226A(b))”
21 after “is 65 years of age or older”; and

22 (B) in paragraph (3)(B)—

23 (i) in clause (ii), by inserting “(or is
24 entitled to benefits under 226A(b))” after
25 is 65 years of age or older; and

1 (ii) in clause (vi), by inserting “(or
2 under 226A(b))” after “at age 65”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall apply to Medicare supple-
5 mental policies effective on or after January 1,
6 2022.

7 (b) ADDITIONAL ENROLLMENT PERIOD FOR CER-
8 TAIN INDIVIDUALS.—

9 (1) ONE-TIME ENROLLMENT PERIOD.—

10 (A) IN GENERAL.—In the case of an indi-
11 vidual described in paragraph (2), the Secretary
12 of Health and Human Services shall establish a
13 one-time enrollment period during which such
14 an individual may enroll in any Medicare sup-
15 plemental policy under section 1882 of the So-
16 cial Security Act (42 U.S.C. 1395ss) of the in-
17 dividual’s choosing.

18 (B) ENROLLMENT PERIOD.—The enroll-
19 ment period established under subparagraph
20 (A) shall begin on January 1, 2022, and shall
21 end June 30, 2022.

22 (2) INDIVIDUAL DESCRIBED.—An individual de-
23 scribed in this paragraph is an individual who—

24 (A) is entitled to hospital insurance bene-
25 fits under part A of title XVIII of the Social

1 Security Act under section 226A(b) of such Act
2 (42 U.S.C. 426–1(b));

3 (B) is enrolled for benefits under part B of
4 such title XVIII; and

5 (C) would not, but for the provisions of,
6 and amendments made by, subsection (a) be eli-
7 gible for the guaranteed issue of a Medicare
8 supplemental policy under paragraph (2) or (3)
9 of section 1882(s) of such Act (42 U.S.C.
10 1395ss(s)).

11 **SEC. 3. ALLOWING INDIVIDUALS WITH KIDNEY FAILURE TO**
12 **RETAIN ACCESS TO PRIVATE INSURANCE.**

13 (a) IN GENERAL.—Section 1862(b)(1)(C) of the So-
14 cial Security Act (42 U.S.C. 1395y(b)(1)(C)) is amend-
15 ed—

16 (1) in the last sentence, by inserting “and be-
17 fore January 1, 2021” after “prior to such date”;
18 and

19 (2) by adding at the end the following new sen-
20 tence: “Effective for items and services furnished on
21 or after January 1, 2021 (with respect to periods
22 beginning on or after the date that is 42 months
23 prior to such date), clauses (i) and (ii) shall be ap-
24 plied by substituting ‘42-month’ for ‘12-month’ each
25 place it appears.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this subsection shall take effect on the date of enactment
3 of this Act. For purposes of determining an individual’s
4 status under section 1862(b)(1)(C) of the Social Security
5 Act (42 U.S.C. 1395y(b)(1)(C)), as amended by sub-
6 section (a), an individual who is within the coordinating
7 period as of the date of enactment of this Act shall have
8 that period extended to the full 42 months described in
9 the last sentence of such section, as added by the amend-
10 ment made by subsection (a)(2).

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