

116TH CONGRESS  
1ST SESSION

# S. 1280

To amend title XVIII of the Social Security Act to establish a system to notify individuals approaching Medicare eligibility, to simplify and modernize the eligibility enrollment process, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 2, 2019

Mr. CASEY (for himself, Mr. YOUNG, Ms. STABENOW, Ms. COLLINS, Mr. PORTMAN, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to establish a system to notify individuals approaching Medicare eligibility, to simplify and modernize the eligibility enrollment process, 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 “Beneficiary Enrollment  
5 Notification and Eligibility Simplification Act of 2019” or  
6 the “BENES Act of 2019”.

1 **SEC. 2. BENEFICIARY ENROLLMENT NOTIFICATION AND**  
2 **ELIGIBILITY SIMPLIFICATION.**

3 (a) **ELIGIBILITY AND ENROLLMENT NOTICES.—**

4 (1) **AS PART OF SOCIAL SECURITY ACCOUNT**  
5 **STATEMENT FOR INDIVIDUALS AGE 60 TO 65.—**Section  
6 **tion 1143(a) of the Social Security Act (42 U.S.C.**  
7 **1320b–13(a)) is amended by adding at the end the**  
8 **following new paragraph:**

9 “(4) **MEDICARE ELIGIBILITY INFORMATION.—**

10 “(A) **IN GENERAL.—**In the case of state-  
11 **ments provided on or after the date that is 2**  
12 **years after the date of the enactment of this**  
13 **Act to individuals who have attained 60 years**  
14 **of age but have not attained 65 years of age,**  
15 **the statement shall also include a notice con-**  
16 **taining the information described in subpara-**  
17 **graph (B).**

18 “(B) **CONTENTS OF NOTICE.—**The notice  
19 **required under subparagraph (A) shall contain**  
20 **information on (including a clear, simple expla-**  
21 **nation of)—**

22 “(i) **eligibility for benefits under the**  
23 **Medicare program under title XVIII, and**  
24 **in particular benefits under part B of such**  
25 **title;**

1 “(ii) the possibility of a late enroll-  
2 ment penalty for failure to timely enroll  
3 (including the process for requesting relief  
4 under section 1837(h) in plain language);

5 “(iii) the need for coordination of ben-  
6 efits under such part B (including primary  
7 and secondary coverage scenarios) imposed  
8 under title XVIII; and

9 “(iv) populations, such as veterans,  
10 for whom there are special considerations  
11 with respect to enrollment under this title.

12 “(C) DEVELOPMENT OF NOTICE.—

13 “(i) IN GENERAL.—The Secretary, in  
14 consultation with representatives of each of  
15 the groups described in subparagraph  
16 (D)(i), and in coordination with the Com-  
17 missioner of Social Security, shall develop  
18 the notice to be provided pursuant to sub-  
19 paragraph (A).

20 “(ii) NOTICE IMPROVEMENT.—The  
21 Secretary, not less than once every two  
22 years, shall—

23 “(I) review the content of the no-  
24 tice to be provided under subpara-  
25 graph (A); and

1                   “(II) update and revise such no-  
2                   tice as the Secretary deems appro-  
3                   prium.

4                   “(D) GROUPS FOR CONSULTATION.—

5                   “(i) IN GENERAL.—For purposes of  
6                   subparagraph (C), the groups described in  
7                   this clause include the following:

8                   “(I) Individuals who are more  
9                   than 60 years of age.

10                  “(II) Veterans.

11                  “(III) Individuals with disabil-  
12                  ities.

13                  “(IV) Individuals with end stage  
14                  renal disease.

15                  “(V) Low-income individuals and  
16                  families.

17                  “(VI) Employers (including  
18                  human resources professionals).

19                  “(VII) States (including rep-  
20                  resentatives of State-run Health In-  
21                  surance Exchanges, Medicaid offices,  
22                  and Departments of Insurance).

23                  “(VIII) State Health Insurance  
24                  Assistance Programs.

25                  “(IX) Health insurers.

1                   “(X) Health insurance agents  
2                   and brokers.

3                   “(XI) Such other groups as spec-  
4                   ified by the Secretary.

5                   “(ii) NONAPPLICATION OF FACA.—  
6                   The Federal Advisory Committee Act shall  
7                   not apply to consultations made pursuant  
8                   to subparagraph (C) with groups described  
9                   in clause (i).

10                  “(E) POSTING OF NOTICE ON WEBSITES.—  
11                  The Commissioner of Social Security and the  
12                  Secretary shall each ensure that the notice  
13                  being used under subparagraph (A) is posted in  
14                  a prominent location on their respective Depart-  
15                  ment Internet website.”.

16                  (2) INDIVIDUALS IN MEDICARE WAITING PE-  
17                  RIOD.—Title XI of the Social Security Act is amend-  
18                  ed by inserting after section 1144 the following new  
19                  section:

20                  “MEDICARE ENROLLMENT NOTIFICATION AND ELIGI-  
21                  BILITY NOTICES FOR INDIVIDUALS IN MEDICARE  
22                  WAITING PERIOD

23                  “SEC. 1144A. (a) NOTICES.—

24                  “(1) IN GENERAL.—The Commissioner of So-  
25                  cial Security, in coordination with the Secretary,  
26                  shall distribute the notice developed and used by the

1 Commissioner under section 1143(a)(4) to individ-  
2 uals in the Medicare waiting period under section  
3 226(b) of this Act.

4 “(2) AUTHORITY TO MODIFY NOTICE.—The  
5 Secretary, in coordination with the Commissioner of  
6 Social Security, may modify the notice to be distrib-  
7 uted under paragraph (1) as necessary to take into  
8 account the population receiving the notice.

9 “(3) POSTING OF NOTICE ON WEBSITES.—The  
10 Commissioner of Social Security and the Secretary  
11 shall each ensure that the notice being distributed  
12 under paragraph (1) is posted in a prominent loca-  
13 tion on their respective Department Internet  
14 website.

15 “(b) TIMING.—Beginning two years after the date of  
16 the enactment of this section, a notice required under sub-  
17 section (a)(1) shall be mailed to an individual no less than  
18 two times in accordance with the following:

19 “(1) The notice shall be provided to such indi-  
20 vidual no later than 3 months prior to the date of  
21 such individual’s enrollment period as provided  
22 under section 1837.

23 “(2) The notice shall subsequently be provided  
24 to such individual no later than one month prior to  
25 such date.”.

1 (b) BENEFICIARY MEDICARE PART B ENROLLMENT  
2 PERIODS AND EFFECTIVE DATE OF COVERAGE.—

3 (1) EFFECTIVE DATES.—Section 1838(a) of the  
4 Social Security Act (42 U.S.C. 1395q(a)) is amend-  
5 ed—

6 (A) by amending paragraph (2) to read as  
7 follows:

8 “(2)(A) in the case of an individual who enrolls  
9 pursuant to subsection (d) of section 1837 before  
10 the month in which he first satisfies paragraph (1)  
11 or (2) of section 1836, the first day of such month,

12 “(B) in the case of an individual not described  
13 in subparagraph (A) who first satisfies such para-  
14 graph in a month beginning before January 2021  
15 and who enrolls—

16 “(i) pursuant to such subsection (d) in  
17 such month in which he first satisfies such  
18 paragraph, the first day of the month following  
19 the month in which he so enrolls,

20 “(ii) pursuant to such subsection (d) in the  
21 month following such month in which he first  
22 satisfies such paragraph, the first day of the  
23 second month following the month in which he  
24 so enrolls, or

1           “(iii) pursuant to such subsection (d) more  
2           than one month following such month in which  
3           he satisfies such paragraph, the first day of the  
4           third month following the month in which he so  
5           enrolls,

6           “(C) in the case of an individual not described  
7           in subparagraph (A) who first satisfies such para-  
8           graph in a month beginning on or after January 1,  
9           2021, and who enrolls pursuant to such subsection  
10          (d) in such month in which he first satisfies such  
11          paragraph or in any subsequent month of his initial  
12          enrollment period, the first day of the month fol-  
13          lowing the month in which he so enrolls,

14          “(D) in the case of an individual not described  
15          in subparagraph (A) who enrolls pursuant to sub-  
16          section (e) of section 1837 in a month beginning be-  
17          fore October 15, 2020, the July 1 following the  
18          month in which he so enrolls, or

19          “(E) in the case of an individual not described  
20          in subparagraph (A) who enrolls pursuant to sub-  
21          section (e) of section 1837 in a month beginning on  
22          or after October 15, 2020, the first day of the  
23          month following the month in which he so enrolls.”;  
24          and



1 (B) by amending paragraph (3) to read as  
2 follows:

3 “(3)(A) in the case of an individual who is  
4 deemed to have enrolled on or before the last day of  
5 the third month of his initial enrollment period, the  
6 first day of the month in which he first meets the  
7 applicable requirements of section 1836 or July 1,  
8 1973, whichever is later,

9 “(B) in the case of an individual who is deemed  
10 to have enrolled on or after the first day of the  
11 fourth month of his initial enrollment period begin-  
12 ning before January 1, 2021, as prescribed under  
13 subparagraphs (B)(i), (B)(ii), (B)(iii), and (D) of  
14 paragraph (2) of this subsection, or

15 “(C) in the case of an individual who is deemed  
16 to have enrolled on or after the first day of the  
17 fourth month of his initial enrollment period begin-  
18 ning on or after January 1, 2021, as prescribed  
19 under paragraph (2)(C) of this subsection.”.

20 (2) GENERAL AND SPECIAL ENROLLMENT PERI-  
21 ODS.—Section 1837(e) of the Social Security Act  
22 (42 U.S.C. 1395p(e)) is amended to read as follows:

23 “(e) ENROLLMENT PERIODS.—

24 “(1) FOR COVERAGE DURING YEARS BEFORE  
25 2022.—There shall be a general enrollment period

1 during the period beginning on January 1 and end-  
2 ing on March 31 of each year before 2022.

3 “(2) FOR COVERAGE DURING YEARS BEGINNING  
4 WITH 2022.—For coverage during years beginning  
5 with 2022 and each subsequent year, there shall be  
6 a general enrollment period beginning on October 15  
7 of the previous year through December 31 of such  
8 previous year.

9 “(3) EXCEPTIONAL CIRCUMSTANCES.—The  
10 Secretary may establish a special enrollment period  
11 in the case that an individual meets such exceptional  
12 conditions as the Secretary may provide.”.

13 (3) TECHNICAL CORRECTION.—

14 (A) IN GENERAL.—Section 1839(b) of the  
15 Social Security Act (42 U.S.C. 1395r(b)) is  
16 amended by striking “close of the enrollment  
17 period” each place it appears and inserting  
18 “close of the month”.

19 (B) EFFECTIVE DATE.—The amendment  
20 made by subparagraph (A) shall take effect on  
21 November 1, 2021.

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