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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to provide for the guaranteed issue of Medigap policies to all Medigap-eligible Medicare beneficiaries and Medicare Advantage enrollees, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. SCHNEIDER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title XVIII of the Social Security Act to provide for the guaranteed issue of Medigap policies to all Medigap-eligible Medicare beneficiaries and Medicare Advantage enrollees, 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 “Protecting Medicare  
5       Beneficiaries with Pre-Existing Conditions Act”.

1 **SEC. 2. GUARANTEED ISSUE.**

2 (a) GUARANTEED ISSUE OF MEDIGAP POLICIES TO  
3 ALL MEDIGAP-ELIGIBLE MEDICARE BENEFICIARIES.—

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

7 (A) in paragraph (2)(A), by striking “65  
8 years of age or older and is enrolled for benefits  
9 under part B” and inserting “entitled to, or en-  
10 rolled for, benefits under part A and enrolled  
11 for benefits under part B”;

12 (B) in paragraph (2)(D), by striking “who  
13 is 65 years of age or older as of the date of  
14 issuance and”;

15 (C) in paragraph (3)(B)(ii), by striking “is  
16 65 years of age or older and”; and

17 (D) in paragraph (3)(B)(vi), by striking  
18 “at age 65”.

19 (2) EFFECTIVE DATE; PHASE-IN AUTHORITY.—

20 (A) EFFECTIVE DATE.—Subject to sub-  
21 paragraph (B), the amendments made by para-  
22 graph (1) shall apply to medicare supplemental  
23 policies effective on or after January 1, 2023.

24 (B) PHASE-IN AUTHORITY.—

25 (i) IN GENERAL.—Subject to clause

26 (ii), the Secretary of Health and Human

1 Services may phase in the implementation  
2 of the amendments made under paragraph  
3 (1) (with such phase-in beginning on or  
4 after January 1, 2023) in such manner as  
5 the Secretary determines appropriate in  
6 order to minimize any adverse impact on  
7 individuals enrolled under a medicare sup-  
8 plemental policy.

9 (ii) PHASE-IN PERIOD MAY NOT EX-  
10 CEED 5 YEARS.—The Secretary of Health  
11 and Human Services shall ensure that the  
12 amendments made by paragraph (1) are  
13 fully implemented by not later than Janu-  
14 ary 1, 2028.

15 (3) ADDITIONAL ENROLLMENT PERIOD FOR  
16 CERTAIN INDIVIDUALS.—

17 (A) ONE-TIME ENROLLMENT PERIOD.—

18 (i) IN GENERAL.—In the case of an  
19 individual described in subparagraph (B),  
20 the Secretary shall establish a one-time en-  
21 rollment period during which such an indi-  
22 vidual may enroll in any medicare supple-  
23 mental policy of the individual's choosing.

24 (ii) PERIOD.—The enrollment period  
25 established under clause (i) shall begin on

1 the date on which the phase-in period  
2 under paragraph (2) is completed and end  
3 6 months after such date.

4 (B) INDIVIDUAL DESCRIBED.—An indi-  
5 vidual described in this paragraph is an indi-  
6 vidual who—

7 (i) is entitled to hospital insurance  
8 benefits under part A of title XVIII of the  
9 Social Security Act (42 U.S.C. 1395c et  
10 seq.) pursuant to section 226(b) or section  
11 226A of such Act (42 U.S.C. 426(b); 426–  
12 1);

13 (ii) is enrolled for benefits under part  
14 B of such Act (42 U.S.C. 1395j et seq.);  
15 and

16 (iii) would not, but for the provisions  
17 of and amendments made by paragraphs  
18 (1) and (2), be eligible for the guaranteed  
19 issue of a medicare supplemental policy  
20 under paragraph (2) or (3) of section  
21 1882(s) of such Act (42 U.S.C. 1395ss(s)).

22 (C) OUTREACH PLAN.—

23 (i) IN GENERAL.—The Secretary shall  
24 develop an outreach plan to notify individ-  
25 uals described in subparagraph (B) of the

1 one-time enrollment period established  
2 under subparagraph (A).

3 (ii) CONSULTATION.—In imple-  
4 menting the outreach plan developed under  
5 clause (i), the Secretary shall consult with  
6 consumer advocates, brokers, insurers, the  
7 National Association of Insurance Commis-  
8 sioners, and State Health Insurance As-  
9 sistance Programs.

10 (b) GUARANTEED ISSUE OF MEDIGAP POLICIES FOR  
11 MEDICARE ADVANTAGE ENROLLEES.—

12 (1) IN GENERAL.—Section 1882(s)(3) of the  
13 Social Security Act (42 U.S.C. 1395ss(s)(3)), as  
14 amended by subsection (a), is further amended—

15 (A) in subparagraph (B), by adding at the  
16 end the following new clause:

17 “(vii) The individual was enrolled in a Medicare  
18 Advantage plan under part C for not less than 12  
19 months and subsequently disenrolled from such plan  
20 and elects to receive benefits under this title through  
21 the original Medicare fee-for-service program under  
22 parts A and B.”;

23 (B) by striking subparagraph (C)(iii) and  
24 inserting the following:

1       “(iii) Subject to subsection (v)(1), for purposes of an  
2 individual described in clause (vi) or (vii) of subparagraph  
3 (B), a medicare supplemental policy described in this sub-  
4 paragraph shall include any medicare supplemental pol-  
5 icy.”; and

6                       (C) in subparagraph (E)—

7                       (i) in clause (iv), by striking “and” at  
8 the end;

9                       (ii) in clause (v), by striking the pe-  
10 riod at the end and inserting “; and”; and

11                      (iii) by adding at the end the fol-  
12 lowing new clause—

13       “(vi) in the case of an individual described in  
14 subparagraph (B)(vii), the annual, coordinated elec-  
15 tion period (as defined in section 1851(e)(3)(B)) or  
16 a continuous open enrollment period (as defined in  
17 section 1851(e)(2)) during which the individual  
18 disenrolls from a Medicare Advantage plan under  
19 part C.”.

20       (2) EFFECTIVE DATE.—The amendments made  
21 by paragraph (1) shall apply to medicare supple-  
22 mental policies effective on or after January 1,  
23 2023.