

117TH CONGRESS  
2D SESSION

# H. R. 9368

To amend title XVIII of the Social Security Act to limit certain late enrollment penalties under the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 2022

Mr. GOHMERT introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

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## A BILL

To amend title XVIII of the Social Security Act to limit certain late enrollment penalties under 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 “Helping End Lifetime  
5       Penalties Act of 2022”.

1 **SEC. 2. LIMITING CERTAIN LATE ENROLLMENT PENALTIES**  
2 **UNDER THE MEDICARE PROGRAM.**

3 (a) PARTS A AND B.—Section 1839(b) of the Social  
4 Security Act (42 U.S.C. 1395r(b)) is amended—

5 (1) in the first sentence, by inserting “for each  
6 of the first 12 months in which such individual is so  
7 enrolled” after “shall be increased”; and

8 (2) by adding at the end the following new sen-  
9 tences: “In the case of an individual who is subject  
10 to an increase under this subsection for one or more  
11 months with respect to a continuous period of eligi-  
12 bility and who terminates a coverage period during  
13 such continuous period of eligibility and subse-  
14 quently reenrolls during the same continuous period  
15 of eligibility, such individual shall be subject to an  
16 increase under this subsection for each of the first  
17 12 months in which such individual is so reenrolled  
18 (or, in the case such individual was subject to less  
19 than 12 months of an increase under this subsection  
20 with respect to a previous enrollment during the  
21 same continuous period of eligibility, for each of the  
22 first 12 months beginning with the month after the  
23 last month of application of any otherwise applicable  
24 increase under this subsection). In calculating the  
25 amount of any increase imposed under this sub-  
26 section pursuant to the preceding sentence with re-

1       spect to the termination of coverage and reenroll-  
2       ment of an individual, there shall only be taken into  
3       account months that are described paragraph (2) of  
4       the second sentence of this subsection with respect  
5       to such termination and reenrollment.”.

6       (b) PART D.—Section 1860D–13(b)(1) of the Social  
7       Security Act (42 U.S.C. 1395w–113(b)(1)) is amended—

8               (1) by inserting “, for each of the first 12  
9       months in which such individual is enrolled in a pre-  
10      scription drug plan under this part with respect to  
11      such continuous period,” after “subsection (a)”; and

12              (2) by adding at the end the following new sen-  
13      tences: “In the case of an individual who is subject  
14      to an increase under this subsection for one or more  
15      months with respect to a continuous period of eligi-  
16      bility and who terminates a coverage period during  
17      such continuous period of eligibility and subse-  
18      quently reenrolls during the same continuous period  
19      of eligibility, such individual shall be subject to an  
20      increase under this subsection for each of the first  
21      12 months in which such individual is so reenrolled  
22      (or, in the case such individual was subject to less  
23      than 12 months of an increase under this subsection  
24      with respect to a previous enrollment during the  
25      same continuous period of eligibility, for each of the

1 first 12 months beginning with the month after the  
2 last month of application of any otherwise applicable  
3 increase under this subsection). In calculating the  
4 amount of any increase imposed under this sub-  
5 section pursuant to the preceding sentence with re-  
6 spect to the termination of coverage and reenroll-  
7 ment of an individual, the term ‘uncovered month’  
8 shall only include those months occurring during the  
9 period beginning with such termination and ending  
10 with such reenrollment.”.

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