

117TH CONGRESS
1ST SESSION

H. R. 5099

To amend title XVIII of the Social Security Act to move Medicare cost-sharing benefits from Medicaid to Medicare, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 24, 2021

Mr. SCHNEIDER (for himself and Ms. SCHAKOWSKY) 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

A BILL

To amend title XVIII of the Social Security Act to move Medicare cost-sharing benefits from Medicaid to Medicare, 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 “Lowering Medicare
5 Premiums and Prescription Drug Costs Act”.

1 **SEC. 2. MEDICARE COST ASSISTANCE PROGRAM.**

2 (a) IN GENERAL.—Title XVIII of the Social Security
3 Act (42 U.S.C. 1395 et seq.) is amended by adding at
4 the end the following new section:

5 **“SEC. 1899B. MEDICARE COST ASSISTANCE PROGRAM.**

6 “(a) IN GENERAL.—Effective beginning January 1,
7 2023, in the case of a Medicare Cost Assistance Program
8 eligible individual (as defined in subsection (b)(1)), the
9 Secretary shall provide Medicare cost assistance for the
10 following costs incurred with respect to the individual:

11 “(1)(A) premiums under section 1818; and

12 “(B) premiums under section 1839.

13 “(2) Coinsurance under this title (including co-
14 insurance described in section 1813).

15 “(3) Deductibles established under this title (in-
16 cluding those described in section 1813 and section
17 1833(b)).

18 “(4) The difference between the amount that is
19 paid under section 1833(a) and the amount that
20 would be paid under such section if any reference to
21 a percent less than 100 percent therein were deemed
22 a reference to ‘100 percent’.

23 “(b) DETERMINATION OF ELIGIBILITY.—

24 “(1) MEDICARE COST ASSISTANCE PROGRAM
25 ELIGIBLE INDIVIDUAL DEFINED.—The term ‘Medi-

1 care Cost Assistance Program eligible individual’
2 means an individual who—

3 “(A) is eligible for and is receiving medical
4 assistance for the payment of medicare cost-
5 sharing under a State Medicaid program pursu-
6 ant to clause (i), (iii), or (iv) of section
7 1902(a)(10)(E) as of December 31, 2022; or

8 “(B)(i) is entitled to hospital insurance
9 benefits under part A (including an individual
10 entitled to such benefits pursuant to an enroll-
11 ment under section 1818); and

12 “(ii) has income at or below 200 percent of
13 the poverty line applicable to a family of the
14 size involved.

15 “(2) JOINT DETERMINATION BY COMMISSIONER
16 OF SOCIAL SECURITY FOR LIS AND MEDICARE COST
17 ASSISTANCE.—

18 “(A) IN GENERAL.—The determination of
19 whether an individual is a Medicare Cost As-
20 sistance Program eligible individual described in
21 paragraph (1) shall be determined by the Com-
22 missioner of Social Security jointly with the de-
23 termination of whether an individual is a sub-
24 sidy eligible individual described in section
25 1860D–14(a)(3). Such determination shall be

1 made with respect to eligibility for Medicare
2 cost assistance under this section and premium
3 and cost-sharing subsidies under section
4 1860D–14 upon application of an individual for
5 a determination with respect to eligibility for ei-
6 ther such assistance or such subsidies. There
7 are authorized to be appropriated to the Social
8 Security Administration such sums as may be
9 necessary for the determination of eligibility
10 under this paragraph.

11 “(B) EFFECTIVE PERIOD.—Determina-
12 tions under this paragraph with respect to eligi-
13 bility for each of such assistance or such sub-
14 sidies shall be effective beginning with the
15 month in which the individual applies for a de-
16 termination described in subparagraph (A) and
17 shall remain in effect until such time as the
18 Secretary determines the individual is no longer
19 eligible as determined under subparagraph
20 (C)(ii).

21 “(C) REDETERMINATIONS.—With respect
22 to eligibility determinations under this para-
23 graph—

24 “(i) redeterminations shall be made at
25 the same time with respect to eligibility for

1 Medicare cost assistance under this section
2 and cost-sharing subsidies under section
3 1860D–14, but not more frequently than
4 once every 12 months;

5 “(ii) a redetermination shall automati-
6 cally determine that an individual remains
7 eligible for such assistance or subsidies un-
8 less—

9 “(I) the Commissioner has infor-
10 mation indicating that the individual’s
11 circumstances have changed such that
12 the individual is no longer eligible for
13 such assistance or subsidies;

14 “(II) the Commissioner sends no-
15 tice to the individual regarding such
16 information that requests a response
17 either confirming or correcting such
18 information; and

19 “(III) the individual either con-
20 firms such information or fails to pro-
21 vide documentation indicating that
22 such circumstances have not changed
23 within 60 days of receiving the notice
24 described in subclause (II);

1 “(iii) the Commissioner shall establish
2 procedures for appeals of such determina-
3 tions that are similar to the procedures de-
4 scribed in the third sentence of section
5 1631(c)(1)(A); and

6 “(iv) judicial review of the final deci-
7 sion of the Commissioner made after a
8 hearing shall be available to the same ex-
9 tent, and with the same limitations, as pro-
10 vided in subsections (g) and (h) of section
11 205.

12 “(D) TREATMENT OF MEDICAID BENE-
13 FICIARIES.—The Secretary shall provide that
14 individuals who are full-benefit dual eligible in-
15 dividuals (as defined in section 1935(c)(6)) or
16 who are recipients of supplemental security in-
17 come benefits under title XVI shall be treated
18 as a Medicare Cost Assistance Program eligible
19 individual described in paragraph (1) and, in
20 the case of such individual who is a part D eli-
21 gible individual, a subsidy eligible individual de-
22 scribed in section 1860D–14(a)(3).

23 “(E) SIMPLIFIED APPLICATION FORM.—

24 “(i) IN GENERAL.—The Secretary
25 shall develop and distribute a simplified

1 application form for use by individuals in
2 applying for Medicare cost assistance
3 under this section and premium and cost-
4 sharing subsidies under section 1860D–14.
5 Such form shall be easily readable by ap-
6 plicants and uniform nationally. The Sec-
7 retary shall provide for the translation of
8 such application form into at least the 10
9 languages (other than English) that are
10 most often used by individuals applying for
11 hospital insurance benefits under section
12 226 or 226A and shall make the translated
13 forms available to the Commissioner of So-
14 cial Security.

15 “(ii) CONSULTATION.—In developing
16 such form, the Secretary shall consult with
17 beneficiary groups.

18 “(3) INCOME DETERMINATIONS.—For purposes
19 of applying this section—

20 “(A) in the case of an individual who is
21 not treated as a Medicare Cost Assistance Pro-
22 gram eligible individual or a subsidy eligible in-
23 dividual under paragraph (2)(D), income shall
24 be determined in the manner described under
25 section 1612 for purposes of the supplemental

1 security income program, except that support
2 and maintenance furnished in kind shall not be
3 counted as income; and

4 “(B) the term ‘poverty line’ has the mean-
5 ing given such term in section 673(2) of the
6 Community Services Block Grant Act (42
7 U.S.C. 9902(2)), including any revision re-
8 quired by such section.

9 “(c) BENEFICIARY PROTECTIONS.—

10 “(1) IN GENERAL.—In the case in which the
11 payment for Medicare cost assistance for a Medicare
12 Cost Assistance Program eligible individual with re-
13 spect to an item or service is reduced or eliminated
14 the individual shall not have any legal liability to
15 make payment to a provider of services or supplier
16 or to an organization described in section
17 1903(m)(1)(A) for the service, and any lawful sanc-
18 tion that may be imposed upon a provider of services
19 or supplier or such an organization for excess
20 charges under this title or title XIX shall apply to
21 the imposition of any charge imposed upon the indi-
22 vidual in such case.

23 “(2) CLARIFICATION.—This paragraph shall
24 not be construed as preventing payment of any
25 medicare cost assistance by a medicare supplemental

1 policy or an employer retiree health plan on behalf
2 of an individual.

3 “(d) ADMINISTRATION.—

4 “(1) IN GENERAL.—The Secretary shall estab-
5 lish procedures for the administration of the pro-
6 gram under this section.

7 “(2) FUNDING.—For purposes of carrying out
8 this section, the Secretary shall make payments from
9 the Federal Hospital Insurance Trust Fund under
10 section 1817 and the Federal Supplementary Med-
11 ical Insurance Trust Fund under section 1841, in
12 such proportion as the Secretary determines appro-
13 priate, of such amounts as the Secretary determines
14 necessary to provide Medicare cost assistance under
15 this section.

16 “(e) REFERENCES TO MEDICARE COST-SHARING.—
17 Effective beginning January 1, 2023, any reference to
18 medicare cost-sharing described in section 1905(p) shall
19 be deemed a reference to Medicare cost assistance under
20 this section.

21 “(f) OUTREACH EFFORTS.—For provisions relating
22 to outreach efforts to increase awareness of the availability
23 of Medicare cost assistance, see section 1144.”.

24 (b) SPECIAL ENROLLMENT PERIOD.—

1 (1) NO PREMIUM PENALTY.—Section 1839(b)
2 of the Social Security Act (42 U.S.C. 1395r(b)) is
3 amended, in the last sentence, by inserting the fol-
4 lowing before the period: “or, effective beginning
5 January 1, 2023, for individuals who are Medicare
6 Cost Assistance Program eligible individuals (as de-
7 fined in section 1899B(b)(1)).”.

8 (2) SPECIAL ENROLLMENT PERIOD.—Section
9 1837 of the Social Security Act (42 U.S.C. 1395p)
10 is amended by adding at the end the following new
11 subsection:

12 “(o) SPECIAL ENROLLMENT PERIOD FOR MEDICARE
13 COST ASSISTANCE PROGRAM ELIGIBLE INDIVIDUAL.—

14 “(1) IN GENERAL.—Effective beginning Janu-
15 ary 1, 2023, the Secretary shall establish special en-
16 rollment periods for Medicare Cost Assistance Pro-
17 gram eligible individuals (as defined in section
18 1899B(b)(1)).

19 “(2) COVERAGE PERIOD.—In the case of an in-
20 dividual who enrolls during the special enrollment
21 period provided under paragraph (1), the coverage
22 period under this part shall—

23 “(A) begin on the first day of the first
24 month in which the individual applies for a de-
25 termination under section 1899B(b)(2)(A); and

1 “(B) remain in effect until such time as
2 the Secretary determines the individual no
3 longer eligible as determined under section
4 1899B(b)(2)(C)(ii).”.

5 (3) CONFORMING SUNSET OF STATE AGREE-
6 MENTS RELATING TO ENROLLMENT OF QUALIFIED
7 MEDICARE BENEFICIARIES.—

8 (A) PART A.—Section 1818(g) of the So-
9 cial Security Act (42 U.S.C. 1395i–2(g)) is
10 amended by adding at the end the following
11 new paragraph:

12 “(3) SUNSET.—This subsection shall not apply
13 on or after January 1, 2023.”.

14 (B) PART B.—Section 1843(h) of the So-
15 cial Security Act (42 U.S.C. 1395v(h)) is
16 amended by adding at the end the following
17 new paragraph:

18 “(3) SUNSET WITH RESPECT TO QUALIFIED
19 MEDICARE BENEFICIARIES.—This subsection shall
20 not apply with respect to qualified medicare bene-
21 ficiaries on or after January 1, 2023.”.

22 (c) PUBLIC AWARENESS CAMPAIGN.—Section 1144
23 of the Social Security Act (42 U.S.C. 1320b–14) is
24 amended by adding at the end the following new sub-
25 section:

1 “(d) PUBLIC AWARENESS CAMPAIGN.—

2 “(1) IN GENERAL.—The Commissioner shall
3 conduct a public awareness campaign to educate
4 Medicare beneficiaries on the availability of Medicare
5 cost assistance for low-income individuals under sec-
6 tion 1899B.

7 “(2) COORDINATION.—In carrying out such
8 public awareness campaign, the Commissioner shall
9 coordinate with State health insurance assistance
10 programs described in subsection (a)(1)(A) of sec-
11 tion 119 of the Medicare Improvements for Patients
12 and Providers Act of 2008 (42 U.S.C. 1395b–3
13 note)), the Administrator of the Administration for
14 Community Living, and the Administrator of the
15 Centers for Medicare & Medicaid Services.

16 “(3) FUNDING.—There are hereby appropriated
17 to the Commissioner, out of any funds in the Treas-
18 ury not otherwise appropriated, \$10,000,000 for
19 each of fiscal years 2023 through 2025, to provide
20 grants to State health insurance assistance pro-
21 grams to carry out outreach and education activities
22 under the public awareness campaign pursuant to
23 this subsection.”.

1 **SEC. 3. MOVING MEDICARE COST-SHARING BENEFITS**
2 **FROM MEDICAID TO MEDICARE.**

3 (a) **ENDING MOST MEDICARE COST-SHARING BENE-**
4 **FITS UNDER MEDICAID.**—Section 1902(a)(10) of the So-
5 cial Security Act (42 U.S.C. 1396a(a)(10)) is amended—

6 (1) by inserting “for calendar quarters begin-
7 ning before January 1, 2023,” before “for making”
8 each place it appears in clauses (i), (iii), and (iv) of
9 subparagraph (E); and

10 (2) in the matter following subparagraph (G)—

11 (A) by inserting “furnished during cal-
12 endar quarters beginning before January 1,
13 2023” after “(described in section
14 1905(p)(3))”;

15 (B) by striking “(XV)” and inserting “,
16 (XV)”;

17 (C) by striking “and (XVIII)” and insert-
18 ing “, (XVIII)”;

19 (D) by inserting “, and (XIX) no medical
20 assistance for medicare cost-sharing, other than
21 medical assistance for medicare cost-sharing for
22 qualified disabled and working individuals de-
23 scribed in section 1905(s), shall be made avail-
24 able after January 1, 2023” before the semi-
25 colon at the end.

26 (b) **CONFORMING AMENDMENTS.**—

1 (1) TITLE XIX.—

2 (A) Section 1903(i) of such Act (42 U.S.C.
3 1396b(i)) is amended—

4 (i) in paragraph (26), by striking “;
5 and” and inserting a semicolon;

6 (ii) in paragraph (27), by striking the
7 period at the end and inserting “; and”;
8 and

9 (iii) by inserting after paragraph (27)
10 the following new paragraph:

11 “(28) with respect to any amount expended for
12 medical assistance for medicare cost-sharing (other
13 than medical assistance for medicare cost-sharing
14 for qualified disabled and working individuals de-
15 scribed in section 1905(s)) furnished during cal-
16 endar quarters beginning on or after January 1,
17 2023.”.

18 (B) Section 1905(a) of such Act (42
19 U.S.C. 1396d(a)) is amended, in the first sen-
20 tence, by inserting “furnished during calendar
21 quarters beginning before January 1, 2023”
22 after “medicare cost-sharing”.

23 (C) Section 1933(g) of such Act (42
24 U.S.C. 1396u–3(g)) is amended—

1 (i) in paragraph (2)(Q), by striking
 2 “paragraph (4), for each subsequent year”
 3 and inserting “paragraphs (4) and (5), for
 4 each subsequent year before 2023”; and

5 (ii) by adding at the end the fol-
 6 lowing:

7 “(5) SUNSET.—No individual shall be selected
 8 to be a qualifying individual for any calendar year
 9 or period under this section beginning on or after
 10 January 1, 2023, and no State allocation shall be
 11 made for any fiscal year or period under this section
 12 beginning on or after January 1, 2023.”.

13 (D) Section 1935(a) of such Act (42
 14 U.S.C. 1396u–5(a)) is amended—

15 (i) in paragraph (2), by striking
 16 “make determinations” and inserting
 17 “prior to January 1, 2023, make deter-
 18 minations”; and

19 (ii) in paragraph (3), by inserting
 20 “prior to January 1, 2023,” before “the
 21 State shall”.

22 (2) TITLE XI.—Section 1144 of the Social Se-
 23 curity Act (42 U.S.C. 1320b–14) is amended—

24 (A) in subsection (a)—

25 (i) in paragraph (1)(A)—

1 (I) by striking “sections
2 1902(a)(10)(E) and 1933” and in-
3 serting “section 1902(a)(10)(E) and
4 (prior to January 1, 2023) section
5 1933”;

6 (II) by striking “for the transi-
7 tional assistance under section
8 1860D–31(f), or” and inserting a
9 comma; and

10 (III) by inserting “, or for Medi-
11 care premium and cost-sharing assist-
12 ance under section 1899B (in the case
13 of months beginning on or after Janu-
14 ary 1, 2023)” before the semicolon;
15 and

16 (ii) by striking paragraph (2) and in-
17 serting the following:

18 “(2) CONTENT OF NOTICE.—Any notice fur-
19 nished under paragraph (1) shall state that eligi-
20 bility for such medical assistance, subsidies, or pro-
21 gram is conditioned upon meeting the applicable eli-
22 gibility criteria.”;

23 (B) in subsection (b)(1)(A)—

24 (i) by striking “sections
25 1902(a)(10)(E) and 1933” and inserting

1 “section 1902(a)(10)(E) and (prior to Jan-
2 uary 1, 2023) section 1933”;

3 (ii) by striking “for transitional as-
4 sistance under section 1860D–31(f), or”;
5 and

6 (iii) by inserting “, or for Medicare
7 premium and cost-sharing assistance under
8 section 1899B” before the semicolon; and
9 (C) in subsection (c)—

10 (i) in paragraph (1)(B), by inserting
11 “, and (beginning January 1, 2023,) pro-
12 vide an application for enrollment under
13 the Medicare Savings Program” before the
14 period;

15 (ii) in paragraph (2), in the para-
16 graph header, by inserting “MEDICARE
17 SAVINGS PROGRAM APPLICATION AND” be-
18 fore “LIS APPLICATION”; and

19 (iii) in paragraph (7), by striking
20 “means the program of medical assist-
21 ance” and all that follows through the pe-
22 riod and inserting “means—

23 “(A) prior to January 1, 2023, the pro-
24 gram of medical assistance for payment of the
25 cost of medicare cost-sharing under the Med-

1 icaid program pursuant to sections
2 1902(a)(10)(E) and 1933; and

3 “(B) beginning January 1, 2023, the pro-
4 gram for medical assistance for payment of the
5 cost of medicare cost-sharing for qualified dis-
6 abled and working individuals described in sec-
7 tion 1905(s) pursuant to section
8 1902(a)(10)(E)(ii) and medicare premium and
9 cost-sharing assistance provided under section
10 1899B.”.

11 (c) ENSURING THAT MEDICARE COST-SHARING
12 BENEFICIARIES UNDER MEDICAID RECEIVE MEDICARE
13 COST ASSISTANCE.—Not later than June 1, 2022, the
14 Secretary of Health and Human Services and the Commis-
15 sioner of Social Security shall jointly develop and imple-
16 ment a transition plan to ensure that all individuals who
17 are eligible for and are receiving medical assistance for
18 the payment of medicare cost-sharing under a State Med-
19 icaid program pursuant to clauses (i), (iii), and (iv) of sec-
20 tion 1902(a)(10)(E) of the Social Security Act (42 U.S.C.
21 1396a(a)(10)(E)) as of December 31, 2022, receive Medi-
22 care cost assistance under section 1899B of such Act, as
23 added by section 2, as of January 1, 2023.

1 **SEC. 4. ENHANCING PRESCRIPTION DRUG AFFORDABILITY**
 2 **BY EXPANDING ACCESS TO ASSISTANCE WITH**
 3 **OUT-OF-POCKET COSTS UNDER MEDICARE**
 4 **PART D FOR LOW-INCOME SENIORS AND IN-**
 5 **DIVIDUALS WITH DISABILITIES.**

6 (a) EXPANDING ACCESS.—Section 1860D–14 of the
 7 Social Security Act (42 U.S.C. 1395w–114) is amended—

8 (1) in subsection (a)—

9 (A) in the heading, by striking “150 PER-
 10 CENT” and inserting “200 PERCENT”;

11 (B) in paragraph (1)—

12 (i) in the heading, by striking “135
 13 PERCENT” and inserting “200 PERCENT”;

14 and

15 (ii) in the matter preceding subpara-
 16 graph (A)—

17 (I) by striking “135 percent” and
 18 inserting “200 percent”; and

19 (II) by striking “and who meets
 20 the resources requirement described in
 21 paragraph (3)(D) or who is covered
 22 under this paragraph under para-
 23 graph (3)(B)(i)” and inserting “or
 24 who is covered under this paragraph
 25 under paragraph (3)(B)(v)”;

26 (C) by striking paragraph (2);

1 (D) in paragraph (3)—

2 (i) in subparagraph (A)—

3 (I) in clause (i), by adding “and”

4 at the end;

5 (II) in clause (ii)—

6 (aa) by striking “150 per-
7 cent” and inserting “200 per-
8 cent”; and

9 (bb) by striking “; and” at
10 the end and inserting a period;
11 and

12 (III) by striking clause (iii);

13 (ii) by striking subparagraphs (B) and
14 (C) and inserting the following:

15 “(B) DETERMINATIONS.—For provisions
16 relating to joint determinations with respect to
17 eligibility for Medicare cost assistance under
18 section 1899B and premium and cost-sharing
19 subsidies under this section, see section
20 1899B(b)(2).

21 “(C) INCOME DETERMINATIONS.—For pur-
22 poses of applying this section—

23 “(i) in the case of an individual who
24 is not treated as a Medicare cost-sharing
25 assistance eligible individual and a subsidy

1 eligible individual under section
2 1899B(b)(2)(D), income shall be deter-
3 mined in the manner described under sec-
4 tion 1612 for purposes of the supplemental
5 security income program, except that sup-
6 port and maintenance furnished in kind
7 shall not be counted as income; and

8 “(ii) the term ‘poverty line’ has the
9 meaning given such term in section 673(2)
10 of the Community Services Block Grant
11 Act (42 U.S.C. 9902(2)), including any re-
12 vision required by such section.”.

13 (iii) by striking subparagraphs (D),
14 (E), and (G); and

15 (E) in paragraph (4), by striking subpara-
16 graph (B); and

17 (2) in subsection (c)(1), in the second sentence,
18 by striking “subsections (a)(1)(D) and (a)(2)(E)”
19 and inserting “subsection (a)(1)(D)”.

20 (b) TREATMENT OF REDUCTION OF COST-SHARING
21 FOR INDIVIDUALS RECEIVING HOME AND COMMUNITY
22 BASED SERVICES.—Section 1860D–14(a)(1)(D) of the
23 Social Security Act (42 U.S.C. 1395w–114(a)(1)(D)) is
24 amended—

1 (1) by striking “who would be such an institu-
2 tionalized individual or couple, if the full-benefit
3 dual eligible individual were not”; and

4 (2) by striking “or subsection (c) or (d) of sec-
5 tion 1915 or under a State plan amendment under
6 subsection (i) of such section” and inserting “, sec-
7 tion 1115A, section 1915, or under a State plan
8 amendment”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to plan year 2023 and subsequent
11 plan years.

○