

1 Title: To amend title XVIII of the Social Security Act to require Medicare Advantage
2 organizations to pay a portion of fee-for-service costs for enrollees who elect to disenroll from an
3 MA plan and receive benefits under the original medicare fee-for-service program under parts A
4 and B in the last year of life.
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7 Be it enacted by the Senate and House of Representatives of the United States of America in
8 Congress assembled,

9 SECTION 1. SHORT TITLE.

10 This Act may be cited as the “_____ Act of ____”.

11 SEC. 2. PAYMENT OF PORTION OF FEE-FOR-SERVICE 12 COSTS FOR ENROLLEES WHO ELECT MEDICARE FEE- 13 FOR-SERVICE IN LAST YEAR OF LIFE.

14 Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended by adding at the
15 end the following new subsection:

16 “(p) Payment of Portion of Fee-for-service Costs for Enrollees Who Elect Medicare Fee-for-
17 service in Last Year of Life.—

18 “(1) IN GENERAL.—The Secretary shall establish procedures under which an MA plan is
19 required to reimburse the original medicare fee-for-service program under parts A and B
20 with respect to claims for services furnished under such program to an applicable enrollee
21 during the applicable period. Notwithstanding any other provision of law, the Secretary may
22 modify payments to organizations under this section as needed to recover amounts due
23 pursuant to this subsection. Any amounts collected pursuant to this subsection shall be
24 deposited in the Federal Hospital Insurance Trust Fund and the Federal Supplementary
25 Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

26 “(2) DEFINITIONS.—In this subsection:

27 “(A) APPLICABLE ENROLLEE.—The term ‘applicable enrollee’ means, with respect to
28 an MA plan, an enrollee who elects to disenroll from such plan and receive benefits
29 under the original Medicare fee-for-service program option and subsequently dies in
30 the year after making such election.

31 “(B) APPLICABLE PERIOD.—The term ‘applicable period’ means, with respect to an
32 applicable enrollee, the period—

33 “(i) beginning on the date on which an election described in subparagraph (A)
34 is effective; and

35 “(ii) ending on the earlier of—

36 “(I) the date that is 90 days after such date; or

37 “(II) the date of such individual’s death.”.