

.....
(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R. _____

To amend title XVIII of the Social Security Act to clarify the application of Medicare special enrollment periods and secondary payer rules to employer coverage of family members of employees.

IN THE HOUSE OF REPRESENTATIVES

Mr. STARK introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title XVIII of the Social Security Act to clarify the application of Medicare special enrollment periods and secondary payer rules to employer coverage of family members of employees.

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 “Medicare Secondary
5 Payer and Late Enrollment Penalty Family Fairness Act
6 of 2012”.

1 **SEC. 2. FAIR TREATMENT OF FAMILY MEMBERS OF EM-**
2 **PLOYEES UNDER MEDICARE SPECIAL EN-**
3 **ROLLMENT PERIODS AND UNDER SEC-**
4 **ONDARY PAYER RULES.**

5 (a) SPECIAL ENROLLMENT PERIODS.—Paragraphs
6 (1)(A), (2)(B), and (2)(C) of section 1837(i) of the Social
7 Security Act (42 U.S.C. 1395p(i)) are each amended by
8 striking “individual’s (or the individual’s spouse’s) current
9 employment status” and inserting “the individual’s cur-
10 rent employment status (or the current employment status
11 of a family member of the individual)”.

12 (b) SECONDARY PAYER RULES.—Section 1862(b) of
13 such Act (42 U.S.C. 1395y(b)) is amended—

14 (1) in paragraph (1)(A)(i)(I), by striking “the
15 individual’s spouse” and inserting “a family member
16 of the individual”;

17 (2) in paragraph (1)(A)(i)(II), by striking “the
18 spouse” and “(or spouse)” and inserting “a family
19 member” and “(or family member)”, respectively;
20 and

21 (3) in paragraph (5)(C)(i), by striking “spouse”
22 and inserting “family member”.

23 (c) CONFORMING AMENDMENT TO LATE ENROLL-
24 MENT PENALTY.—Section 1839(b) of the Social Security
25 Act (42 U.S.C. 1395r(b)) is amended by striking “individ-
26 ual’s (or the individual’s spouse’s) current employment”

1 and inserting “the individual’s current employment status
2 (or the current employment status of a family member of
3 the individual)”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on January 1, 2013, and shall
6 apply to months beginning on or after such date.