

110TH CONGRESS
1ST SESSION

H. R. 3942

To amend title XVIII of the Social Security Act to permit the disabled surviving spouse of an individual to elect to retain private health insurance as the primary payor of health insurance benefits under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 2007

Mr. FRANK of Massachusetts 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 permit the disabled surviving spouse of an individual to elect to retain private health insurance as the primary payor of health insurance benefits 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,*

1 **SECTION 1. ELECTION OF PRIVATE HEALTH INSURANCE AS**
2 **PRIMARY PAYOR UNDER THE MEDICARE**
3 **PROGRAM FOR DISABLED SURVIVING**
4 **SPOUSES.**

5 (a) IN GENERAL.—Section 1862(b)(1)(E) of the So-
6 cial Security Act (42 U.S.C. 1395y(b)(1)(E)) is amended
7 by adding at the end the following new clause:

8 “(iv) ELECTION OF DISABLED SUR-
9 VIVING SPOUSES TO RETAIN GROUP
10 HEALTH PLAN AS PRIMARY PAYOR.—In the
11 case of a surviving spouse who is a dis-
12 abled person and who, on the date that
13 preceded the death of the deceased spouse,
14 was covered under a group health plan by
15 virtue of the deceased spouse, the surviving
16 spouse may elect, in a form and manner
17 specified by the Secretary, to retain the
18 group health plan as primary payor under
19 this title. Unless otherwise provided, such
20 an election shall take effect immediately
21 upon its execution. Such an election, once
22 made, may not be revoked.”.

23 (b) EFFECTIVE DATE.—(1) Subject to paragraph
24 (2), the amendment made by subsection (a) shall take ef-
25 fect on the date of the enactment of this Act, and shall
26 apply with respect to elections made on or after such date.

1 (2) In the case of an election under paragraph (1)
2 by the disabled surviving spouse of an individual who died
3 before the date of the enactment of this Act, the disabled
4 surviving spouse may only make an election during the
5 6-month period that begins on such date.

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