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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

# H. R.

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To preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. ROTHFUS (for himself, Mr. SCHRADER, Mr. BRADY of Texas, and Mrs. BROOKS of Indiana) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act.

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 Beneficiary  
5 Preservation of Choice Act of 2015”.

1 **SEC. 2. PRESERVATION OF MEDICARE BENEFICIARY**  
2 **CHOICE UNDER MEDICARE ADVANTAGE.**

3 Section 1851(e)(2) of the Social Security Act (42  
4 U.S.C. 1395w-21(e)(2)) is amended—

5 (1) in subparagraph (C)—

6 (A) in the heading, by inserting “FROM  
7 2011 THROUGH 2015” after “45-DAY PERIOD”;  
8 and

9 (B) by inserting “and ending with 2015”  
10 after “beginning with 2011”; and

11 (2) by adding at the end the following new sub-  
12 paragraph:

13 “(G) CONTINUOUS OPEN ENROLLMENT  
14 AND DISENROLLMENT FOR FIRST 3 MONTHS IN  
15 2016 AND SUBSEQUENT YEARS.—

16 “(i) IN GENERAL.—Subject to clause  
17 (ii) and subparagraph (D), at any time  
18 during the first 3 months of a year (begin-  
19 ning with 2016), or, if the individual first  
20 becomes a Medicare Advantage eligible in-  
21 dividual during a year (beginning with  
22 2016), during the first 3 months of such  
23 year in which the individual is a Medicare  
24 Advantage eligible individual, a Medicare  
25 Advantage eligible individual may change  
26 the election under subsection (a)(1).

1           “(ii) LIMITATION OF ONE CHANGE  
2           DURING OPEN ENROLLMENT PERIOD EACH  
3           YEAR.—An individual may change the elec-  
4           tion pursuant to clause (i) only once dur-  
5           ing the applicable 3-month period de-  
6           scribed in such clause in each year. The  
7           limitation under this clause shall not apply  
8           to changes in elections effected during an  
9           annual, coordinated election period under  
10          paragraph (3) or during a special enroll-  
11          ment period under paragraph (4).

12          “(iii) LIMITED APPLICATION TO PART  
13          D.—Clauses (i) and (ii) of this subpara-  
14          graph shall only apply with respect to  
15          changes in enrollment in a prescription  
16          drug plan under part D in the case of an  
17          individual who, previous to such change in  
18          enrollment, is enrolled in a Medicare Ad-  
19          vantage plan.

20          “(iv) LIMITATIONS ON MARKETING.—  
21          Pursuant to subsection (j), no unsolicited  
22          marketing or marketing materials may be  
23          sent to an individual described in clause (i)  
24          during the continuous open enrollment and

1 disenrollment period established for the in-  
2 dividual under such clause.”.