

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1708

To amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2009

Mr. GENE GREEN of Texas (for himself and Mr. TERRY) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce and Transportation and Infrastructure, 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

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## A BILL

To amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Ending the Medicare Disability Waiting Period Act of  
4 2009”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of  
6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Phase-out of waiting period for Medicare disability benefits.

Sec. 3. Elimination of waiting period for individuals with life-threatening conditions.

Sec. 4. Institute of Medicine study and report on delay and prevention of disability conditions.

7 **SEC. 2. PHASE-OUT OF WAITING PERIOD FOR MEDICARE**  
8 **DISABILITY BENEFITS.**

9 (a) **IN GENERAL.**—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

11 (1) in paragraph (2)(A), by striking “, and has  
12 for 24 calendar months been entitled to,” and inserting  
13 “, and for the waiting period (as defined in sub-  
14 section (k)) has been entitled to,”;

15 (2) in paragraph (2)(B), by striking “, and has  
16 been for not less than 24 months,” and inserting “,  
17 and has been for the waiting period (as defined in  
18 subsection (k)),”;

19 (3) in paragraph (2)(C)(ii), by striking “, in-  
20 cluding the requirement that he has been entitled to  
21 the specified benefits for 24 months,” and inserting  
22 “, including the requirement that the individual has

1       been entitled to the specified benefits for the waiting  
2       period (as defined in subsection (k)),”; and

3               (4) in the flush matter following paragraph  
4       (2)(C)(ii)(II)—

5               (A) in the first sentence, by striking “for  
6       each month beginning with the later of (I) July  
7       1973 or (II) the twenty-fifth month of his enti-  
8       tlement or status as a qualified railroad retire-  
9       ment beneficiary described in paragraph (2),  
10      and” and inserting “for each month beginning  
11      after the waiting period (as so defined) for  
12      which the individual satisfies paragraph (2)  
13      and”;

14              (B) in the second sentence, by striking  
15      “the ‘twenty-fifth month of his entitlement’ re-  
16      fers to the first month after the twenty-fourth  
17      month of entitlement to specified benefits re-  
18      ferred to in paragraph (2)(C) and”;

19              (C) in the third sentence, by striking “,  
20      but not in excess of 78 such months”.

21       (b) SCHEDULE FOR PHASE-OUT OF WAITING PE-  
22      RIOD.—Section 226 of the Social Security Act (42 U.S.C.  
23      426) is amended by adding at the end the following new  
24      subsection:

1 “(k) For purposes of subsection (b) (and for purposes  
2 of section 1837(g)(1) of this Act and section 7(d)(2)(ii)  
3 of the Railroad Retirement Act of 1974), the term ‘waiting  
4 period’ means—

5 “(1) for 2010, 18 months;

6 “(2) for 2011, 16 months;

7 “(3) for 2012, 14 months;

8 “(4) for 2013, 12 months;

9 “(5) for 2014, 10 months;

10 “(6) for 2015, 8 months;

11 “(7) for 2016, 6 months;

12 “(8) for 2017, 4 months;

13 “(9) for 2018, 2 months; and

14 “(10) for 2019 and each subsequent year, 0  
15 months.”.

16 (c) CONFORMING AMENDMENTS.—

17 (1) SUNSET.—Effective January 1, 2019, sub-  
18 section (f) of section 226 of the Social Security Act  
19 (42 U.S.C. 426) is repealed.

20 (2) MEDICARE DESCRIPTION.—Section 1811(2)  
21 of such Act (42 U.S.C. 1395c(2)) is amended by  
22 striking “entitled for not less than 24 months” and  
23 inserting “entitled for the waiting period (as defined  
24 in section 226(k))”.

1           (3) MEDICARE COVERAGE.—Section 1837(g)(1)  
2 of such Act (42 U.S.C. 1395p(g)(1)) is amended by  
3 striking “of the later of (A) April 1973 or (B) the  
4 third month before the 25th month of such entitle-  
5 ment” and inserting “of the third month before the  
6 first month following the waiting period (as defined  
7 in section 226(k)) applicable under section 226(b)”.

8           (4) RAILROAD RETIREMENT SYSTEM.—Section  
9 7(d)(2)(ii) of the Railroad Retirement Act of 1974  
10 (45 U.S.C. 231f(d)(2)(ii)) is amended—

11           (A) by striking “, for not less than 24  
12 months” and inserting “, for the waiting period  
13 (as defined in section 226(k) of the Social Secu-  
14 rity Act); and

15           (B) by striking “could have been entitled  
16 for 24 calendar months, and” and inserting  
17 “could have been entitled for the waiting period  
18 (as defined in section 226(k) of the Social Secu-  
19 rity Act), and”.

20           (d) EFFECTIVE DATE.—Except as provided in sub-  
21 section (c)(1), the amendments made by this section shall  
22 apply to insurance benefits under title XVIII of the Social  
23 Security Act with respect to items and services furnished  
24 in months beginning at least 90 days after the date of

1 the enactment of this Act (but in no case earlier than Jan-  
2 uary 1, 2010).

3 **SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVID-**  
4 **UALS WITH LIFE-THREATENING CONDITIONS.**

5 (a) IN GENERAL.—Section 226(h) of the Social Secu-  
6 rity Act (42 U.S.C. 426(h)) is amended—

7 (1) by redesignating paragraphs (1), (2), and  
8 (3) as subparagraphs (A), (B), and (C), respectively;  
9 (2) in the matter preceding subparagraph (A)  
10 (as redesignated by paragraph (1)), by inserting  
11 “(1)” after “(h)”;

12 (3) in paragraph (1) (as designated by para-  
13 graph (2))—

14 (A) in the matter preceding subparagraph  
15 (A) (as redesignated by paragraph (1)), by in-  
16 serting “or any other life-threatening condition”  
17 after “amyotrophic lateral sclerosis (ALS)”;  
18 and

19 (B) in subparagraph (B) (as redesignated  
20 by paragraph (1)), by striking “(rather than  
21 twenty-fifth month)”; and

22 (4) by adding at the end the following new  
23 paragraph:

24 “(2) For purposes of identifying life-threatening con-  
25 ditions under paragraph (1), the Secretary shall compile

1 a list of conditions that are fatal without medical treat-  
2 ment. In compiling such list, the Secretary shall—

3 “(A) consult with the Director of the National  
4 Institutes of Health (including the Office of Rare  
5 Diseases), the Director of the Centers for Disease  
6 Control and Prevention, the Director of the National  
7 Science Foundation, and the Institute of Medicine of  
8 the National Academy of Sciences; and

9 “(B) annually review the compassionate allow-  
10 ances list of conditions of the Social Security Admin-  
11 istration.”.

12 (b) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply to insurance benefits under title  
14 XVIII of the Social Security Act with respect to items and  
15 services furnished in months beginning at least 90 days  
16 after the date of the enactment of this Act (but in no case  
17 earlier than January 1, 2010).

18 **SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON**  
19 **DELAY AND PREVENTION OF DISABILITY**  
20 **CONDITIONS.**

21 (a) STUDY.—The Secretary of Health and Human  
22 Services (in this section referred to as the “Secretary”)  
23 shall request that the Institute of Medicine of the National  
24 Academy of Sciences conduct a study on the range of dis-  
25 ability conditions that can be delayed or prevented if indi-

1 individuals receive access to health care services and coverage  
2 before the condition reaches disability levels.

3 (b) REPORT.—Not later than the date that is 2 years  
4 after the date of enactment of this Act, the Secretary shall  
5 submit to Congress a report containing the results of the  
6 Institute of Medicine study authorized under this section.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section  
9 \$750,000 for the period of fiscal years 2010 and 2011.

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