Today, Ways and Means Health Subcommittee Ranking Democrat Pete Stark, joined by other health leaders in Congress, including Reps. Richard Gephardt, Charles Rangel, John Dingell, Sherrod Brown, Henry Waxman, Jerry Klezcka, Ben Cardin, Karen Thurman and John Tierney, introduced the Medicare+Choice Consumer Protection Act. The bill extends new consumer protections to Medicare+Choice enrollees who face a volatile marketplace. Under current law, plans are making dramatic changes to benefits and cost sharing that may well reduce beneficiaries' abilities to receive needed care.

This legislation eliminates the Medicare+Choice "lock-in" scheduled to go into effect in January 2002, which would prohibit seniors from leaving a Medicare+Choice plan at the time of their choosing. Existing Medigap protections allow beneficiaries guaranteed access to certain Medigap plans if their Medicare+Choice plan leaves Medicare. This bill extends those protections to beneficiaries whose plans decrease benefits, increase cost-sharing, or whose doctor or hospital leaves the plan. The bill also prohibits Medicare+Choice plans from charging higher cost-sharing for Medicare-covered services than the amount charged in the fee-for-service program.

"When Congress created the Medicare+Choice program, we guaranteed that seniors who chose this new option would get all of Medicare's benefits, plus the potential for extra benefits not covered by Medicare. Now it is our responsibility to assure that they don't lose other options in Medicare because they've taken us up on the offer," said Rep. Stark.

"In the past, Congress has bowed to the wishes of the HMO industry and lavished it with additional funds to supposedly help seniors," Rep. Dingell said. "Sadly, many have still found themselves out in the cold when their doctor leaves the plan or there is a change in benefits. Our legislation will free seniors to return to Medicare fee-for-service if they are unhappy with their plans."

"Unfortunately, some enrollees in managed care plans are finding that the plans may not offer the same coverage as traditional fee-for-service Medicare. In fact, cost-sharing for certain items or services may even be higher than in the regular program. New 'lock-in' provisions also prevent them from disenrolling from the managed care plans. Even when they're allowed to leave, seniors are not guaranteed they will get back their Medicare-supplemental coverage. Congress must pass the Medicare+Choice Consumer Protection Act to prevent seniors from being trapped in a health plan they no longer want," said Rep. Brown.

Rep. Waxman also emphasized the value of eliminating the so-called lock-in provision: "It doesn't benefit either the beneficiaries or the managed care plans to require individuals

to stay in a plan if they are unhappy once they get there, whether it's because the doctor they like leaves the plan or the benefits change or they just don't like it. They ought to be free to choose the coverage they prefer, and have the assurance they can return to fee-for-service Medicare with Medigap wrap-around coverage if that's what they want. This bill helps them do that."

Rep. Stark went on to say, “Our bill doesn’t heap new money on the managed care industry. Congress passed such bills in 1999 and 2000, yet the Medicare+Choice exodus continues. Instead, our legislation protects consumers who are caught in the crosshairs of these plans’ decisions.”

Rep. Rangel concluded: “Plain and simple, passage of this bill will help beneficiaries who need to leave their plans through no fault of their own because it no longer covers the benefits they need. That is why our bill has been endorsed by a wide array of senior citizen and consumer advocacy organizations including: the National Committee to Preserve Social Security and Medicare, National Council on the Aging, Alliance for Retired Americans, Families USA, California Health Advocates, and others.”