

109TH CONGRESS  
1ST SESSION

# S. 856

To amend title XVIII of the Social Security Act to extend the minimum medicare deadlines for filing claims to take into account delay in processing adjustments from secondary payor status to primary payor status.

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IN THE SENATE OF THE UNITED STATES

APRIL 20, 2005

Mr. ROCKEFELLER (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to extend the minimum medicare deadlines for filing claims to take into account delay in processing adjustments from secondary payor status to primary payor status.

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. ADJUSTMENT IN MINIMUM MEDICARE CLAIMS**  
4 **FILING DEADLINES TO ACCOUNT FOR DELAY**  
5 **IN PROCESSING ADJUSTMENTS FROM SEC-**  
6 **ONDARY TO PRIMARY PAYOR STATUS.**

7 (a) IN GENERAL.—Sections 1814(a)(1) and  
8 1835(a)(1) of the Social Security Act (42 U.S.C.

1 1395f(a)(1), 1395n(a)(1)) are each amended by inserting  
 2 “(but, in the case of items and services furnished to an  
 3 individual during the period beginning on the date the in-  
 4 dividual’s status under section 1862(b)(2) changes from  
 5 having a group health plan that is a primary plan to no  
 6 longer having such a health plan that is a primary plan  
 7 and ending on the date of completion of the change of  
 8 status, ending no earlier than 1 year after the date of com-  
 9 pletion of the change of status)” after “1 calendar year”.

10 (b) EFFECTIVE DATE.—(1) The amendments made  
 11 by subsection (a) shall apply to items and services fur-  
 12 nished on or after January 1, 1987, and before August  
 13 11, 1993.

14 (2) In the case of claims for items and services de-  
 15 scribed in the matter inserted by the amendments made  
 16 by subsection (a) and furnished on or after January 1,  
 17 1987, and before August 11, 1993, notwithstanding any  
 18 other provision of law, the deadline for submission of such  
 19 claims under parts A and B of title XVIII of the Social  
 20 Security Act shall in no case expire before the end of the  
 21 1-year period beginning on the date of the enactment of  
 22 this Act.

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