

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to establish an out-of-pocket maximum for Medicare fee-for-service beneficiaries.

\_\_\_\_\_  
IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

## **A BILL**

To amend title XVIII of the Social Security Act to establish an out-of-pocket maximum for Medicare fee-for-service beneficiaries.

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 “\_\_\_\_\_ Act of  
5       \_\_\_\_\_”.

### 6       **SEC. 2. OUT-OF-POCKET MAXIMUM FOR MEDICARE FEE-** 7       **FOR-SERVICE BENEFICIARIES.**

8       Title XVIII of the Social Security Act (42 U.S.C.  
9       1395 et seq.) is amended by adding at the end the fol-  
10      lowing new section:

1 **“SEC. 1899C. OUT-OF-POCKET MAXIMUM FOR MEDICARE**  
2 **FEE-FOR-SERVICE BENEFICIARIES.**

3 “(a) IN GENERAL.—Notwithstanding any other pro-  
4 vision of this title, in the case of an individual entitled  
5 to, or enrolled for, benefits under part A or enrolled in  
6 part B, if the amount of the out-of-pocket cost-sharing  
7 of such individual for a year (beginning with **【202X】**)  
8 equals or exceeds the lower MOOP limit calculated for the  
9 year under section 422.100(f)(4) of title 42, Code of Fed-  
10 eral Regulations (or a successor regulation), the individual  
11 shall not be responsible for additional out-of-pocket cost-  
12 sharing that occurred during the year.

13 “(b) OUT-OF-POCKET COST-SHARING DEFINED.—

14 “(1) IN GENERAL.—Subject to paragraphs (2)  
15 and (3), in this section, the term ‘out-of-pocket cost-  
16 sharing’ means, with respect to an individual, the  
17 amount of the costs incurred by the individual (as  
18 described in paragraph (3)) that are attributable to  
19 coinsurance, deductible, copayment, or other cost-  
20 sharing otherwise applicable under part A or B.

21 “(2) CERTAIN COSTS NOT INCLUDED.—

22 “(A) NON-COVERED ITEMS AND SERV-  
23 ICES.—Costs incurred for items and services  
24 which are not covered under part A or B shall  
25 not be considered incurred costs for purposes of

1 determining out-of-pocket cost-sharing under  
2 paragraph (1).

3 “(B) ITEMS AND SERVICES NOT FUR-  
4 NISHED ON AN ASSIGNMENT-RELATED BASIS.—  
5 If an item or service is furnished to an indi-  
6 vidual under this title and is not furnished on  
7 an assignment-related basis, any additional  
8 costs the individual incurs above the amount  
9 the individual would have incurred if the item  
10 or service was furnished on an assignment-re-  
11 lated basis shall not be considered incurred  
12 costs for purposes of determining out-of-pocket  
13 cost-sharing under paragraph (1).

14 “(3) APPLICATION.—For purposes of para-  
15 graph (1), costs shall be treated as incurred only if  
16 they are paid by the individual (or by another per-  
17 son, such as a family member, on behalf of the indi-  
18 vidual) and the individual (or other person) is not  
19 reimbursed through insurance or otherwise, a group  
20 health plan, or other third-party payment arrange-  
21 ment for such costs.”.