

BENES Act: Energy and Commerce Committee Manager's Amendment

On Wednesday, July 15 the Energy and Commerce Committee [favorably reported](#) HR 2477, the BENES Act, as amended. A [Manager's Amendment](#) filed by on-Committee co-sponsors Rep. Ruiz (D-CA) and Rep. Bilirakis (R-FL) made several technical updates and one substantive change. The latter is to Section 2(B), which begins on page 2, line 20 of the [Committee Print](#). It is indicated in red below:

(B) CONTENTS OF NOTICE.—The notice required under subparagraph (A) shall include a clear, simple explanation of—

- (i) eligibility for benefits under the Medicare program under title XVIII, and in particular benefits under part B ~~and part C~~ of such title;
- (ii) the reasons a late enrollment penalty for failure to timely enroll could be assessed and how such late enrollment penalty is calculated, in particular for benefits under such part B;
- (iii) the availability of relief from the late enrollment penalty and retroactive enrollment under section 1837(h) (including as such section is applied under sections 1818(c) and 1818A(c)(3)), with examples of circumstances under which such relief may be granted and examples of circumstances under which such relief would not be granted;
- (iv) coordination of benefits (including primary and secondary coverage scenarios) pursuant to section 1862(b), in particular for benefits under such part B; ~~and~~
- (v) enrollment, eligibility, and coordination of benefits under title XVIII with respect to populations, for whom there are special considerations, such as residents of Puerto Rico and veterans; ~~and~~
- (vi) ~~available unbiased online resources for additional information on eligibility for benefits under the Medicare program under title XVIII, including Part C.~~