

10 **SEC. 206. LIMITED CONTINUOUS OPEN ENROLLMENT OF**
11 **ORIGINAL MEDICARE FEE-FOR-SERVICE EN-**
12 **ROLLEES INTO MEDICARE ADVANTAGE NON-**
13 **PRESCRIPTION DRUG PLANS.**

14 (a) IN GENERAL.—Section 1851(e)(2) of the Social
15 Security Act (42 U.S.C. 1395w–21(e)(2)) is amended by
16 adding at the end the following new subparagraph:

17 “(E) LIMITED CONTINUOUS OPEN EN-
18 ROLLMENT OF ORIGINAL FEE-FOR-SERVICE EN-
19 ROLLEES IN MEDICARE ADVANTAGE NON-PRE-
20 SCRIPTON DRUG PLANS.—

21 “(i) IN GENERAL.—On any date dur-
22 ing 2007 or 2008 on which a Medicare Ad-
23 vantage eligible individual is an unenrolled
24 fee-for-service individual (as defined in
25 clause (ii)), the individual may elect under

1 subsection (a)(1) to enroll in a Medicare
2 Advantage plan that is not an MA-PD
3 plan.

4 “(ii) UNENROLLED FEE-FOR-SERVICE
5 INDIVIDUAL DEFINED.—In this subpara-
6 graph, the term ‘unenrolled fee-for-service
7 individual’ means, with respect to a date,
8 a Medicare Advantage eligible individual
9 who—

10 “(I) is receiving benefits under
11 this title through enrollment in the
12 original medicare fee-for-service pro-
13 gram under parts A and B;

14 “(II) is not enrolled in an MA
15 plan on such date; and

16 “(III) as of such date is not oth-
17 erwise eligible to elect to enroll in an
18 MA plan.

19 “(iii) LIMITATION OF ONE CHANGE
20 DURING YEAR.—An individual may exer-
21 cise the right under clause (i) only once
22 during the year.

23 “(iv) NO EFFECT ON COVERAGE
24 UNDER A PRESCRIPTION DRUG PLAN.—
25 Nothing in this subparagraph shall be con-

1 strued as permitting an individual exer-
2 cising the right under clause (i)—

3 “(I) who is enrolled in a prescrip-
4 tion drug plan under part D, to
5 disenroll from such plan or to enroll
6 in a different prescription drug plan;
7 or

8 “(II) who is not enrolled in a
9 prescription drug plan, to enroll in
10 such a plan.”.

11 (b) CONFORMING AMENDMENT.—Section 1860D-
12 1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C.
13 1395w-101(b)(1)(B)(iii)) is amended by striking “sub-
14 paragraphs (B) and (C)” and inserting “subparagraphs
15 (B), (C), and (E)”.
