

SHIP Enabling Statutes

SEC. 4359. [42 U.S.C. 1395b-3] HEALTH INSURANCE ADVISORY SERVICE FOR MEDICARE BENEFICIARIES.

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- (a) In General.—The Secretary of Health and Human Services shall establish a health insurance advisory service program (in this section referred to as the “beneficiary assistance program”) to assist Medicare-eligible individuals with the receipt of services under the Medicare and Medicaid programs and other health insurance programs.
- (b) Outreach Elements.—The beneficiary assistance program shall provide assistance—
- (1) through operation using local Federal offices that provide information on the Medicare program,
 - (2) using community outreach programs, and
 - (3) using a toll-free telephone information service.
- (c) Assistance Provided.—The beneficiary assistance program shall provide for information, counseling, and assistance for Medicare-eligible individuals with respect to at least the following:
- (1) With respect to the Medicare program—
 - (A) eligibility,
 - (B) benefits (both covered and non covered),
 - (C) the process of payment for services,
 - (D) rights and process for appeals of determinations,
 - (E) other Medicare-related entities (such as peer review organizations, fiscal intermediaries, and carriers), and
 - (F) recent legislative and administrative changes in the Medicare program.
 - (2) With respect to the Medicaid program—
 - (A) eligibility, benefits, and the application process,
 - (B) linkages between the Medicaid and Medicare programs, and
 - (C) referral to appropriate State and Local agencies involved in the Medicaid program.
 - (3) With respect to Medicare supplemental policies—
 - (A) the program under section 1882 of the Social Security Act, and standards required under such program,
 - (B) how to make informed decisions on whether to purchase such policies and on what criteria to use in evaluating different policies,

- (C) appropriate Federal, State, and private agencies that provide information and assistance in obtaining benefits under such policies, and
- (D) other issues deemed appropriate by the Secretary.

The beneficiary assistance program also shall provide such other services as the Secretary deems appropriate to increase beneficiary understanding of, and confidence in, the Medicare program and to improve the relationship between beneficiaries and the program.

(d) Educational Material.—The Secretary through the Administrator of the Centers for Medicare & Medicaid Services, shall develop appropriate educational materials and other appropriate techniques to assist employees in carrying out this section.

(e) Notice to Beneficiaries.—The Secretary shall take such steps as are necessary to assure that Medicare-eligible beneficiaries and the general public are made aware of the beneficiary assistance program.

(f) Report.—The Secretary shall include, in an annual report transmitted to the Congress, a report on the beneficiary assistance program and on other health insurance informational and counseling services made available to Medicare-eligible individuals. The Secretary shall include in the report recommendations for such changes as may be desirable to improve the relationship between the Medicare program and Medicare-eligible individuals.

Sec. 4360. [42 U.S.C. 1395b-4] HEALTH INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE GRANTS.

(a) Grants.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall make grants to States, with approved State regulatory programs under section 1882 of the Social Security Act, that submit applications to the Secretary that meet the requirements of this section for the purpose of providing information, counseling, and assistance relating to the procurement of adequate and appropriate health insurance coverage to individuals who are eligible to receive benefits under title XVIII of the Social Security Act (in this section referred to as “eligible individuals”). The Secretary shall prescribe regulations to establish a minimum level of funding for a grant issued under this section.

(b) Grant Applications.—

(1) In submitting an application under this section, a State may consolidate and coordinate an application that consists of parts prepared by more than one agency or department of such State.

(2) As part of an application for a grant under this section, a State shall submit a plan for a State-wide health insurance information, counseling, and assistance program. Such program shall—

- (A) establish or improve upon a health insurance information, counseling, and assistance program that provides counseling and assistance to eligible individuals in need of health insurance information, including—
- (i) information that may assist individuals in obtaining benefits and filing claims under titles XVIII and XIX of the Social Security Act;
 - (ii) policy comparison information for Medicare supplemental policies (as described in section 1882(g)(1) of the Social Security Act) and information that may assist individuals in filing claims under Medicare supplemental policies;
 - (iii) information regarding long-term care insurance; and
 - (iv) information regarding other types of health insurance benefits that the Secretary determines to be appropriate;
- (B) in conjunction with the health insurance information, counseling, and assistance program described in subparagraph (A), establish a system of referral to appropriate Federal or State departments or agencies for assistance with problems related to health insurance coverage (including legal problems), as determined by the Secretary;
- (C) provide for a sufficient number of staff positions (including volunteer positions) necessary to provide the services of the health insurance information, counseling, and assistance program;
- (D) provide assurances that staff members (including volunteer staff members) of the health insurance information, counseling, and assistance program have no conflict of interest in providing the counseling described in subparagraph (A);
- (E) provide for the collection and dissemination of timely and accurate health care information to staff members;
- (F) provide for training programs for staff members (including volunteer staff members);
- (G) provide for the coordination of the exchange of health insurance information between the staff of departments and agencies of the State government and the staff of the health insurance information, counseling, and assistance program;
- (H) make recommendations concerning consumer issues and complaints related to the provision of health care to agencies and departments of the State government and the Federal Government responsible for providing or regulating health insurance;
- (I) establish an outreach program to provide the health insurance information and counseling described in subparagraph (A) and the referrals described in subparagraph (B) to eligible individuals; and

(J) demonstrate to the satisfaction of the Secretary, an ability to provide the counseling and assistance required under this section.

(c) Special Grants.—

(1) A State that is conducting a health insurance information, counseling, and assistance program that is substantially similar to a program described in subsection (b)(2) shall, as a requirement for eligibility for a grant under this section, demonstrate, to the satisfaction of the Secretary, that such State shall maintain the activities of such program at least at the level that such activities were conducted immediately preceding the date of the issuance of any grant during the period of time covered by such grant under this section.

(2) If the Secretary determines that the existing health insurance information, counseling, and assistance program is substantially similar to a program in subsection (b)(2), the Secretary may waive some or all of the requirements described in such subsection and issue a grant to the State for the purpose of increasing the number of services offered by the health insurance information, counseling, and assistance program experimenting with new methods of outreach in conducting such program, or expanding such program to geographic areas of the State not previously served by the program.

(d) Criteria for Issuing Grants.—In issuing a grant under this section, the Secretary shall consider—

(1) the commitment of the State to carrying out the health insurance information, counseling, and assistance program described in subsection (b)(2), including the level of cooperation demonstrated—

(A) by the office of the chief insurance regulator of the State, or the equivalent State entity;

(B) other officials of the State responsible for overseeing insurance plans issued by nonprofit hospital and medical service associations; and

(C) departments and agencies of such State responsible for—

(i) administering funds under title XIX of the Social Security Act, and

(ii) administering funds appropriated under the Older Americans Act;

(2) the population of eligible individuals in such State as a percentage of the population of such State; and

(3) in order to ensure the needs of rural areas in such State, the relative costs and special problems associated with addressing the special problems of providing health care information, counseling, and assistance eligible individuals residing in rural areas of such State.

(e) Annual State Report.—A State that receives a grant under this section shall, not later than 180 days after receiving such grant, and annually thereafter during the period of the grant, issue a report to the Secretary that includes information concerning—

- (1) the number of individuals served by the health insurance information, counseling and assistance program of such State;
- (2) an estimate of the amount of funds saved by the State, and by eligible individuals in the State, in the implementation of such program; and
- (3) the problems that eligible individuals in such State encounter in procuring adequate and appropriate health care coverage.

(f) Report to Congress.—Beginning with 1992 and annually thereafter, the Secretary shall issue a report to the Committee on Finance of the Senate, the Special Committee on Aging of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives that—

- (1) summarizes the allocation of funds authorized for grants under this section and the expenditure of such funds;
- (2) outlines the problems that eligible individuals encounter in procuring adequate and appropriate health care coverage;
- (3) makes recommendations that the Secretary determines to be appropriate to address the problems described in paragraph (3); and
- (4) in the case of the report issued 2 years after the date of enactment of this section, evaluates the effectiveness of counseling programs established under this program, and makes recommendations regarding continued authorization of funds for these purposes.

(g) Authorization of Appropriations for Grants.—There are authorized to be appropriated, in equal parts from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund, \$10,000,000 for each of fiscal years 1991, 1992, 1993, 1994, 1995, and 1996 to fund the grant programs described in this section.