

118TH CONGRESS
1ST SESSION

S. 3109

To require the Administrator of the Centers for Medicare & Medicaid Services and the Commissioner of Social Security to review and simplify the processes, procedures, forms, and communications for family caregivers to assist individuals in establishing eligibility for, enrolling in, and maintaining and utilizing coverage and benefits under the Medicare, Medicaid, CHIP, and Social Security programs respectively, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 2023

Mr. MARKEY (for himself, Mrs. CAPITO, Ms. SINEMA, Ms. COLLINS, Mr. CASEY, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require the Administrator of the Centers for Medicare & Medicaid Services and the Commissioner of Social Security to review and simplify the processes, procedures, forms, and communications for family caregivers to assist individuals in establishing eligibility for, enrolling in, and maintaining and utilizing coverage and benefits under the Medicare, Medicaid, CHIP, and Social Security programs respectively, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Alleviating Barriers
3 for Caregivers Act” or the “ABC Act”.

4 **SEC. 2. REVIEW OF MEDICARE, MEDICAID, CHIP, AND SO-**
5 **CIAL SECURITY TO SIMPLIFY PROCESSES.**
6 **PROCEDURES, FORMS, AND COMMUNICA-**
7 **TIONS.**

8 (a) DEFINITIONS.—In this Act:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Centers for
11 Medicare & Medicaid Services.

12 (2) CHIP.—The term “CHIP” means the Chil-
13 dren’s Health Insurance Program established under
14 title XXI of the Social Security Act (42 U.S.C.
15 1397aa et seq.).

16 (3) COMMISSIONER.—The term “Commis-
17 sioner” means the Commissioner of Social Security.

18 (4) COVERED AGENCIES.—The term “covered
19 agencies” means the Centers for Medicare & Med-
20 icaid Services and the Social Security Administra-
21 tion.

22 (5) COVERED OFFICIALS.—The term “covered
23 officials” means the Administrator and Commis-
24 sioner.

1 (6) COVERED PROGRAMS.—The term “covered
2 programs” means Medicare, Medicaid, CHIP, and
3 the Social Security programs.

4 (7) DISABILITY.—The term “disability” has the
5 meaning given such term in section 3 of the Ameri-
6 cans with Disabilities Act of 1990 (42 U.S.C.
7 12102).

8 (8) FAMILY CAREGIVER.—The term “family
9 caregiver” has the meaning given the term in section
10 2 of the RAISE Family Caregivers Act (42 U.S.C.
11 3030s note).

12 (9) MEDICAID.—The term “Medicaid” means
13 the Medicaid program established under title XIX of
14 the Social Security Act (42 U.S.C. 1396 et seq.).

15 (10) MEDICARE.—The term “Medicare” means
16 the Medicare program established under title XVIII
17 of the Social Security Act (42 U.S.C. 1395 et seq.).

18 (11) STATE.—The term “State” means any of
19 the 50 States, the District of Columbia, the Com-
20 monwealth of Puerto Rico, the United States Virgin
21 Islands, Guam, American Samoa, or the Common-
22 wealth of the Northern Mariana Islands.

23 (12) SOCIAL SECURITY PROGRAMS.—The term
24 “Social Security programs” means each of the fol-
25 lowing:

1 (A) The programs for old-age and sur-
2 vivors insurance benefits and disability insur-
3 ance benefits established under title II of the
4 Social Security Act (42 U.S.C. 401 et seq.).

5 (B) The program for supplemental security
6 income benefits established under title XVI of
7 such Act (42 U.S.C. 1381 et seq.).

8 (b) REVIEW OF PROGRAMS.—

9 (1) IN GENERAL.—The Administrator and the
10 Commissioner shall jointly conduct a review of the
11 eligibility determination and application processes,
12 procedures, forms, and communications of Medicare,
13 Medicaid, CHIP, and the Social Security programs,
14 respectively.

15 (2) GOALS OF THE REVIEW.—In conducting the
16 reviews under paragraph (1), the covered officials
17 shall seek ways to—

18 (A) simplify and streamline policies and
19 procedures for determining eligibility for, enroll-
20 ing in, maintaining coverage in, and utilizing
21 the full benefits available under the covered
22 programs;

23 (B) reduce the frequency of family care-
24 givers having to—

- 1 (i) provide the same information to
2 covered agencies more than once;
- 3 (ii) complete—
- 4 (I) multiple documents for each
5 covered agency; or
- 6 (II) documents requesting the
7 same or similar information for mul-
8 tiple covered agencies; or
- 9 (iii) provide information to the cov-
10 ered agencies that—
- 11 (I) the covered agencies already
12 have; or
- 13 (II) the covered agencies can eas-
14 ily receive from other Federal agen-
15 cies; and
- 16 (C) make it easier for family caregivers to
17 work with the covered agencies and the State
18 agencies responsible for administering State
19 Medicaid and CHIP plans by—
- 20 (i) providing information on eligibility
21 for, enrollment in, maintaining coverage in,
22 and utilizing the full benefits available
23 under the covered programs to family care-
24 givers;

1 (ii) improving communications be-
2 tween family caregivers and employees of
3 covered agencies by—

4 (I) decreasing call wait times;

5 (II) ensuring that employees of
6 covered agencies and the State agen-
7 cies responsible for administering
8 State Medicaid and CHIP plans pro-
9 vide timely answers to the questions
10 of family caregivers;

11 (III) improving the websites of
12 the covered programs—

13 (aa) by making it easier for
14 family caregivers to find informa-
15 tion regarding benefit avail-
16 ability, eligibility, and how to
17 maintain coverage; and

18 (bb) by designing such
19 websites to align with the re-
20 quirements of the Americans
21 with Disabilities Act (42 U.S.C.
22 12101 et seq.) regarding web de-
23 sign;

24 (IV) improving the timely access
25 to in-person appointments or meetings

1 between employees of covered agencies
2 and family caregivers;

3 (V) providing translation or in-
4 terpretation services for family care-
5 givers for whom English is not their
6 primary language; and

7 (VI) providing information to
8 family caregivers in accessible for-
9 mats, including formats compatible
10 with American Sign Language and
11 multiple languages;

12 (iii) ensuring that employees of cov-
13 ered agencies and the State agencies re-
14 sponsible for administering State Medicaid
15 and CHIP plans understand how the cov-
16 ered programs can help family caregivers;

17 (iv) improving the relationship be-
18 tween family caregivers and the covered
19 agencies and the State agencies responsible
20 for administering State Medicaid and
21 CHIP plans, which may include regularly
22 meeting with family caregivers, individuals
23 entitled to, receiving services from, or fil-
24 ing for, 1 or more of the covered programs,

1 and other stakeholders of the covered pro-
2 grams;

3 (v) ensuring that employees of covered
4 agencies and the State agencies responsible
5 for administering State Medicaid and
6 CHIP plans who are responsible for resolv-
7 ing disputes, appeals, and grievances with-
8 in the covered programs receive education,
9 training, and guidance on specific issues
10 faced by family caregivers who participate
11 in the covered programs; and

12 (vi) taking other actions the covered
13 officials may identify.

14 (3) INPUT FROM FAMILY CAREGIVERS, ORGANI-
15 ZATIONS, AND STATE ENTITIES.—In conducting the
16 reviews under paragraph (1), the covered officials
17 shall seek input from—

18 (A) family caregivers, including family
19 caregivers with a disability, that have interacted
20 with the covered programs;

21 (B) State, regional, national, and Tribal
22 organizations representing or working with fam-
23 ily caregivers or individuals receiving care from
24 family caregivers; and

25 (C) State Medicaid and CHIP programs.

1 (c) ACTION.—After the reviews under subsection (b)
2 have been completed, the covered officials shall take ac-
3 tions that will simplify and streamline policies and proce-
4 dures that improve customer service for individuals enti-
5 tled to, receiving services from, or filing for, any of the
6 covered programs, and family caregivers.

7 (d) REPORT TO CONGRESS.—

8 (1) IN GENERAL.—No later than 1 year after
9 the date of enactment of this Act, the covered offi-
10 cials shall each submit a report to the Committee on
11 Finance of the Senate, the Committee on Ways and
12 Means of the House of Representatives, and the
13 Committee on Energy and Commerce of the House
14 of Representatives that details the results of the re-
15 spective reviews each covered official conducted
16 under subsection (b).

17 (2) CONTENTS OF THE REPORT.—The reports
18 required under paragraph (1) shall contain—

19 (A) issues that the covered officials identi-
20 fied in the reviews and their findings;

21 (B) the actions that the covered officials
22 are taking to address the issues in subpara-
23 graph (A);

24 (C) an estimate on when the actions in
25 subparagraph (B) will be completed;

1 (D) projected annual costs to implement
2 the actions identified in subparagraph (B); and

3 (E) any recommended change in Federal
4 law to address any issue identified in subpara-
5 graph (A).

6 (3) UPDATED REPORTS.—The covered officials
7 shall each submit a report 1 year after submitting
8 the report required under paragraph (1) providing
9 an update to the contents identified in paragraph
10 (2).

11 (4) PUBLICATION OF THE REPORTS.—The cov-
12 ered officials shall make the reports required under
13 paragraphs (1) and (3) publicly accessible on the
14 websites of covered agencies.

15 (e) REDUCING RED TAPE FOR STATE MEDICAID AND
16 CHIP PROGRAMS.—Not later than 1 year after the date
17 of enactment of this Act, the Administrator shall issue a
18 letter to each State Medicaid and CHIP Director to—

19 (1) encourage State Medicaid agencies to con-
20 duct reviews of State Medicaid programs and State
21 CHIP programs similar to the reviews conducted at
22 the Federal level under subsection (b);

23 (2) provide suggestions, informed by the results
24 of such Federal reviews, for promising practices that
25 States could take to reduce administrative burdens

1 on family caregivers in supporting individuals enti-
2 tled to, receiving service from, or filing for, 1 or
3 more of the covered programs in applying for and
4 receiving assistance under State Medicaid programs
5 and State CHIP programs; and

6 (3) identify best practices to support family
7 caregivers.

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