SENATE DOCKET, NO. FILED ON: 1/7/2009

**SENATE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Montigny, Mark (SEN)**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General  
 Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

Urging Congress to eliminate the two year waiting period for those eligible for SSDI coverage

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Montigny, Mark (SEN) | Second Bristol and Plymouth |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

In the Year Two Thousand and Nine

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**RESOLUTIONS**

WHEREAS, the Medicare program created in 1965 provides health insurance to an estimated44.8 million beneficiaries in 2008; and

WHEREAS, in 1972, Medicare expanded health insurance coverage to people living with significant disabilities; and

WHEREAS, an estimated 7.3 million enrollees under the age of 65 have qualified for Medicare in 2008 because of permanent and severe disability and benefits provide an invaluable safety net for Americans, especially those with multiple sclerosis, spinal cord injury. ALS, Huntington’s Disease, Parkinson’s disease, brain injury, Ataxia, spastic paraplegia, end-stage renal disease and other illnesses or disabilities; and

WHEREAS, federal law mandates a 24 month waiting period from the time a disabled individual first receives SSDI benefits to the time Medicare coverage begins and the SSDI program delays benefits for five months while the person’s disability is determined, effectively creating a 29 month waiting period; and

WHEREAS, (**X TBD)** beneficiaries reside in Massachusetts who are awaiting Medicare coverage; and

WHEREAS, as of April 2007, there were approximately 1.5 million disabled individuals who qualified for SSDI and were awaiting Medicare coverage, many of whom were unemployed because of their disability; consequently, under these conditions, by the time Medicare began, an estimated 77 percent of those individuals would be poor or nearly poor, 45 percent would have incomes below the federal poverty line, and close to 40 percent would be enrolled in state Medicaid programs; and

WHEREAS, It is common that during these 24 months, already sick and vulnerable individuals will lose their health insurance and cannot afford COBRA or other private health insurance plans. Many forgo medical treatments, stop medications and therapy, and further compromise their health. In addition, many individuals accumulate healthcare related debt, and often declare bankruptcy; and

WHEREAS, Studies show death rates among SSDI beneficiaries are highest during the first two years of SSDI enrollment. This relates to the time period SSDI beneficiaries must wait to be enrolled in Medicare; and

WHEREAS, Eliminating the 24-month disability waiting period will provide cost savings to Medicaid programs, because Medicaid often provides coverage for people in the waiting period as long as they meet certain income and asset limits; and

WHEREAS, In April 2007, the Institute of Medicine released *The Future of Disability in America* report that states that Congress should work to reduce or eliminate the 24-month waiting period to help provide a healthier foundation for an already sick group of individuals; and

WHEREAS, Recognizing the consequences of the waiting period to those suffering from amyotrophic lateral sclerosis (ALS), or Lou Gehrig’s disease, the 106th United States Congress passed H.R. 5661 in 2000 and eliminated the requirement for enrollees diagnosed with the disease; in passing H.R. 5661, congress acknowledged the enormous difficulties faced by those diagnosed with severe disabilities and established precedent for the exception to be extended to all the disabled on the Medicare waiting; and

WHEREAS, *The Ending the Medicare Disability Waiting Period Act of 2007* (S. 2102/H.R. 154) was filed during the past 110th congress which included co-sponsors Senator Obama, now President Elect and Senator John Kerry and would phase out over 10 years the Medicare waiting period and similar legislation is to be–refiled for the upcoming 111th session; and

WEREAS, other state legislatures such as Texas in 2007 have passed similar resolutions and other states are will soon be introducing similar resolutions including North Carolina and Georgia; and

WHERAS, Massachusetts is leading the nation in health care reform measures to ensure all citizens have adequate health insurance coverage; and

WHEREAS, to make federal comprehensive health care reform meaningful, Congress must work to include elimination of the Medicare 24 month disability waiting period as part of this reform; so be it

RESOLVED, That the Massachusetts General Court hereby respectfully urges the United States Congress to enact legislation to eliminate the 24-month Medicare waiting period for participants on Social Security Disability Insurance; and, be it further

RESOLVED that the Centers for Medicare and Medicaid Services regional office provide data upon request by the state legislature or any member of Congress as to the number of individuals approved for SSDI awaiting Medicare coverage in Massachusetts

RESOLVED, That the Massachusetts Secretary of State forward official copies of this resolution to the President of the United States, Speaker of the House of Representatives and the President of the Senate of the United States Congress, and all members of the Massachusetts delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.