

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Montigny, Mark (SEN)

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:

Montigny, Mark (SEN)

DISTRICT/ADDRESS:

Second Bristol and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

RESOLUTIONS

1 WHEREAS, the Medicare program created in 1965 provides health insurance to an
2 estimated 44.8 million beneficiaries in 2008; and

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

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

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

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

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21 WHEREAS, as of April 2007, there were approximately 1.5 million disabled
22 individuals who qualified for SSDI and were awaiting Medicare coverage, many of
23 whom were unemployed because of their disability; consequently, under these

24 conditions, by the time Medicare began, an estimated 77 percent of those individuals
25 would be poor or nearly poor, 45 percent would have incomes below the federal
26 poverty line, and close to 40 percent would be enrolled in state Medicaid programs;
27 and

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

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

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

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

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48 WHEREAS, Recognizing the consequences of the waiting period to those suffering
49 from amyotrophic lateral sclerosis (ALS), or Lou Gehrig's disease, the 106th United
50 States Congress passed H.R. 5661 in 2000 and eliminated the requirement for
51 enrollees diagnosed with the disease; in passing H.R. 5661, congress acknowledged
52 the enormous difficulties faced by those diagnosed with severe disabilities and

53 established precedent for the exception to be extended to all the disabled on the
54 Medicare waiting; and

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

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

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

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

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

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

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