116TH CONGRESS
1ST SESSION

H. R. _____

To amend title XVIII of the Social Security Act to improve the benchmarking process for the Medicare Shared Savings Program.

IN THE HOUSE OF REPRESENTATIVES

Mr. ARRINGTON introduced the following bill; which was referred to the Committee on ____________________________

A BILL

To amend title XVIII of the Social Security Act to improve the benchmarking process for the Medicare Shared Savings Program.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. EXCLUSION OF MEDICARE FEE-FOR-SERVICE

BENEFICIARIES ASSIGNED TO AN ACO FROM ASPECTS OF OTHER PAYMENT MODELS IN CERTAIN CIRCUMSTANCES INCLUDING DETERMINATION OF REGIONAL ADJUSTMENTS.

Section 1899(i)(3) of the Social Security Act (42 U.S.C. 1395jjj(i)(3)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”;

and

(2) by adding at the end the following new sub-

paragraph:

“(C) EXCLUSION OF ASSIGNED BENEFICIARIES IN CERTAIN CIRCUMSTANCES INCLUDING DETERMINATION OF REGIONAL ADJUSTMENTS.—For performance periods beginning on or after the date of the enactment of this subparagraph, in determining any shared savings for any ACO under a model described in this paragraph, the Secretary shall—

“(i) remove Medicare fee-for-service beneficiaries who are assigned to that ACO from the methodology for calculating regional expenditures used to establish, update, and adjust the benchmark expenditures; and
“(ii) otherwise ensure that no such ACO is in a less favorable financial position due to differences between the share of Medicare fee-for-service beneficiaries assigned to the ACO of all such beneficiaries in the counties an ACO operates in compared to the share of such beneficiaries assigned to other ACOs.”