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(Original Signature of Member)

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.

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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,*

1 **SECTION 1. EXCLUSION OF MEDICARE FEE-FOR-SERVICE**  
2 **BENEFICIARIES ASSIGNED TO AN ACO FROM**  
3 **ASPECTS OF OTHER PAYMENT MODELS IN**  
4 **CERTAIN CIRCUMSTANCES INCLUDING DE-**  
5 **TERMINATION OF REGIONAL ADJUSTMENTS.**

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

8 (1) in subparagraph (A), by striking “subpara-  
9 graph (B)” and inserting “subparagraphs (B) and  
10 (C)”; and

11 (2) by adding at the end the following new sub-  
12 paragraph:

13 “(C) EXCLUSION OF ASSIGNED BENE-  
14 FICIARIES IN CERTAIN CIRCUMSTANCES IN-  
15 CLUDING DETERMINATION OF REGIONAL AD-  
16 JUSTMENTS.—For performance periods begin-  
17 ning on or after the date of the enactment of  
18 this subparagraph, in determining any shared  
19 savings for any ACO under a model described  
20 in this paragraph, the Secretary shall—

21 “(i) remove Medicare fee-for-service  
22 beneficiaries who are assigned to that ACO  
23 from the methodology for calculating re-  
24 gional expenditures used to establish, up-  
25 date, and adjust the benchmark expendi-  
26 tures; and

1                   “(ii) otherwise ensure that no such  
2                   ACO is in a less favorable financial posi-  
3                   tion due to differences between the share  
4                   of Medicare fee-for-service beneficiaries as-  
5                   signed to the ACO of all such beneficiaries  
6                   in the counties an ACO operates in com-  
7                   pared to the share of such beneficiaries as-  
8                   signed to other ACOs.”