

117TH CONGRESS
1ST SESSION

H. R. 1969

To amend title XVIII of the Social Security Act to address disparity in Medicare Advantage benchmark rates for regions with low Medicare fee-for-service penetration.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2021

Miss GONZÁLEZ-COLÓN introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to address disparity in Medicare Advantage benchmark rates for regions with low Medicare fee-for-service penetration.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Advantage
5 Integrity Act”.

1 **SEC. 2. ADDRESSING DISPARITIES IN MEDICARE ADVAN-**
2 **TAGE BENCHMARK LEVELS BASED ON PENE-**
3 **TRATION.**

4 (a) IN GENERAL.—Section 1853(n) of the Social Se-
5 curity Act (42 U.S.C. 1395w–23(n)) is amended—

6 (1) in paragraph (1)(B), by striking “subse-
7 quent year” and inserting “subsequent year, subject
8 to paragraph (6),”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(6) AVERAGE GEOGRAPHIC ADJUSTMENT
12 FLOOR.—For 2022 and each subsequent year, when
13 calculating the adjusted average per capita cost
14 under section 1876(a)(4) for the purposes of estab-
15 lishing the base payment amount specified in para-
16 graph (2)(E), the average geographic adjustment
17 shall not be less than 0.70 for any area. For pur-
18 poses of the previous sentence, the Secretary may
19 define the term ‘average geographic adjustment’ by
20 program instruction or otherwise.”.

21 (b) ENSURING PLAN PAYMENTS FLOW TO PRO-
22 VIDERS.—Section 1857(e) of the Social Security Act (42
23 U.S.C. 1395w–27(e)) is amended by adding at the end
24 the following new paragraph:

25 “(6) STRENGTHENING SUPPORT TO HEALTH
26 CARE PROVIDERS.—A contract under this section

1 with an MA organization shall require that, with re-
2 spect to any increase in blended benchmark amount
3 attributable to section 1853(n)(6), the plan shall
4 provide that no less than 50 percent of such increase
5 is directed toward provider compensation.”.

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