

**Suspend the Rules and Pass the Bill, H. R. 2507, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

114TH CONGRESS
1ST SESSION

H. R. 2507

To amend title XVIII of the Social Security Act to establish an annual rulemaking schedule for payment rates under Medicare Advantage.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2015

Mr. BRADY of Texas (for himself, Mr. PITTS, and Mr. THOMPSON of California) 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 establish an annual rulemaking schedule for payment rates under Medicare Advantage.

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 “Increasing Regulatory
5 Fairness Act of 2015”.

1 **SEC. 2. ESTABLISHING AN ANNUAL RULEMAKING SCHED-**
2 **ULE FOR PAYMENT RATES UNDER MEDICARE**
3 **ADVANTAGE.**

4 Section 1853(b) of the Social Security Act (42 U.S.C.
5 1395w-23(b)) is amended—

6 (1) in the subsection heading, by inserting “,
7 ANNUAL RULEMAKING SCHEDULE FOR PAYMENT
8 RATES FOR 2017 AND SUBSEQUENT YEARS” after
9 “RATES”;

10 (2) in paragraph (1)—

11 (A) in subparagraph (B)—

12 (i) in the subparagraph heading, by
13 inserting “BEFORE 2017” after “YEARS”;

14 and

15 (ii) in the matter preceding clause (i),
16 by inserting “and before 2017” after
17 “2005”; and

18 (B) by adding at the end the following new
19 subparagraph:

20 “(C) ANNUAL RULEMAKING SCHEDULE
21 FOR PAYMENT RATES FOR 2017 AND SUBSE-
22 QUENT YEARS.—For 2017 and each subsequent
23 year, before April 1 of the preceding year, the
24 Secretary shall, by regulation and in accordance
25 with the notice and public comment periods re-

1 required under paragraph (2) for such a year, an-
2 nually determine and announce the following:

3 “(i) The annual MA capitation rate
4 for each MA payment area for such year.

5 “(ii) The risk and other factors to be
6 used in adjusting such rates under sub-
7 section (a)(1)(A) for payments for months
8 in such year.

9 “(iii) With respect to each MA region
10 and each MA regional plan for which a bid
11 was submitted under section 1854, the MA
12 region-specific non-drug monthly bench-
13 mark amount for that region for the year
14 involved.

15 “(iv) The major policy changes to the
16 risk adjustment model, and the 5-star rat-
17 ing system established under subsection
18 (o), that are determined to have an eco-
19 nomic impact.”; and

20 (3) in paragraph (2)—

21 (A) by inserting “(or, for 2017 and each
22 subsequent year, at least 60 days)” after “45
23 days”; and

1 (B) by inserting “(for 2017 and each sub-
2 sequent year, of no less than 30 days)” after
3 “opportunity”.