

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To amend title XVIII of the Social Security Act to provide for multi-stakeholder input on removal of quality and efficiency measures, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MOORE of Utah (for himself and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on

A BILL

To amend title XVIII of the Social Security Act to provide for multi-stakeholder input on removal of quality and efficiency measures, and for other purposes.

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 “Fewer Burdens for
5 Better Care Act of 2023”.

1 **SEC. 2. PROVIDING FOR MULTI-STAKEHOLDER INPUT ON**
2 **REMOVAL OF QUALITY AND EFFICIENCY**
3 **MEASURES.**

4 (a) IN GENERAL.—Section 1890A of the Social Secu-
5 rity Act (42 U.S.C. 1395aaa–1) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) by striking “section 1890(b)(7)”
9 and inserting “paragraph (7) of section
10 1890(b)”;

11 (ii) by inserting “, taking into ac-
12 count, beginning with 2024, any input re-
13 ceived during the public comment period
14 described in paragraph (2),” after “the
15 Secretary”; and

16 (iii) by inserting “which, at the option
17 of such entity and such groups, may in-
18 clude input on such quality and efficiency
19 measures that could be considered for re-
20 moval” before the period at the end;

21 (B) in paragraph (2)—

22 (i) by striking “(beginning with
23 2011)” and inserting “(or, beginning with
24 2024, not later than November 1 of such
25 year)”;

1 (ii) by inserting “(including, beginning
2 with 2024, for removal)” after “is consid-
3 ering”; and

4 (iii) by adding at the end the fol-
5 lowing new sentence: “The entity with a
6 contract under section 1890 shall, for
7 2024 and each subsequent year, beginning
8 on the date such list is published during
9 such year, provide a public comment period
10 of not less than 30 days for stakeholders
11 (such as physician societies, specialty phy-
12 sician societies, and other relevant entities)
13 to provide input on such list.”;

14 (C) in paragraph (4)—

15 (i) in the heading, by inserting “AND
16 ENTITY” after “MULTI-STAKEHOLDER”;

17 (ii) by inserting “and removing” after
18 “in selecting”; and

19 (iii) by inserting “and any input pro-
20 vided pursuant to paragraph (4) of sub-
21 section (b) of section 1890 by the entity
22 with a contract under such section on qual-
23 ity and efficiency measures described in
24 paragraph (7)(B) of such subsection that
25 could be considered for removal”; and

1 (D) in paragraph (5), by inserting “and
2 the rationale for not removing any quality or ef-
3 ficiency measure described in section
4 1890(b)(7)(B) that was recommended for re-
5 moval pursuant to paragraph (1) or section
6 1890(b)(4)” before the period at the end; and
7 (2) in subsection (c), by adding at the end the
8 following new paragraph:

9 “(3) CLARIFICATION.—The Secretary may re-
10 move or otherwise phase out a quality and efficiency
11 measure described in section 1890(b)(7)(B) without
12 going through the pre-rulemaking process described
13 in subsection (a) if the Secretary provides to the en-
14 tity with a contract under section 1890—

15 “(A) a rationale for removing such meas-
16 ure; and

17 “(B) a rationale for the need to remove
18 such measure quickly without going through
19 such process.”.

20 (b) REPORTING REQUIREMENT.—Section
21 1890(b)(5)(A) of the Social Security Act (42 U.S.C.
22 1395aaa(b)(5)(A)) is amended by adding at the end the
23 following new clause:

24 “(iv) In the case of such a report sub-
25 mitted on or after the date of the enact-

1 ment of this clause, a description of how
2 funds made available pursuant to sub-
3 section (d) were used by the entity to de-
4 velop quality measures for use under this
5 Act and review quality measures being
6 used under this Act.”.

7 (c) CONFORMING AMENDMENTS.—Section
8 1890(b)(7) of the Social Security (42 U.S.C.
9 1395aaa(b)(7)) is amended—

10 (1) in subparagraph (A)—

11 (A) in clause (i), at the end, by striking
12 “and”;

13 (B) by redesignating clause (ii) as clause
14 (iii); and

15 (C) by inserting after clause (i) the fol-
16 lowing new clause:

17 “‘(ii) quality and efficiency measures
18 described in subparagraph (B) that could
19 be considered for removal; and”;

20 (2) in subparagraph (C)(i), by inserting “or re-
21 moval” after “selection”.