AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2328
OFFERED BY M. __________

Amend the paragraph (2) proposed by section 402(a)(3) of the bill to be inserted in section 2719A(b) of the Public Health Service Act to read as follows:

“(2) Audit process for median contracted rates.—

“(A) In general.—Not later than July 1, 2020, the Secretary, in consultation with appropriate State agencies, shall establish through rulemaking a process, in accordance with subparagraph (B), under which health plans are audited by such Secretaries to ensure that—

“(i) such plans are in compliance with the requirement of applying a median contracted rate under this section; and

“(ii) that such median contracted rate so applied satisfies the definition under paragraph (3)(E) with respect to the year involved, including with respect to a health plan described in clause (ii) of such paragraph.
“(B) Audit samples.—Under the process established pursuant to subparagraph (A), the Secretary—

“(i) shall conduct audits described in such subparagraph, with respect to a year (beginning with 2021), of a sample with respect to such year of claims data from not more than 25 health plans; and

“(ii) may audit any health plan if the Secretary has received any complaint about such plan that involves the compliance of the plan with either of the requirements described in clauses (i) and (ii) of such subparagraph.”.