

**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:

1 “(2) AUDIT PROCESS FOR MEDIAN CON-
2 TRACTED RATES.—

3 “(A) IN GENERAL.—Not later than July 1,
4 2020, the Secretary, in consultation with appro-
5 priate State agencies, shall establish through
6 rulemaking a process, in accordance with sub-
7 paragraph (B), under which health plans are
8 audited by such Secretaries to ensure that—

9 “(i) such plans are in compliance with
10 the requirement of applying a median con-
11 tracted rate under this section; and

12 “(ii) that such median contracted rate
13 so applied satisfies the definition under
14 paragraph (3)(E) with respect to the year
15 involved, including with respect to a health
16 plan described in clause (ii) of such para-
17 graph.

1 “(B) AUDIT SAMPLES.—Under the process
2 established pursuant to subparagraph (A), the
3 Secretary—

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

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

