

118TH CONGRESS
1ST SESSION

H. R. 5380

To amend title XVIII of the Social Security Act to increase data transparency for supplemental benefits under Medicare Advantage.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2023

Mr. SARBANES 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 increase data transparency for supplemental benefits 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. INCREASING DATA TRANSPARENCY FOR SUP-**
4 **PLEMENTAL BENEFITS UNDER MEDICARE**
5 **ADVANTAGE.**

6 (a) IN GENERAL.—Section 1857(e) of the Social Se-
7 curity Act (42 U.S.C. 1395w–27(e)) is amended by adding
8 at the end the following new paragraph:

1 “(6) REPORTING OF ENROLLEE-LEVEL DATA
2 ON SUPPLEMENTAL BENEFITS.—

3 “(A) IN GENERAL.—Beginning with plan
4 years beginning on or after January 1, 2027, a
5 contract under this section with an MA organi-
6 zation shall require the organization to submit
7 to the Secretary, for each MA plan offered by
8 the organization, enrollee-level data on supple-
9 mental benefits (by item or service, or category
10 of item or service, as determined appropriate by
11 the Secretary, and national provider identifier),
12 including eligibility for such benefits, the types
13 of benefit categories offered, data on utilization
14 of and payments for such benefits (including
15 the total amount spent by the plan for each en-
16 rollee who utilized such benefits and the total
17 out-of-pocket cost per utilization for each en-
18 rollee).

19 “(B) DATA ACCESS.—

20 “(i) IN GENERAL.—On the first Mon-
21 day in October of each year (beginning
22 with 2028), the Secretary shall make data
23 submitted under subparagraph (A) avail-
24 able to individuals and entities for the pur-
25 pose of conducting—

1 “(I) evaluations and other anal-
2 ysis to support the program under
3 this title; and

4 “(II) other health care related re-
5 search.

6 “(ii) PUBLIC USE DATA FILE.—Not
7 later than October 1 of each year (begin-
8 ning with 2028), the Secretary shall make
9 a public use data file containing the data
10 submitted under subparagraph (A) avail-
11 able on the internet website of the Centers
12 for Medicare & Medicaid Services.

13 “(iii) CONFIDENTIALITY.—In making
14 data available under this subparagraph,
15 the Secretary shall have in place proce-
16 dures to safeguard the privacy of any indi-
17 vidualy identifiable enrollee information.”.

18 (b) RULE OF CONSTRUCTION.—Nothing in the
19 amendments made by this section shall affect the collec-
20 tion of information as proposed pursuant to the notice en-
21 titled “Agency Information Collection Activities: Proposed
22 Collection; Comment Request”, published in the Federal
23 Register on March 14, 2023 (88 Fed. Reg. 15726).

○