

117TH CONGRESS
2D SESSION

S. 5249

To amend title XVIII of the Social Security Act to encourage participation in advanced payment models.

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2022

Mr. BARRASSO (for himself and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to encourage participation in advanced payment models.

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 “Preserving Patient Ac-
5 cess to Value-Based Care Act”.

6 **SEC. 2. ADVANCED PAYMENT MODEL INCENTIVE, PARTICI-**
7 **PATION, AND THRESHOLD MODIFICATIONS.**

8 (a) IN GENERAL.—Section 1833(z) of the Social Se-
9 curity Act (42 U.S.C. 1395l(z)) is amended—

1 (1) in paragraph (1)(A), by striking “2024”
 2 and inserting “2026”; and

3 (2) in paragraph (2)(C)—

4 (A) in clause (i), by striking “75 percent”
 5 and inserting “the applicable percent (as de-
 6 fined in clause (iv)) for such year”;

7 (B) in clause (ii)(I)—

8 (i) in the matter preceding item (aa),
 9 by striking “75 percent” and inserting
 10 “the applicable percent (as defined in
 11 clause (iv)) for such year”; and

12 (ii) in item (bb)—

13 (I) by striking “and other than
 14 payments made under title XIX” and
 15 inserting “other than payments made
 16 under title XIX”; and

17 (II) by striking “State program
 18 under that title),” and inserting
 19 “State program under that title, and
 20 other than payments made by payers
 21 in which no payment or program
 22 meeting the requirements described in
 23 clause (iii)(II) is available from the
 24 payer for participation by the eligible
 25 professional)”; and

1 (C) by adding at the end the following new
 2 clause:

3 “(iv) APPLICABLE PERCENT DE-
 4 FINED.—For purposes of clauses (i) and
 5 (ii), the term ‘applicable percent’ means—

6 “(I) for 2025, a percent specified
 7 by the Secretary, but in no case less
 8 than 50 percent or more than 55 per-
 9 cent; and

10 “(II) for a subsequent year, a
 11 percent specified by the Secretary, but
 12 in no case less than the percent speci-
 13 fied under this clause for the pre-
 14 ceding year or more than 5 percent-
 15 age points higher than the percent
 16 specified under this clause for such
 17 preceding year.”.

18 (b) PARTIAL QUALIFYING APM PARTICIPANT MODI-
 19 FICATIONS.—Section 1848(q)(1)(C)(iii)(III) of the Social
 20 Security Act (42 U.S.C. 1395w-4(q)(1)(C)(iii)(III)) is
 21 amended—

22 (1) in item (aa), by striking “75 percent was
 23 instead a reference to 50 percent” and inserting
 24 “the applicable percent was instead a reference to

1 10 percentage points less than the applicable per-
2 cent”; and

3 (2) in item (bb)—

4 (A) by striking “75 percent” and inserting
5 “the applicable percent”;

6 (B) by striking “50 percent” and inserting
7 “10 percentage points less than the applicable
8 percent”.

○