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118TH CONGRESS
1ST SESSION

H. R. 4411

To amend title XVIII of the Social Security Act to establish a floor in Medicare Advantage benchmark rates for regions with low Medicare fee-for-service penetration.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2023

Mrs. GONZÁLEZ-COLÓN (for herself, Mr. SOTO, and Ms. SALAZAR) 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

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A BILL

To amend title XVIII of the Social Security Act to establish a floor in Medicare Advantage benchmark rates for regions with low Medicare fee-for-service penetration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Advantage Integrity Act of 2023''.

SEC. 2. ADDRESSING DISPARITIES IN MEDICARE ADVANTAGE BENCHMARK LEVELS BASED ON PENETRATION.

(a) IN GENERAL.—Section 1853(n) of the Social Security Act (42 U.S.C. 1395w–23(n)) is amended—

(1) in paragraph (1)(B), by striking ''subsequent year'' and inserting ''subsequent year, subject to paragraph (6),''; and

(2) by adding at the end the following new paragraph:

''(6) AVERAGE GEOGRAPHIC ADJUSTMENT FLOOR.—For 2024 and subsequent years, when calculating the adjusted average per capita cost under section 1876(a)(4) for the purposes of establishing the base payment amount specified in paragraph (2)(E), the average geographic adjustment shall not be less than 0.70 for any area. For the purposes of the previous sentence, the Secretary may define the term 'average geographic adjustment' under subparagraph (A) by program instruction or otherwise.''.

(b) ENSURING PLAN PAYMENTS FLOW TO PROVIDERS AND PATIENTS.—Section 1854(a)(6) of the Social Security Act (42 U.S.C. 1395w–24(a)(6)) is amended by adding at the end the following new subparagraph:

"(C) ENSURING INCREASED PAYMENTS SUPPORT CARE.—With respect to the increase in blended benchmark amount attributable to the application of section 1853(n)(6), no less than 50 percent shall be directed toward payment for basic benefits as defined in section 1852(a)(1)(B).".

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