

118TH CONGRESS
2D SESSION

H. R. 8561

To amend title XVIII of the Social Security Act to address significant under projection of MA local area growth due to wage index reclassification.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2024

Ms. TENNEY (for herself, Mr. TONKO, Ms. STEFANIK, Mr. WILLIAMS of New York, Mr. MORELLE, Mr. LANGWORTHY, and Mr. MOLINARO) 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 address significant under projection of MA local area growth due to wage index reclassification.

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. ADDRESSING SIGNIFICANT UNDER PROJEC-**
4 **TION OF MA LOCAL AREA GROWTH DUE TO**
5 **WAGE INDEX RECLASSIFICATION.**

6 (a) LOCAL ADJUSTMENT METHOD AND APPLICA-
7 BILITY.—Section 1853(c)(6) of the Social Security Act

1 (42 U.S.C. 1395w-23(c)(6)) is amended at the end by
2 adding the following new subparagraph:

3 “(D) FURTHER ADJUSTMENT FOR SIGNIFI-
4 CANT UNDER PROJECTION OF LOCAL AREA
5 GROWTH.—Beginning with rates calculated for
6 2025 when computing rates for purposes of cal-
7 culating benchmark amounts for an applicable
8 plan, the Secretary shall adjust the growth per-
9 centage under subparagraph (A) to reflect the
10 rate of growth in the MA local area, including
11 making adjustments to growth estimates for
12 previous years back no further than 2024. For
13 purposes of this subparagraph, an applicable
14 plan is an MA local plan in a service area where
15 the area wage index under section
16 1886(d)(3)(E) increased by more than 20 per-
17 cent in a prior year on average across the serv-
18 ice area of the plan. Upon request from an ap-
19 plicable plan, the Secretary shall issue the ad-
20 justment for that year for the MA local plan as
21 soon as practicable.”.

22 (b) ADJUSTING THE BENCHMARK CAP.—Section
23 1853(k)(1) of the Social Security Act (42 U.S.C. 1395w-
24 23(k)(1)) is amended—

1 (1) in subparagraph (B)(i), by striking “adjust-
 2 ment under subparagraph (C) of such subsection for
 3 a year before 2004” and inserting “adjustments
 4 under subparagraphs (C) or (D) of such subsection
 5 for a year before 2004 or 2024, respectively”; and

6 (2) in subparagraph (B)(ii) add the following
 7 new subparagraph:

8 “(III) for an applicable plan
 9 under subsection (c)(6)(D), the
 10 amount specified in subsection
 11 (c)(1)(D) adjusted by the growth per-
 12 centage determined under subsection
 13 (c)(6)(D)”.

14 (c) ADJUSTING THE BASE PAYMENT AMOUNT.—Sec-
 15 tion 1853(n)(2)(E) of the Social Security Act (42 U.S.C.
 16 1395w–23(n)(2)(E)) is amended—

17 (1) in clause (i)(I), by striking “adjustment
 18 under subparagraph (C) of such subsection for a
 19 year before 2004” and inserting “adjustments under
 20 subparagraphs (C) or (D) of such subsection for a
 21 year before 2004 or 2024, respectively”; and

22 (2) in clause (i)(II), by inserting “, or, for an
 23 applicable plan under subsection (c)(6)(D), the
 24 amount specified in subsection (c)(1)(D) adjusted by

1 the growth percentage determined under subsection
2 (c)(6)(D)” before the period at the end.

3 (d) IMMEDIATE IMPLEMENTATION TO ADDRESS
4 CURRENT UNDER PROJECTION OF LOCAL AREA
5 GROWTH.—Notwithstanding section 1853(b) of the Social
6 Security Act and any other provision of law that would
7 otherwise require prior notice, the Secretary shall take im-
8 mediate action to adopt or amend calendar year 2025
9 Medicare Advantage Capitation Rates in accordance with
10 the provisions of this section and to make any other meth-
11 odological changes or take other actions necessary and ap-
12 propriate to assure appropriate rate adjustments for MA
13 local plans affected by significant under projection of local
14 area growth as described in section 1853(c)(6)(D) of the
15 Social Security Act made effective herewith, provided that
16 if otherwise required notice of such actions shall be pub-
17 lished in the federal register as soon as possible and in
18 any case within 30 days of such actions.

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