

114TH CONGRESS  
1ST SESSION

# H. R. 2507

---

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2015

Received; read twice and referred to the Committee on Finance

---

## AN ACT

To amend title XVIII of the Social Security Act to establish an annual rulemaking schedule for payment rates 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Increasing Regulatory  
3 Fairness Act of 2015”.

4 **SEC. 2. ESTABLISHING AN ANNUAL RULEMAKING SCHED-**  
5 **ULE FOR PAYMENT RATES UNDER MEDICARE**  
6 **ADVANTAGE.**

7 Section 1853(b) of the Social Security Act (42 U.S.C.  
8 1395w–23(b)) is amended—

9 (1) in the subsection heading, by inserting “,  
10 ANNUAL RULEMAKING SCHEDULE FOR PAYMENT  
11 RATES FOR 2017 AND SUBSEQUENT YEARS” after  
12 “RATES”;

13 (2) in paragraph (1)—

14 (A) in subparagraph (B)—

15 (i) in the subparagraph heading, by  
16 inserting “BEFORE 2017” after “YEARS”;  
17 and

18 (ii) in the matter preceding clause (i),  
19 by inserting “and before 2017” after  
20 “2005”; and

21 (B) by adding at the end the following new  
22 subparagraph:

23 “(C) ANNUAL RULEMAKING SCHEDULE  
24 FOR PAYMENT RATES FOR 2017 AND SUBSE-  
25 QUENT YEARS.—For 2017 and each subsequent  
26 year, before April 1 of the preceding year, the

1 Secretary shall, by regulation and in accordance  
2 with the notice and public comment periods re-  
3 quired under paragraph (2) for such a year, an-  
4 nually determine and announce the following:

5 “(i) The annual MA capitation rate  
6 for each MA payment area for such year.

7 “(ii) The risk and other factors to be  
8 used in adjusting such rates under sub-  
9 section (a)(1)(A) for payments for months  
10 in such year.

11 “(iii) With respect to each MA region  
12 and each MA regional plan for which a bid  
13 was submitted under section 1854, the MA  
14 region-specific non-drug monthly bench-  
15 mark amount for that region for the year  
16 involved.

17 “(iv) The major policy changes to the  
18 risk adjustment model, and the 5-star rat-  
19 ing system established under subsection  
20 (o), that are determined to have an eco-  
21 nomic impact.”; and

22 (3) in paragraph (2)—

23 (A) by inserting “(or, for 2017 and each  
24 subsequent year, at least 60 days)” after “45  
25 days”; and

1                    (B) by inserting “(for 2017 and each sub-  
2                    sequent year, of no less than 30 days)” after  
3                    “opportunity”.

Passed the House of Representatives June 17, 2015.

Attest:                                      KAREN L. HAAS,  
*Clerk.*