

112TH CONGRESS  
2D SESSION

# H. R. 4254

To amend title XVIII of the Social Security Act to enhance Medicare Advantage program integrity.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2012

Mr. STARK 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 enhance Medicare Advantage program integrity.

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 “Medicare Advantage  
5       Program Integrity Act of 2012”.

1 **SEC. 2. MEDICARE ADVANTAGE CODING INTENSITY AD-**  
 2 **JUSTMENT.**

3 Section 1853(a)(1)(C)(ii)(III) of the Social Security  
 4 Act (42 U.S.C. 1395w–23(a)(1)(C)(ii)(III)) is amended to  
 5 read as follows:

6 “(III) In calculating each year’s ad-  
 7 justment, the adjustment factor shall be  
 8 for 2014, not less than the adjustment fac-  
 9 tor applied for 2010, plus 1.3 percentage  
 10 points; for each of years 2015 through  
 11 2018, not less than the adjustment factor  
 12 applied for the previous year, plus 0.6 per-  
 13 centage point; and for 2019 and each sub-  
 14 sequent year, not less than 7.1 percent.”.

15 **SEC. 3. IMPLEMENTATION OF OFFICE OF INSPECTOR GEN-**  
 16 **ERAL RECOMMENDATION TO DELAY CERTAIN**  
 17 **MEDICARE PLAN PREPAYMENTS.**

18 (a) **MEDICARE ADVANTAGE PAYMENTS.**—Section  
 19 1853(a)(1) of the Social Security Act (42 U.S.C. 1395w–  
 20 23(a)(1)) is amended—

21 (1) in subparagraph (A), in the matter pre-  
 22 ceding clause (i)—

23 (A) by striking “subsections (e), (g), (i),  
 24 and (l)” and inserting “subparagraph (I), sub-  
 25 sections (e), (g), (i), and (l),”; and

1 (B) by inserting “(or, for months begin-  
 2 ning with January 2013, on the date specified  
 3 in subparagraph (I))” after “in advance”; and  
 4 (2) by adding at the end the following new sub-  
 5 paragraph:

6 “(I) TIMING OF PAYMENTS.—

7 “(i) IN GENERAL.—With respect to  
 8 monthly payments under this section for  
 9 months beginning with January 2013, sub-  
 10 ject to clause (ii), the date specified in this  
 11 subparagraph with respect to a payment  
 12 for—

13 “(I) January is January 2nd;

14 “(II) February is February 15th;

15 “(III) March is March 30th; and

16 “(IV) April or any succeeding  
 17 month in a year is the 15th day of the  
 18 2nd succeeding month.

19 “(ii) HOLIDAYS, WEEKENDS, ETC.—If  
 20 the date otherwise specified in clause (i) is  
 21 a holiday or weekend, the date specified in  
 22 this subparagraph shall be the first week-  
 23 day before such date.”.

24 (b) APPLICATION UNDER PART D.—Section 1860D–  
 25 15(d)(1) of the Social Security Act (42 U.S.C. 1395w–

1 115(d)(1)) is amended by inserting “and shall be made  
2 consistent with the timing of monthly payments to MA  
3 organizations under section 1853(a)(1)(I)” after “as the  
4 Secretary determines”.

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