

115TH CONGRESS
2D SESSION

H. R. 7253

To amend title XVIII of the Social Security Act to minimize costs and burdens under the Medicare program by providing for consideration of the removal of certain measures applicable to inpatient hospitals and post-acute care inpatient providers and providing for meaningful measures.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2018

Mr. SMITH of Missouri 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 minimize costs and burdens under the Medicare program by providing for consideration of the removal of certain measures applicable to inpatient hospitals and post-acute care inpatient providers and providing for meaningful measures.

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 “Remove Extraneous
3 Measures that Obstruct Value and Efficiency Act” or the
4 “REMOVE Act”.

5 **SEC. 2. REMOVAL OF CERTAIN QUALITY MEASURES APPLI-**
6 **CABLE TO INPATIENT HOSPITALS AND POST-**
7 **ACUTE CARE PROVIDERS INPATIENT PRO-**
8 **VIDERS; PROVIDING FOR MEANINGFUL**
9 **MEASURES.**

10 (a) REMOVAL FOR INPATIENT HOSPITALS.—

11 (1) IN GENERAL.—Section 1886(b)(3)(B)(viii)
12 of the Social Security Act (42 U.S.C.
13 1395ww(b)(3)(B)(viii)) is amended by adding at the
14 end the following new subclause:

15 “(XII) For purposes of this clause, in con-
16 sidering the removal of a quality measure, the
17 Secretary shall base such consideration on fac-
18 tors such as the following:

19 “(aa) Measure performance is so high
20 and unvarying that meaningful distinctions
21 in improvements in performance can no
22 longer be made.

23 “(bb) Performance or improvement on
24 such measure does not result in better pa-
25 tient outcomes.

1 “(cc) Such measure does not align
2 with clinical guidelines or practice.

3 “(dd) Another measure is available
4 that, with respect to a particular topic, is
5 more broadly applicable (across settings,
6 populations, or conditions) than the meas-
7 ure that is being considered for removal
8 for the particular topic.

9 “(ee) Another measure is available
10 that, with respect to a particular topic, is
11 more proximal in time to desired patient
12 outcomes than the measure that is being
13 considered for removal for the particular
14 topic.

15 “(ff) Another measure is available
16 that, with respect to a particular topic, is
17 more strongly associated with desired pa-
18 tient outcomes than the measure that is
19 being considered for removal for the par-
20 ticular topic.

21 “(gg) Collection or public reporting of
22 the measure leads to negative unintended
23 consequences.

24 “(hh) The costs (including costs asso-
25 ciated with administrative burden to pro-

1 viders of services and suppliers) associated
 2 with the measure outweigh the benefit of
 3 the continued use of the measure.

4 “(ii) Such other factors determined
 5 appropriate by the Secretary.”.

6 (2) VALUE-BASED PURCHASING PROGRAM.—
 7 Section 1886(o)(2)(D) of the Social Security Act (42
 8 U.S.C. 1395ww(o)(2)(D)) is amended—

9 (A) in the heading, by inserting “AND RE-
 10 MOVAL OF” after “REPLACING”;

11 (B) by striking “Subclause (VI)” and in-
 12 serting “Subclauses (VI) and (XII)”;

13 (C) by striking “such subclause applies”
 14 and inserting “such subclauses apply”.

15 (b) REMOVAL FOR POST-ACUTE CARE PROVIDERS.—
 16 Section 1899B(h) of the Social Security Act (42 U.S.C.
 17 1395lll(h)) is amended by adding at the end the following
 18 new paragraph:

19 “(3) MEASURE REMOVAL FACTORS.—

20 “(A) IN GENERAL.—In carrying out para-
 21 graph (1) and the provisions specified in sub-
 22 paragraph (B), for purposes of evaluating qual-
 23 ity measures described in such paragraph or
 24 such subparagraph, respectively, the Secretary
 25 shall consider removal of such a measure based

on factors such as those described in section 1886(b)(3)(B)(viii)(XII).

“(B) REPORTING PROVISIONS AND MEASURES DESCRIBED.—For purposes of subparagraph (A), the provisions and measures described in this subparagraph are the following:

“(i) In the case of inpatient rehabilitation facilities, section 1886(j)(7) and the measures described in such section.

“(ii) In the case of long-term care hospitals, section 1886(m)(5) and the measures described in such section.

“(iii) In the case of skilled nursing facilities, section 1888(e)(6) and the measures described in such section.

“(iv) In the case of home health agencies, section 1895(b)(3)(B)(v) and the measures described in such section.”.

(c) PROVIDING FOR MEANINGFUL MEASURES.—Section 1890A(a) of the Social Security Act (42 U.S.C. 1395aaa–1(a)) is amended by adding at the end the following new paragraph:

“(7) MEANINGFUL MEASURES.—In selecting and updating quality measures for use under this title, the Secretary shall, as practicable, consider the

1 extent to which such measures satisfy the following
2 factors:

3 “(A) The measures are patient-centered
4 and meaningful to patients, clinicians, and pro-
5 viders.

6 “(B) The measures address high-impact
7 measure areas that safeguard public health.

8 “(C) The measures are outcome-based
9 where possible.

10 “(D) The measures minimize the level of
11 burden for providers.

12 “(E) The measures create significant op-
13 portunity for improvement;

14 “(F) The measures align across programs
15 and with other payors.

16 “(G) The measures satisfy any other factor
17 specified by the Secretary.”.

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