

119TH CONGRESS
1ST SESSION

H. R. 6109

To amend title XVIII of the Social Security Act to establish certain requirements with respect to rates of reversed prior authorization coverage determinations under Medicare Advantage plans.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2025

Mr. POCAN (for himself, Mr. CARSON, Mr. COHEN, Ms. DELAURO, Mr. DOGGETT, Ms. JAYAPAL, Mr. KHANNA, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. SCHAKOWSKY, Mr. TAKANO, Mr. THANEDAR, Ms. TLAIB, Ms. JOHNSON of Texas, Ms. MCBRIDE, and Ms. OMAR) 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 establish certain requirements with respect to rates of reversed prior authorization coverage determinations under Medicare Advantage plans.

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. ESTABLISHING REQUIREMENTS WITH RESPECT**
2 **TO RATES OF REVERSED PRIOR AUTHORIZA-**
3 **TION COVERAGE DETERMINATIONS UNDER**
4 **MEDICARE ADVANTAGE PLANS.**

5 Section 1857 of the Social Security Act (42 U.S.C.
6 1395w–27) is amended—

7 (1) in subsection (e), by adding at the end the
8 following new paragraph:

9 “(6) REQUIREMENT ON RATES OF REVERSED
10 PRIOR AUTHORIZATION COVERAGE DETERMINA-
11 TIONS.—

12 “(A) IN GENERAL.—In the case of a Medi-
13 care Advantage plan that imposes any prior au-
14 thorization requirement with respect to items or
15 services furnished during a plan year beginning
16 on or after the date that is 1 year after the
17 date of the enactment of this paragraph, if the
18 Secretary determines that such plan exceeds the
19 allowable rate of reversed prior authorization
20 coverage determinations under subparagraph
21 (B) with respect to such plan year, the Sec-
22 retary shall terminate the contract with respect
23 to the offering of such plan under this section.

24 “(B) ALLOWABLE RATE OF REVERSED
25 PRIOR AUTHORIZATION COVERAGE DETERMINA-
26 TIONS.—For purposes of subparagraph (A), a

1 Medicare Advantage plan exceeds the allowable
2 rate of reversed prior authorization coverage de-
3 terminations under this subparagraph with re-
4 spect to a plan year if—

5 “(i) greater than 25 percent of prior
6 authorization coverage determinations
7 made during such plan year initially deny
8 coverage and are later—

9 “(I) reconsidered and reversed
10 pursuant to section 1852(g)(2); or

11 “(II) appealed and reversed pur-
12 suant to section 1852(g)(5); or

13 “(ii) the Secretary determines that—

14 “(I) significantly fewer prior au-
15 thorization coverage determinations
16 made during such plan year that are
17 reconsidered pursuant to section
18 1852(g)(2) are reversed, as compared
19 to the number of such determinations
20 made during the previous plan year
21 that are so reconsidered and reversed;
22 and

23 “(II) the reduction in the number
24 of reconsidered and reversed prior au-
25 thorization coverage determinations

1 described in subclause (I) occurred be-
2 cause the Medicare Advantage organi-
3 zation that offers such plan failed to
4 appropriately reconsider prior author-
5 ization coverage determinations made
6 during such plan year pursuant to
7 section 1852(g)(2).

8 “(C) PRIOR AUTHORIZATION COVERAGE
9 DETERMINATION DEFINED.—In this paragraph,
10 the term ‘prior authorization coverage deter-
11 mination’ means, with respect to a Medicare
12 Advantage plan, a coverage determination made
13 under section 1852(g) regarding whether an in-
14 dividual enrolled in such plan is entitled to re-
15 ceive an item or service under the prior author-
16 ization requirement imposed under such plan
17 with respect to such item or service.”; and

18 (2) in subsection (h)(1)(A), by inserting “except
19 in the case of a termination of a contract due to fail-
20 ure to meet the requirement under subsection
21 (e)(6),” before “the Secretary”.

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