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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to establish an annual rulemaking schedule for payment rates under Medicare Advantage.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BRADY of Texas (for himself, Mr. PITTS, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Increasing Regulatory  
5 Fairness Act of 2015”.

1 **SEC. 2. ESTABLISHING AN ANNUAL RULEMAKING SCHED-**  
2 **ULE FOR PAYMENT RATES UNDER MEDICARE**  
3 **ADVANTAGE.**

4 Section 1853(b) of the Social Security Act (42 U.S.C.  
5 1395w-23(b)) is amended—

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

10 (2) in paragraph (1)—

11 (A) in subparagraph (B)—

12 (i) in the subparagraph heading, by  
13 inserting “BEFORE 2017” after “YEARS”;

14 and

15 (ii) in the matter preceding clause (i),  
16 by inserting “and before 2017” after  
17 “2005”; and

18 (B) by adding at the end the following new  
19 subparagraph:

20 “(C) ANNUAL RULEMAKING SCHEDULE  
21 FOR PAYMENT RATES FOR 2017 AND SUBSE-  
22 QUENT YEARS.—For 2017 and each subsequent  
23 year, before April 1 of the preceding year, the  
24 Secretary shall, by regulation and in accordance  
25 with the notice and public comment periods re-

1           required under paragraph (2) for such a year, an-  
2           nually determine and announce the following:

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

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

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

15           (3) in paragraph (2)—

16                   (A) by inserting “(or, for 2017 and each  
17                   subsequent year, at least 60 days)” after “45  
18                   days”; and

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