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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. 9644

To amend title XVIII of the Social Security Act to promote transparency
of Medicare Advantage plan information.

IN THE HOUSE OF REPRESENTATIVES

Mr. MORAN introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title XVIII of the Social Security Act to promote
transparency of Medicare Advantage plan information.

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 MLR Transparency Act”.

6 **SEC. 2. PROMOTING TRANSPARENCY OF MEDICARE ADVAN-**
7 **TAGE PLAN INFORMATION.**

8 (a) OVERHEAD COSTS AND CLAIM PAYMENT INFOR-
9 MATION.—Section 1857(e) of the Social Security Act (42

1 U.S.C. 1395w–27(e)) is amended by adding at the end
2 the following new paragraph:

3 “(7) OVERHEAD COSTS AND CLAIM PAYMENT
4 INFORMATION.—

5 “(A) IN GENERAL.—Beginning with plan
6 years beginning on or after January 1, 2029, a
7 contract under this section with an MA organi-
8 zation shall require the organization, with re-
9 spect to each MA plan offered by such organi-
10 zation during such plan year, to submit to the
11 Secretary and publish on the public website of
12 such organization the following information in a
13 consumer-friendly format specified by the Sec-
14 retary:

15 “(i) The amount of total revenue (as
16 determined in accordance with section
17 422.2420(c) of title 42, Code of Federal
18 Regulations (or a successor regulation)) of
19 such plan.

20 “(ii) The amount and percentage of
21 such revenue expended on incurred claims
22 (as determined in accordance with para-
23 graphs (2) through (4) of section
24 422.2420(b) of title 42, Code of Federal
25 Regulations (or a successor regulation)).

1 “(iii) The amount and percentage of
2 such revenue expended on non-claims costs
3 (as defined in section 422.2401 of title 42,
4 Code of Federal Regulations (or a suc-
5 cessor regulation)).

6 “(iv) The amount of the difference be-
7 tween the MLR numerator (as determined
8 in accordance with paragraph (b) of sec-
9 tion 422.2420 of title 42, Code of Federal
10 Regulations (or a successor regulation) and
11 the MLR denominator (as determined in
12 accordance with paragraph (c) of such sec-
13 tion (or a successor regulation)).

14 “(v) The amount described in clause
15 (iv), expressed as a percentage of such rev-
16 enue.

17 “(B) MANNER OF PUBLICATION.—The
18 Secretary may require information submitted
19 and published by an MA organization under
20 subparagraph (A), in addition to being so pub-
21 lished and submitted at the MA plan level, to
22 be so submitted and published in the aggregate
23 in such manner as specified by the Secretary
24 (such as across all MA plans offered by such
25 organization).

1 “(C) APPLICATION OF CERTAIN PROVI-
2 SIONS.—In applying section 422.2420 of title
3 42, Code of Federal Regulations (or a successor
4 regulation) for purposes determining any
5 amount or percentage under subparagraph (A),
6 any reference to an ‘MA contract’, ‘MSA con-
7 tract’, ‘contract’, or ‘contract year’ shall be
8 treated as a reference to an ‘MA plan’, ‘MSA
9 plan’, ‘plan’, or ‘plan year’, respectively.”.

10 (b) ENSURING COMPARABILITY OF BENEFIT INFOR-
11 MATION.—Section 1851(d)(2)(A)(ii) of the Social Security
12 Act (42 U.S.C. 1395w–21(d)(2)(A)(ii)) is amended by
13 adding at the end the following new sentence: “With re-
14 spect to any such information that is provided in an elec-
15 tronic format on or after the first day of the first plan
16 year that begins at least 1 year after the date of the enact-
17 ment of this sentence, such information shall, to the great-
18 est extent practicable, be presented in the same uniform
19 format applicable to information required to be made
20 available by group health plans and health insurance
21 issuers under section 2715 of the Public Health Service
22 Act.”.