

116TH CONGRESS  
1ST SESSION

# H. R. 5212

To amend title XVIII of the Social Security Act to improve the benchmarking process for the Medicare Shared Savings Program.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2019

Mr. ARRINGTON (for himself, Ms. DELBENE, Mr. MARSHALL, and Mr. BERA) 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 improve the benchmarking process for the Medicare Shared Savings Program.

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 “Accountable Care in  
5 Rural America Act”.

1 **SEC. 2. EXCLUSION OF MEDICARE FEE-FOR-SERVICE BENE-**  
2 **FICIARIES ASSIGNED TO AN ACO FROM AS-**  
3 **PECTS OF OTHER PAYMENT MODELS IN CER-**  
4 **TAIN CIRCUMSTANCES INCLUDING DETER-**  
5 **MINATION OF REGIONAL ADJUSTMENTS.**

6 Section 1899(i)(3) of the Social Security Act (42  
7 U.S.C. 1395jjj(i)(3)) is amended—

8 (1) in subparagraph (A), by striking “subpara-  
9 graph (B)” and inserting “subparagraphs (B) and  
10 (C)”; and

11 (2) by adding at the end the following new sub-  
12 paragraph:

13 “(C) EXCLUSION OF ASSIGNED BENE-  
14 FICIARIES IN CERTAIN CIRCUMSTANCES IN-  
15 CLUDING DETERMINATION OF REGIONAL AD-  
16 JUSTMENTS.—For performance periods begin-  
17 ning on or after the date of the enactment of  
18 this subparagraph, in determining any shared  
19 savings for any ACO under a model described  
20 in this paragraph, the Secretary shall—

21 “(i) remove Medicare fee-for-service  
22 beneficiaries who are assigned to that ACO  
23 from the methodology for calculating re-  
24 gional expenditures used to establish, up-  
25 date, and adjust the benchmark expendi-  
26 tures; and

1           “(ii) otherwise ensure that no such  
2           ACO is in a less favorable financial posi-  
3           tion due to differences between the share  
4           of Medicare fee-for-service beneficiaries as-  
5           signed to the ACO of all such beneficiaries  
6           in the counties an ACO operates in com-  
7           pared to the share of such beneficiaries as-  
8           signed to other ACOs.”

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