

118TH CONGRESS
1ST SESSION

S. 1296

To amend title XI of the Social Security Act to improve access to care for all Medicare and Medicaid beneficiaries through models tested under the Center for Medicare and Medicaid Innovation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2023

Mr. BOOKER (for himself, Mr. PADILLA, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XI of the Social Security Act to improve access to care for all Medicare and Medicaid beneficiaries through models tested under the Center for Medicare and Medicaid Innovation, and for other purposes.

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 “John Lewis Equality
5 in Medicare and Medicaid Treatment Act of 2023”.

1 **SEC. 2. IMPROVING ACCESS TO CARE FOR MEDICARE AND**
2 **MEDICAID BENEFICIARIES.**

3 Section 1115A of the Social Security Act (42 U.S.C.
4 1315a) is amended—

5 (1) in subsection (a)—

6 (A) in the last sentence of paragraph (1),
7 by inserting “advance health equity and” before
8 “improve the coordination”; and

9 (B) in the first sentence of paragraph
10 (3)—

11 (i) by inserting “(including the Office
12 of Minority Health of the Centers for
13 Medicare & Medicaid Services, the Office
14 of Rural Health Policy of the Health Re-
15 sources and Services Administration, and
16 the Office on Women’s Health of the De-
17 partment of Health and Human Services)”
18 after “relevant Federal agencies”; and

19 (ii) by striking “experts with expertise
20 in medicine” and inserting “experts with
21 expertise in medicine, the causes of health
22 disparities and the social determinants of
23 health, and”;

24 (2) in subsection (b)—

25 (A) in paragraph (2)—

26 (i) in subparagraph (A)—

1 (I) by inserting the following
2 after the first sentence: “Prior to se-
3 lecting a model under this paragraph,
4 the Secretary shall consult with the
5 Office of Minority Health of the Cen-
6 ters for Medicare & Medicaid Services,
7 the Office of Rural Health Policy of
8 the Health Resources and Services
9 Administration, and the Office on
10 Women’s Health of the Department of
11 Health and Human Services to ensure
12 that models under consideration ad-
13 dress health disparities and social de-
14 terminants of health as appropriate
15 for populations to be cared for under
16 the model.”;

17 (II) by inserting “and, for models
18 for which testing begins on or after
19 January 1, 2024, address health eq-
20 uity as well as improving access to
21 care received by individuals receiving
22 benefits under such title” after “appli-
23 cable title”; and

24 (III) by adding at the end the
25 following: “The models selected under

1 this subparagraph shall include the
2 social determinants of health payment
3 model described in subsection (h), the
4 testing of which shall begin not later
5 than December 31, 2024.”; and

6 (ii) in subparagraph (C), by adding at
7 the end the following new clauses:

8 “(ix) Whether the model will affect
9 access to care from providers and suppliers
10 caring for high risk patients or operating
11 in underserved areas.

12 “(x) Whether the model has the po-
13 tential to reduce health disparities, includ-
14 ing minority and rural health disparities.”;

15 (B) in paragraph (3)(B)—

16 (i) in clause (i), by inserting “or
17 health equity” after “quality of care”;

18 (ii) in clause (ii), by inserting “or in-
19 creasing health inequities” after “quality
20 of care”; and

21 (iii) in clause (iii), by inserting “or
22 health equity” after “quality of care”; and
23 (C) in paragraph (4)(A)—

24 (i) in clause (i), by striking “; and”
25 and inserting a semicolon;

1 (ii) in clause (ii), by striking the pe-
2 riod and inserting “; and”; and

3 (iii) by adding at the end the fol-
4 lowing new clause:

5 “(iii) for models for which testing be-
6 gins on or after January 1, 2024, the ex-
7 tent to which the model improves health
8 equity.”;

9 (3) in subsection (c)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by inserting
12 “or, beginning on or after January 1,
13 2024, increasing health inequities” before
14 the semicolon; and

15 (ii) in subparagraph (B), by inserting
16 “or, beginning on or after January 1,
17 2024, health equity” after “patient care”;
18 and

19 (B) in paragraph (3), by inserting “or in-
20 crease health disparities experienced by bene-
21 ficiaries, including low-income, minority, or
22 rural beneficiaries, or that such expansion
23 would improve health equity” before the period;

24 (4) in subsection (g), by adding at the end the
25 following: “For reports submitted after the date of

1 enactment of the John Lewis Equality in Medicare
2 and Medicaid Treatment Act of 2023, each such re-
3 port shall include information on the following:

4 “(1) The interventions that address social de-
5 terminants of health, health disparities, or health eq-
6 uity in payment models selected by the CMI for test-
7 ing under this section.

8 “(2) Estimated Federal savings achieved
9 through reducing disparities, including rural and mi-
10 nority health disparities, improving health equity, or
11 addressing social determinants of health.

12 “(3) The effectiveness of interventions in miti-
13 gating negative health outcomes and higher costs as-
14 sociated with social determinants of health within
15 models selected by the Center for Medicare and
16 Medicaid Innovation for testing.

17 “(4) Other areas determined appropriate by the
18 Secretary.”; and

19 (5) by adding at the end the following new sub-
20 section:

21 “(h) SOCIAL DETERMINANTS OF HEALTH PAYMENT
22 MODEL.—

23 “(1) IN GENERAL.—The social determinants of
24 health payment model described in this subsection is
25 a payment model that tests each of the payment and

1 service delivery innovations described in paragraph
2 (2) in a region determined appropriate by the Sec-
3 retary.

4 “(2) PAYMENT AND SERVICE DELIVERY INNO-
5 VATIONS DESCRIBED.—For purposes of paragraph
6 (1), the payment and service delivery innovations de-
7 scribed in this clause are the following:

8 “(A) Payment and service delivery innova-
9 tions for behavioral health services, focusing on
10 gathering actionable data to address the higher
11 costs associated with beneficiaries with diag-
12 nosed behavioral conditions.

13 “(B) Payment and service delivery innova-
14 tions targeting conditions or comorbidities of
15 individuals entitled or enrolled under the Medi-
16 care program under title XVIII and enrolled
17 under a State plan under the Medicaid program
18 under title XIX to increase capacity in under-
19 served areas.

20 “(C) Payment and service delivery innova-
21 tions targeting conditions or comorbidities of
22 applicable individuals to increase capacity in
23 underserved areas.

24 “(D) Payment and service delivery innova-
25 tions targeted on Medicaid eligible pregnant

1 and postpartum women, up to one year after
2 delivery.”.

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