

## [DISCUSSION DRAFT]

118TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

To amend title XVIII of the Social Security Act to exempt certain practitioners from MIPS payment adjustments under the Medicare program based on participation in certain payment arrangements under Medicare Advantage.

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## IN THE HOUSE OF REPRESENTATIVES

Mrs. MILLER-MEEKS (for herself and Mr. BURGESS) introduced the following bill; which was referred to the Committee on

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## A BILL

To amend title XVIII of the Social Security Act to exempt certain practitioners from MIPS payment adjustments under the Medicare program based on participation in certain payment arrangements 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,*

1 **SECTION 1. EXEMPTING CERTAIN PRACTITIONERS FROM**  
2 **MIPS PAYMENT ADJUSTMENTS UNDER THE**  
3 **MEDICARE PROGRAM BASED ON PARTICIPA-**  
4 **TION IN CERTAIN PAYMENT ARRANGEMENTS**  
5 **UNDER MEDICARE ADVANTAGE.**

6 (a) IN GENERAL.—Section 1848(q)(1)(C) of the So-  
7 cial Security Act (42 U.S.C. 1395w-4(q)(1)(C)) is amend-  
8 ed—

9 (1) in clause (ii)—

10 (A) in subclause (II), by striking “or” at  
11 the end;

12 (B) in subclause (III), by striking the pe-  
13 riod and inserting “; or”; and

14 (C) by adding at the end the following new  
15 subclause:

16 “(IV) in the case of a year begin-  
17 ning on or after January 1,  
18 **【**\_\_\_\_\_**】**, is a Medicare Advantage  
19 APM participant (as defined in clause  
20 (viii)) with respect to such year and  
21 who, for the performance period with  
22 respect to such year, does not report  
23 on applicable measures and activities  
24 described in paragraph (2)(B) that  
25 are required to be reported by such a  
26 professional under the MIPS.”; and

1           (2) by adding at the end the following new  
2       clause:

3                       “(viii) MEDICARE ADVANTAGE APM  
4                       PARTICIPANT DEFINED.—For purposes of  
5                       clause (ii)(IV), the term ‘Medicare Advan-  
6                       tage APM participant’ means, with respect  
7                       to a year, an eligible professional who  
8                       would have been described in subparagraph  
9                       (B)(ii) of section 1833(z)(2) (or, for years  
10                      beginning with 2026, who would have been  
11                      described in subparagraph (C)(ii) of such  
12                      section) if—

13                      “(I) the reference in subclause  
14                      (I)(bb) of such subparagraph (B)(ii)  
15                      or such subparagraph (C)(ii) (as ap-  
16                      plicable) to ‘all other payments, re-  
17                      gardless of payer (other than pay-  
18                      ments made by the Secretary of De-  
19                      fense or the Secretary of Veterans Af-  
20                      fairs and other than payments made  
21                      under title XIX in a State in which no  
22                      medical home or alternative payment  
23                      model is available under the State  
24                      program under that title)’ were in-  
25                      stead a reference to ‘all other pay-

1                   ments received under Medicare Ad-  
2                   vantage plans’; and

3                   “(II) subclause (II) of such sub-  
4                   paragraph (B)(ii) or such subpara-  
5                   graph (C)(ii) (as applicable) did not  
6                   apply.”.

7       (b)   USE   OF   PATIENT   APPROACH.—Section  
8   1833(z)(2)(D) of the Social Security Act (42 U.S.C.  
9   1395l(z)(2)(D)) is amended by inserting “or a Medicare  
10   Advantage    APM    participant    under    section  
11   1848(q)(1)(C)(viii)”       after       “under       section  
12   1848(q)(1)(C)(iii)”.