

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2507**

OFFERED BY M .

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Increasing Regulatory
3 Fairness Act of 2015”.

4 SEC. 2. ESTABLISHING AN ANNUAL RULEMAKING SCHED-
5 ULE FOR PAYMENT RATES UNDER MEDICARE
6 ADVANTAGE.

7 Section 1853(b) of the Social Security Act (42 U.S.C.
8 1395w-23(b)) is amended—

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

13 (2) in paragraph (1)—

14 (A) in subparagraph (B)—

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

17 and

1 (ii) in the matter preceding clause (i),
2 by inserting “and before 2017” after
3 “2005”; and

4 (B) by adding at the end the following new
5 subparagraph:

6 “(C) ANNUAL RULEMAKING SCHEDULE
7 FOR PAYMENT RATES FOR 2017 AND SUBSE-
8 QUENT YEARS.—For 2017 and each subsequent
9 year, before April 1 of the preceding year, the
10 Secretary shall, by regulation and in accordance
11 with the notice and public comment periods re-
12 quired under paragraph (2) for such a year, an-
13 nually determine and announce the following:

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

16 “(ii) The risk and other factors to be
17 used in adjusting such rates under sub-
18 section (a)(1)(A) for payments for months
19 in such year.

20 “(iii) With respect to each MA region
21 and each MA regional plan for which a bid
22 was submitted under section 1854, the MA
23 region-specific non-drug monthly bench-
24 mark amount for that region for the year
25 involved.

1 “(iv) The major policy changes to the
2 risk adjustment model, and the 5-star rat-
3 ing system established under subsection
4 (o), that are determined to have an eco-
5 nomic impact.”; and

6 (3) in paragraph (2)—

7 (A) by inserting “(or, for 2017 and each
8 subsequent year, at least 60 days)” after “45
9 days”; and

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

