

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title XVIII of the Social Security Act to increase data transparency for supplemental benefits under Medicare Advantage.

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IN THE SENATE OF THE UNITED STATES

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Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title XVIII of the Social Security Act to increase data transparency for supplemental benefits 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Advantage  
5 Supplemental Benefits Transparency Act of 2023”.

1 **SEC. 2. INCREASING DATA TRANSPARENCY FOR SUPPLE-**  
2 **MENTAL BENEFITS UNDER MEDICARE AD-**  
3 **VANTAGE.**

4 (a) IN GENERAL.—Section 1857(e) of the Social Se-  
5 curity Act (42 U.S.C. 1395w–27(e)) is amended by adding  
6 at the end the following new paragraph:

7 “(6) REPORTING OF ENROLLEE-LEVEL DATA  
8 ON SUPPLEMENTAL BENEFITS.—

9 “(A) IN GENERAL.—Beginning with plan  
10 years beginning on or after January 1, 2027, a  
11 contract under this section with an MA organi-  
12 zation shall require the organization to submit  
13 to the Secretary, for each MA plan offered by  
14 the organization, enrollee-level data on supple-  
15 mental benefits (by item or service, or category  
16 of item or service, as determined appropriate by  
17 the Secretary, and national provider identifier,  
18 if available), including eligibility requirements  
19 for such benefits, the benefit category applica-  
20 ble with respect to each such benefit, and data  
21 on utilization of and payments for such benefits  
22 (including the total amount spent by the plan  
23 for each enrollee who utilized such benefits and  
24 the total out-of-pocket cost per utilization for  
25 each enrollee).

26 “(B) DATA ACCESS.—

1                   “(i) IN GENERAL.—Not later than  
2                   January 1 of the year that is two years  
3                   after the beginning of a plan year for  
4                   which data is submitted under subpara-  
5                   graph (A), the Secretary shall—

6                                 “(I) upon request, make such  
7                                 data available to individuals and enti-  
8                                 ties for the purpose of conducting—

9   “(aa) evaluations and other  
10                                        analyses to support the program  
11                                       under this title; and

12                                       “(bb) other health care re-  
13                                       lated research; and

14                                       “(II) make available on the inter-  
15                                       net website of the Centers for Medi-  
16                                       care & Medicaid Services a public use  
17                                       data file containing such data in de-  
18                                       identified form.

19                   “(ii) CONFIDENTIALITY.—In making  
20                   data available under clause (i)(I), the Sec-  
21                   retary shall have in place procedures to  
22                   safeguard the privacy and security of any  
23                   individually identifiable enrollee informa-  
24                   tion.

1                   “(C) NONAPPLICATION OF PAPERWORK  
2                   REDUCTION ACT.—Chapter 35 of title 44,  
3                   United States Code, shall not apply to data col-  
4                   lected under subparagraph (A).”.

5           (b) RULE OF CONSTRUCTION.—Nothing in the  
6 amendment made by this section shall affect the collection  
7 of information as proposed, or so finalized, pursuant to  
8 the notice entitled “Agency Information Collection Activi-  
9 ties: Proposed Collection; Comment Request”, published  
10 in the Federal Register on March 14, 2023 (88 Fed. Reg.  
11 15726).

12           (c) IMPLEMENTATION FUNDING.—For the purposes  
13 of carrying out the amendment made by this section, there  
14 are appropriated, out of amounts in the Treasury not oth-  
15 erwise appropriated, to the Secretary of Health and  
16 Human Services, \$15,000,000 for fiscal year 2024, to re-  
17 main available until expended.