

118TH CONGRESS  
1ST SESSION

# S. 3307

To amend title XVIII of the Social Security Act to require the inclusion of certain information in encounter data under Medicare Advantage.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2023

Ms. CORTEZ MASTO (for herself, Mr. CASSIDY, Ms. WARREN, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to require the inclusion of certain information in encounter data 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 “Encounter Data En-  
5 hancement Act”.

1 **SEC. 2. INCLUSION OF CERTAIN INFORMATION IN ENCOUN-**  
2 **TER DATA UNDER MEDICARE ADVANTAGE.**

3 Section 1859 of the Social Security Act (42 U.S.C.  
4 1395w–28) is amended by adding at the end the following  
5 new subsection:

6 “(j) INCLUSION OF CERTAIN INFORMATION IN EN-  
7 COUNTER DATA.—

8 “(1) IN GENERAL.—In the case of any encoun-  
9 ter data submitted by a Medicare Advantage plan  
10 with respect to an item or service furnished to an in-  
11 dividual under such plan during a plan year begin-  
12 ning on or after January 1, 2026, the Secretary  
13 shall require that such data include—

14 “(A) the type of payment from the plan to  
15 the provider, such as, but not limited to capita-  
16 tion, value-based, or fee-for-service;

17 “(B) the allowed amount for such item or  
18 service;

19 “(C) the amount of cost sharing (including  
20 deductibles, copayments, and coinsurance) im-  
21 posed for such item or service;

22 “(D) an indicator identifying encounter  
23 records including the provision of an at-home  
24 health risk assessment by a specified assess-  
25 ment entity;

1           “(E) an indicator identifying encounter  
2 records including the provision of an at-home  
3 health risk assessment by an assessment entity  
4 not described in subparagraph (D);

5           “(F) an indicator identifying encounter  
6 records including the provision of an at-home  
7 health risk assessment by an entity not de-  
8 scribed in subparagraph (D) or (E);

9           “(G) an indicator identifying encounter  
10 records including the provision of a health risk  
11 assessment outside of the home by any entity;

12           “(H) an indicator of whether the item or  
13 service was provided in-network for the plan;  
14 and

15           “(I) the standard unique health identifier  
16 (described in section 1173(b)) of the ordering  
17 provider, in the case of data submitted with re-  
18 spect to—

19                   “(i) durable medical equipment, pros-  
20 thetics, orthotics, and supplies;

21                   “(ii) laboratory tests;

22                   “(iii) imaging services;

23                   “(iv) home health services; and

24                   “(v) other items or services as deter-  
25 mined by the Secretary.

1           “(2) DEFINITIONS.—For purposes of this sub-  
2 section:

3           “(A) ASSESSMENT ENTITY.—The term ‘as-  
4 sessment entity’ means an entity with a focus  
5 on furnishing in-home health risk assessments,  
6 as specified by the Secretary.

7           “(B) SPECIFIED ASSESSMENT ENTITY.—  
8 The term ‘specified assessment entity’ means,  
9 with respect to an MA organization and a plan  
10 year, an assessment entity with respect to  
11 which such organization (or any person with an  
12 ownership or control interest (as defined in sec-  
13 tion 1124(a)(3)) in such organization) is a per-  
14 son with an ownership or control interest (as so  
15 defined).”.

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