

119TH CONGRESS
2D SESSION

H. R. 5347

AN ACT

To amend title XVIII of the Social Security Act to ensure the availability of appropriate collection types for quality reporting under the Medicare Shared Savings Program, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Care Efficiency
3 Through Flexibility Act”.

4 **SEC. 2. ENSURING AVAILABILITY OF APPROPRIATE COL-**
5 **LECTION TYPES FOR QUALITY REPORTING**
6 **UNDER THE MEDICARE SHARED SAVINGS**
7 **PROGRAM.**

8 Section 1899(b)(3)(B) of the Social Security Act (42
9 U.S.C. 1395jjj(b)(3)(B)) is amended—

10 (1) by striking “An ACO shall submit” and in-
11 serting the following:

12 “(i) IN GENERAL.—An ACO shall
13 submit”; and

14 (2) by adding at the end the following new
15 clauses:

16 “(ii) REQUIRED AVAILABILITY OF
17 COLLECTION TYPES FOR CERTAIN
18 YEARS.—For performance years 2025
19 through 2029, the Secretary shall ensure
20 that the following collection types (as de-
21 scribed in section 414.1305 of title 42,
22 Code of Federal Regulations (or a suc-
23 cessor regulation)) are available with re-
24 spect to each measure described in sub-
25 paragraph (A)(i) required to be reported
26 by an ACO under this paragraph:

1 “(I) Electronic clinical quality
2 measures.

3 “(II) MIPS clinical quality meas-
4 ures.

5 “(III) Medicare Clinical Quality
6 Measures for Accountable Care Orga-
7 nizations Participating in the Medi-
8 care Shared Savings Program.

9 “(iii) CLARIFICATION ON APPLICA-
10 TION OF DATA COMPLETENESS REQUIRE-
11 MENTS IN CERTAIN CASES.—

12 “(I) IN GENERAL.—In deter-
13 mining whether data submitted by an
14 ACO with respect to a measure de-
15 scribed in subparagraph (A)(i) for a
16 performance year beginning on or
17 after January 1, 2026, satisfies the
18 data completeness requirements appli-
19 cable to such measure under section
20 414.1340 of title 42, Code of Federal
21 Regulations (or a successor regula-
22 tion) (as applied pursuant to section
23 425.512 of title 42, Code of Federal
24 Regulations (or a successor regula-
25 tion)), the Secretary may not find

1 such data to be unrepresentative of
2 such ACO's performance for such
3 year (as described in paragraph (e) of
4 such section 414.1340) based solely
5 on the fact that such data excludes
6 applicable data from 1 or more ACO
7 participants in such ACO if—

8 “(aa) such data submitted
9 by the ACO otherwise complies
10 with the data completeness re-
11 quirements of such section
12 414.1340; and

13 “(bb) such ACO dem-
14 onstrates to the satisfaction of
15 the Secretary that such ACO
16 participant was unable to collect
17 such data through the collection
18 type (as described in clause (ii))
19 selected by the ACO for the sub-
20 mission of such data.

21 “(II) DEFINITION.—In this
22 clause, the term ‘ACO participant’
23 has the meaning given such term in
24 section 425.20 of title 42, Code of

1 Federal Regulations (or a successor
2 regulation).

3 “(III) IMPLEMENTATION.—The
4 Secretary may implement this clause
5 by program instruction or otherwise.”.

6 **SEC. 3. PILOT PROGRAM FOR DIGITAL QUALITY MEASURE**
7 **REPORTING.**

8 Section 1899(b)(3)(B) of the Social Security Act (42
9 U.S.C. 1395jjj(b)(3)(B)), as amended by section 2, is fur-
10 ther amended by adding at the end the following new
11 clause:

12 “(iv) PILOT PROGRAM FOR DIGITAL
13 QUALITY MEASURE REPORTING.—

14 “(I) IN GENERAL.—For each of
15 performance years 2028 through
16 2032, the Secretary shall establish a
17 digital quality measure reporting pilot
18 program (in this clause referred to as
19 the ‘program’) under which ACOs se-
20 lected under subclause (II) for such
21 performance year report quality meas-
22 ures specified by the Secretary under
23 subclause (III) for such performance
24 year through a digital quality measure

(as defined by the Secretary) collection type specified by the Secretary.

“(II) SELECTION.—The Secretary shall select ACOs to participate in the program for a performance year from ACOs that submit an application at such time and in such form and manner as specified by the Secretary.

“(III) SPECIFICATION OF QUALITY MEASURES.—For each performance year of the program, the Secretary shall specify 2 measures described in subparagraph (A)(i) otherwise required to be reported by ACOs for such performance year for which an ACO selected under subclause (II) shall submit data through the collection type specified in subclause (I).

“(IV) WAIVER OF REQUIREMENT TO REPORT OTHER MEASURES.—The Secretary may not require an ACO selected under subclause (II) for a performance year to report data on any measure described in subparagraph

1 (A)(i) otherwise required to be re-
2 ported by an ACO under this para-
3 graph for such performance year,
4 other than such a measure specified
5 under subclause (III) for such per-
6 formance year.

7 “(V) DISREGARD OF DATA FOR
8 CERTAIN MEASURES.—The Secretary
9 may not take into account any data
10 for a measure specified under sub-
11 clause (III) for a performance year
12 submitted by an ACO selected under
13 subclause (II) for such performance
14 year, or any data for a measure with
15 respect to which such ACO is not re-
16 quired to report data for such per-
17 formance year under subclause (IV),
18 in determining—

19 “(aa) whether such ACO has
20 met quality performance stand-
21 ards established by the Secretary
22 under subparagraph (C) for such
23 performance year; or

24 “(bb) any score for the qual-
25 ity performance category (as de-

1 scribed in section
2 1848(q)(2)(A)(i)) for an ACO
3 participant (as defined in clause
4 (iii)(II)) in such ACO for such
5 performance year.

6 “(VI) TECHNICAL ASSISTANCE.—
7 The Secretary shall provide such tech-
8 nical assistance to ACOs selected to
9 participate in the program as is prac-
10 ticable.

11 “(VII) PROVISION OF INFORMA-
12 TION.—Not later than December 31,
13 2032, the Secretary shall publicly post
14 (or include as part of annual rule-
15 making for this section) the following:

16 “(aa) An analysis of the pro-
17 gram.

18 “(bb) Any recommendations
19 for increasing submissions of
20 data for measures described in
21 subparagraph (A)(i) through the
22 collection type specified in sub-
23 clause (I); and

24 “(cc) A proposed timeline
25 for requiring such measures to be

1 submitted through such collection
2 type.”.

3 **SEC. 4. IMPLEMENTATION FUNDING.**

4 (a) IN GENERAL.—There are appropriated, out of
5 any funds in the Treasury not otherwise obligated,
6 \$8,000,000 for fiscal year 2026, to remain available until
7 expended, to the Centers for Medicare & Medicaid Services
8 Program Management Account for purposes of imple-
9 menting the amendments made by sections 2 and 3.

10 (b) MEDICARE IMPROVEMENT FUND.—Section
11 1898(b)(1) of the Social Security Act (42 U.S.C.
12 1395iii(b)(1)) is amended by striking “\$2,062,000,000”
13 and inserting “\$2,054,000,000”.

Passed the House of Representatives June 29, 2026.

Attest:

Clerk.

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