

119TH CONGRESS
1ST SESSION

H. R. 5347

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2025

Mr. BUCHANAN (for himself, Mr. PANETTA, Mr. CRENSHAW, and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Care Efficiency
5 Through Flexibility Act”.

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

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

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

9 “(i) IN GENERAL.—An ACO shall
10 submit”; and

11 (2) by adding at the end the following new
12 clauses:

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

24 “(I) Electronic clinical quality
25 measures.

1 “(II) MIPS clinical quality meas-
2 ures.

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

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

10 “(I) IN GENERAL.—In deter-
11 mining whether data submitted by an
12 ACO with respect to a measure de-
13 scribed in subparagraph (A)(i) for a
14 performance year beginning on or
15 after January 1, 2025, satisfies the
16 data completeness requirements appli-
17 cable to such measure under section
18 414.1340 of title 42, Code of Federal
19 Regulations (or a successor regula-
20 tion) (as applied pursuant to section
21 425.512 of title 42, Code of Federal
22 Regulations (or a successor regula-
23 tion)), the Secretary may not find
24 such data to be unrepresentative of
25 such ACO’s performance for such

1 year (as described in paragraph (e) of
2 such section 414.1340) based solely
3 on the fact that such data excludes
4 applicable data from 1 or more ACO
5 participants in such ACO if—

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

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

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

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

4 **SEC. 3. PILOT PROGRAM FOR DIGITAL QUALITY MEASURE**
5 **REPORTING.**

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

10 “(iv) PILOT PROGRAM FOR DIGITAL
11 QUALITY MEASURE REPORTING.—

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

1 “(II) SELECTION.—The Sec-
2 retary shall select ACOs to participate
3 in the program for a performance
4 year from among ACOs that submit
5 an application at such time and in
6 such form and manner as specified by
7 the Secretary.

8 “(III) SPECIFICATION OF QUAL-
9 ITY MEASURES.—For each perform-
10 ance year of the program, the Sec-
11 retary shall specify 2 measures de-
12 scribed in subparagraph (A)(i) other-
13 wise required to be reported by ACOs
14 for such performance year for which
15 an ACO selected under subclause (II)
16 shall submit data through the collec-
17 tion type specified in subclause (I).

18 “(IV) WAIVER OF REQUIREMENT
19 TO REPORT OTHER MEASURES.—The
20 Secretary may not require an ACO se-
21 lected under subclause (II) for a per-
22 formance year to report data on any
23 measure described in subparagraph
24 (A) otherwise required to be reported
25 by an ACO under this paragraph for

1 such performance year, other than
2 such a measure specified under sub-
3 clause (III) for such performance
4 year.

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

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

22 “(bb) any score for the qual-
23 ity performance category (as de-
24 scribed in section
25 1848(q)(2)(A)(i)) for an ACO

1 participant (as defined in clause
2 (iii)(II)) in such ACO for such
3 performance year.

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

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

14 “(aa) An analysis of the pro-
15 gram.

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

22 “(cc) A proposed timeline
23 for requiring such measures to be

- 1 submitted through such collection
- 2 type.”.

