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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend titles XVIII and XIX of the Social Security Act to improve access to the Program of All-Inclusive Care for the Elderly (PACE), to reduce regulatory burdens on PACE providers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. DINGELL introduced the following bill; which was referred to the Committee on _____

A BILL

To amend titles XVIII and XIX of the Social Security Act to improve access to the Program of All-Inclusive Care for the Elderly (PACE), to reduce regulatory burdens on PACE providers, 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 “PACE Access Improve-
5 ment Act”.

6 **SEC. 2. ANYTIME ENROLLMENT IN PACE.**

7 (a) IN GENERAL.—

1 (1) ANY TIME ENROLLMENT AND EFFECTIVE
2 DATE.—Section 1894(c)(5) of the Social Security
3 Act (42 U.S.C. 1395eee(c)(5)) is amended by adding
4 at the end the following new subparagraph:

5 “(C) ANY TIME ENROLLMENT AND EFEC-
6 TIVE DATE OF ENROLLMENT.—

7 “(i) ANY TIME ENROLLMENT.—With
8 respect to enrollments made on or after
9 January 1, 2027, a PACE program eligible
10 individual may enroll in a PACE program
11 at any time during a month.

12 “(ii) EFFECTIVE DATE.—With respect
13 to enrollments made on or after January
14 1, 2027, the enrollment of a PACE pro-
15 gram eligible individual in a PACE pro-
16 gram shall be effective on the date the
17 PACE provider operating the PACE pro-
18 gram receives an enrollment agreement
19 signed by such PACE program eligible in-
20 dividual with respect to such PACE pro-
21 gram.”.

22 (2) PRORATED PAYMENTS.—Section 1894(d) of
23 the Social Security Act (42 U.S.C. 1395eee(d)) is
24 amended by adding at the end the following new
25 paragraph:

1 “(4) PRORATED PAYMENTS.—With respect to
2 enrollments made on or after January 1, 2027, in
3 the case of a PACE program eligible individual en-
4 rolled in a PACE program operated by a PACE pro-
5 vider with an enrollment effective date that is not
6 the first day of a month, the capitation amount that
7 would otherwise be made under this subsection to
8 the PACE provider for such individual for the first
9 month in which such individual is so enrolled shall
10 be prorated accordingly.”.

11 (b) REQUIREMENTS UNDER MEDICAID.—

12 (1) ANYTIME ENROLLMENT AND EFFECTIVE
13 DATE.—Section 1934(c)(5) of the Social Security
14 Act (42 U.S.C. 1396u–4(c)(5)) is amended by add-
15 ing at the end the following new subparagraph:

16 “(C) ANY TIME ENROLLMENT AND EFEC-
17 TIVE DATE OF ENROLLMENT.—

18 “(i) ANY TIME ENROLLMENT.—With
19 respect to enrollments made on or after
20 January 1, 2027, a PACE program eligible
21 individual may enroll in a PACE program
22 in a State at any time during a month.

23 “(ii) EFFECTIVE DATE.—With respect
24 to enrollments made on or after January
25 1, 2027, the enrollment of a PACE pro-

1 gram eligible individual in a PACE pro-
2 gram shall be effective on the date the
3 PACE provider operating the PACE pro-
4 gram receives an enrollment agreement
5 signed by such PACE program eligible in-
6 dividual with respect to such PACE pro-
7 gram.”.

8 (2) PRORATED PAYMENTS.—Section 1934(d) of
9 the Social Security Act (42 U.S.C. 1396u–4(d)) is
10 amended by adding at the end the following new
11 paragraph:

12 “(3) PRORATED PAYMENTS.—With respect to
13 enrollments made on or after January 1, 2027, in
14 the case of a PACE program eligible individual en-
15 rolled in a PACE program operated by a PACE pro-
16 vider with an enrollment effective date that is not
17 the first day of a month, the State shall prorate the
18 capitation amount that would otherwise be made
19 under this subsection to the PACE provider for such
20 individual for the first month in which such indi-
21 vidual is so enrolled.”.

22 **SEC. 3. PACE SITE APPROVAL AND EXPANSION.**

23 Sections 1894(e) and 1934(e) of the Social Security
24 Act (42 U.S.C. 1395eee(e), 1396u–4(e)) are each amend-
25 ed by striking paragraph (8) and inserting the following:

1 “(8) REVISED PROCESSES FOR NEW PROVIDER
2 STATUS, SERVICE AREA EXPANSIONS, AND ADDI-
3 TIONS OF PACE CENTER SITES.—

4 “(A) IN GENERAL.—Beginning January 1,
5 2027, the following shall apply:

6 “(i) SEEKING NEW PACE PROVIDER
7 STATUS.—An entity may submit an appli-
8 cation for the purpose described in section
9 460.10(a)(1) of title 42, Code of Federal
10 Regulations, or any successor regulation,
11 at any time and may submit multiple ap-
12 plications for such purpose in the same
13 quarter.

14 “(ii) SEEKING SERVICE AREA EXPAN-
15 SION OR ADDITION OF PACE CENTER SITE
16 (BUT NOT BOTH).—

17 “(I) IN GENERAL.—An entity
18 may submit an application for a pur-
19 pose described in section 460.10(a)(2)
20 of title 42, Code of Federal Regula-
21 tions, or any successor regulation, at
22 any time, subject to the requirements
23 of section 460.12(d) of such title (re-
24 lating to the first trial period audit),
25 or any successor regulation, and may

1 submit multiple applications for such
2 purpose in the same quarter.

3 “(II) APPLICATION NOT RE-
4 QUIRED FOR QUALIFIED PACE PRO-
5 VIDERS SEEKING ADDITION OF A
6 PACE CENTER SITE IN EXISTING
7 SERVICE AREA.—A qualified PACE
8 provider (as defined in subparagraph
9 (E)(ii)) operating a PACE program in
10 a service area that seeks to add a
11 PACE center site under such PACE
12 program to such service area (and
13 does not also seek to expand its serv-
14 ice area) shall not be required to sub-
15 mit an application to the Secretary in
16 order to so add such PACE center
17 site if the qualified PACE provider
18 submits to the Secretary (at such time
19 as the Secretary may specify in regu-
20 lation) a qualifying notice (as defined
21 in subparagraph (E)(i)) with respect
22 to the proposed additional PACE cen-
23 ter site. Such a qualifying notice shall
24 not be considered an application for
25 purposes of subpart B of part 460 of

1 title 42, Code of Federal Regulations,
2 or any successor to such regulations.

3 “(iii) SEEKING BOTH SERVICE AREA
4 EXPANSION AND ADDITION OF PACE CEN-
5 TER SITE.—An entity may submit an ap-
6 plication for the purposes described in sec-
7 tion 460.10(a)(3) of title 42, Code of Fed-
8 eral Regulations, or any successor regula-
9 tion, at any time, subject to the require-
10 ments of section 460.12(d) of such title
11 (relating to the first trial period audit), or
12 any successor regulation, and may submit
13 multiple applications for such purposes in
14 the same quarter.

15 “(B) DEEMED APPROVAL FOR APPLICA-
16 TIONS.—An application described in subpara-
17 graph (A)(i), (A)(ii)(I), or (A)(iii) shall be
18 deemed approved unless the Secretary, within
19 45 days after the date of the submission of the
20 application to the Secretary, either denies such
21 request in writing or informs the applicant in
22 writing with respect to any additional informa-
23 tion that is needed in order to make a final de-
24 termination with respect to the application.
25 After the date the Secretary receives such addi-

1 tional information, the application shall be
2 deemed approved unless the Secretary, within
3 45 days of such date, denies such request.

4 “(C) CERTAIN ASSURANCES SUBSTITUTING
5 FOR CERTAIN APPLICATION REQUIREMENTS
6 FOR REQUIRED INTERDISCIPLINARY TEAM AND
7 CONTRACTORS.—

8 “(i) IN GENERAL.—In the case of an
9 application described in subparagraph
10 (A)(i), (A)(ii)(I), or (A)(iii) that includes
11 each of the assurances described in clause
12 (ii), with respect to a PACE provider and
13 proposed PACE center site, such assur-
14 ances shall be treated as satisfying any ap-
15 plication or other requirement applying a
16 deadline by which the members of the
17 interdisciplinary team described in section
18 460.102(b) of title 42, Code of Federal
19 Regulations, or any successor regulation,
20 are required to be employees or contractors
21 of the proposed PACE center site and any
22 deadline by which the PACE provider’s
23 contracts for contracted health care pro-
24 viders, personnel, staff, or other contrac-
25 tors to provide contracted services must be

1 executed (and, if such assurances are so
2 included, any such deadlines shall not
3 apply with respect to such application).

4 “(ii) ASSURANCES DESCRIBED.—For
5 purposes of clause (i), the assurances de-
6 scribed in this clause, with respect to a
7 PACE provider and proposed PACE center
8 site are each of the following:

9 “(I) An assurance that the re-
10 quired members of the interdiscipli-
11 nary team are employees or contrac-
12 tors of the proposed PACE center site
13 or will be employees or contractors of
14 the proposed PACE center site by the
15 time the PACE center becomes oper-
16 ational.

17 “(II) An assurance that the
18 PACE provider’s contracts for all con-
19 tractors and contracted personnel will
20 be executed by the time the proposed
21 PACE center site becomes oper-
22 ational.

23 “(D) PERMISSION TO CONTRACT FOR PRO-
24 JECTED STAFFING NEEDS.—In executing con-
25 tracts with contracted health care providers,

1 personnel, staff, or other contractors to provide
2 contracted services or to establish an inter-
3 disciplinary team, for a purpose described in
4 clause (i), (ii)(I), (ii)(II), or (iii) of subpara-
5 graph (A), a PACE provider may include provi-
6 sions for staffing levels to be commensurate
7 with enrollment to full projected census.

8 “(E) DEFINITIONS FOR QUALIFIED PACE
9 PROVIDER AND QUALIFYING NOTICE.—For pur-
10 poses of subparagraph (A)(ii)(II):

11 “(i) QUALIFYING NOTICE.—The term
12 ‘qualifying notice’ means, with respect to a
13 qualified PACE provider operating a
14 PACE program in a service area, a notice
15 containing each of the following assurances
16 with respect to the addition of a PACE
17 center site to such service area by such
18 qualified PACE provider:

19 “(I) An assurance that the addi-
20 tional PACE center site will be lo-
21 cated within such service area of such
22 PACE program.

23 “(II) An assurance from the
24 State administering agency of the
25 State in which the PACE program is

1 located that the State is willing to
2 amend the PACE program agreement
3 to include the additional PACE center
4 site in such service area.

5 “(III) Each of the assurances de-
6 scribed in subparagraph (C)(ii).

7 “(ii) QUALIFIED PACE PROVIDER.—
8 The term ‘qualified PACE provider’
9 means, with respect to a PACE program
10 operated by such qualified PACE provider,
11 a PACE provider that, at the time of sub-
12 mission of a qualifying notice to the Sec-
13 retary—

14 “(I) has successfully completed
15 the first trial period audit with re-
16 spect to such PACE program; and

17 “(II) is not the subject of a sanc-
18 tion, an enforcement action or a ter-
19 mination proceeding under subpart D
20 of part 460 of title 42, Code of Fed-
21 eral Regulations, or any successor
22 regulation, with respect to such PACE
23 program.”.

1 **SEC. 4. REQUIRING STATES TO OFFER PACE PROGRAM**
2 **SERVICES TO ELIGIBLE INDIVIDUALS.**

3 (a) IN GENERAL.—Section 1934(a) of the Social Se-
4 curity Act (42 U.S.C. 1396u–4(a)) is amended—

5 (1) in paragraph (1)—

6 (A) by striking “A State may elect to pro-
7 vide” and inserting “Before the compliance
8 date described in paragraph (11) with respect
9 to a State, the State may elect to provide, and
10 on and after such compliance date with respect
11 to the State, the State shall provide”; and

12 (B) by striking “A State may establish a
13 numerical limit on the number of individuals
14 who may be enrolled in a PACE program under
15 a PACE program agreement.”; and

16 (2) by adding at the end the following new
17 paragraph:

18 “(11) COMPLIANCE DATE DESCRIBED.—For
19 purposes of this section, subject to section 4(c) of
20 the PACE Access Improvement Act, the compliance
21 date with respect to a State is—

22 “(A) in the case of a State that, as of the
23 date of the enactment of this paragraph, has in
24 effect a PACE program agreement with at least
25 1 PACE provider to operate a PACE program

1 in the State, the date that is 180 days after
2 such date of enactment; and

3 “(B) in the case of a State that is not de-
4 scribed in subparagraph (A), the date that is 3
5 years after such date of enactment.”.

6 (b) STATE PLAN REQUIREMENT.—Section 1902(a)
7 of the Social Security Act (42 U.S.C. 1396a(a)) is amend-
8 ed—

9 (1) in paragraph (89), by striking “; and” and
10 inserting a semicolon;

11 (2) in paragraph (90)(C), by striking the period
12 at the end and inserting “; and”; and

13 (3) by inserting after paragraph (90) the fol-
14 lowing new paragraph;

15 “(91) provide, in accordance with section 1934,
16 that the State, beginning on the compliance date de-
17 scribed in section 1934(a)(11) with respect to such
18 State, shall provide medical assistance with respect
19 to PACE program services to PACE program eligi-
20 ble individuals who are eligible for medical assist-
21 ance under the State plan or under a waiver of such
22 plan and who are enrolled in a PACE program
23 under a PACE program agreement.”.

24 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2) and unless otherwise specified, the amend-
3 ments made by this section shall take effect on the
4 date of the enactment of this Act and shall apply be-
5 ginning with respect to medical assistance provided
6 on the date that is 180 days after such date of en-
7 actment.

8 (2) DELAY PERMITTED IF STATE LEGISLATION
9 REQUIRED.—In the case of a State plan approved
10 under title XIX of the Social Security Act which the
11 Secretary of Health and Human Services determines
12 requires State legislation (other than legislation ap-
13 propriating funds) in order for the plan to meet the
14 additional requirements imposed by the amendments
15 made by this section, the State plan shall not be re-
16 garded as failing to comply with the requirements of
17 such title solely on the basis of the failure of the
18 plan to meet such additional requirements before the
19 first day of the first calendar quarter beginning
20 after the close of the first regular session of the
21 State legislature that ends after the date of the en-
22 actment of this section. For purposes of the pre-
23 ceding sentence, in the case of a State that has a
24 2-year legislative session, each year of the session is

1 deemed to be a separate regular session of the State
2 legislature.

3 **SEC. 5. REPEAL OF OVERLY BURDENSOME REGULATIONS**
4 **ON OUTREACH.**

5 (a) REPEAL OF UNNECESSARILY BURDENSOME REG-
6 ULATORY RESTRICTIONS.—

7 (1) IN GENERAL.—Sections 1894(f)(3) and
8 1934(f)(3) of the Social Security Act (42 U.S.C.
9 1395eee(f)(3), 1396u–4(f)(3)) are each amended by
10 adding at the end the following new subparagraph:

11 “(C) REVISION OF CERTAIN MARKETING
12 REQUIREMENTS.—

13 “(i) PERMISSIBLE COMMENCEMENT
14 OF MARKETING.—

15 “(I) IN GENERAL.—A specified
16 PACE program (as defined in sub-
17 clause (II)) that submits a complete
18 application to the Secretary (as deter-
19 mined under section 460.20 of title
20 42, Code of Federal Regulations, or
21 any successor regulation) for any of
22 the purposes described in subclause
23 (III) may conduct marketing activities
24 with respect to prospective PACE pro-
25 gram eligible individuals, such as

1 making available marketing materials
2 that have been conditionally approved
3 by the Secretary, on or after the date
4 the specified PACE program submits
5 such complete application.

6 “(II) SPECIFIED PACE PROGRAM
7 DEFINED.—In this subparagraph, the
8 term ‘specified PACE program’ means
9 a PACE program, and includes an en-
10 tity that submits an application to
11 CMS for approval as a PACE pro-
12 gram.

13 “(III) APPLICATION PURPOSES
14 DESCRIBED.—For purposes of sub-
15 clause (I), an application described in
16 such subclause may be submitted for
17 any of the following purposes:

18 “(aa) For an entity seeking
19 approval from the Secretary as a
20 PACE program.

21 “(bb) For a PACE program
22 seeking to expand its service
23 area.

1 “(cc) For a PACE program
2 seeking to add a new PACE cen-
3 ter.

4 “(dd) For a PACE program
5 seeking to expand its service area
6 and to add a new PACE center.

7 “(ii) MARKETING ACTIVITIES.—A
8 specified PACE program may use mar-
9 keting practices described in section
10 460.82(e)(5) of title 42, Code of Federal
11 Regulations, as in effect on June 1,
12 2025.”.

13 (2) CONFORMING REPEAL.—Section
14 460.82(e)(5) of title 42, Code of Federal Regula-
15 tions, is repealed and shall have no force or effect
16 in law.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall apply with respect to marketing activi-
19 ties under section 1894 or 1934 of the Social Security Act
20 (42 U.S.C. 1395eee; 1396u–4) conducted on or after the
21 date that is 180 days after the date of the enactment of
22 this Act.

1 **SEC. 6. REPEAL OF OUTDATED AND BURDENSOME NUMER-**
2 **ICAL LIMITATION.**

3 (a) MEDICARE.—Section 1894 of the Social Security
4 Act (42 U.S.C. 1395eee) is amended—

5 (1) in subsection (e), by striking paragraph (1)
6 and inserting the following:

7 “(1) REQUIREMENT.—The Secretary, in close
8 cooperation with the State administering agency,
9 shall establish procedures for entering into, extend-
10 ing, and terminating PACE program agreements for
11 the operation of PACE programs by entities that
12 meet the requirements for a PACE provider under
13 this section, section 1934, and regulations.”; and

14 (2) in subsection (h), by striking paragraph (2)
15 and inserting the following:

16 “(2) SIMILAR TERMS AND CONDITIONS.—Ex-
17 cept as provided under paragraph (1), the terms and
18 conditions for operation of a PACE program by a
19 provider under this subsection shall be the same as
20 those for PACE providers that are nonprofit, private
21 organizations.”.

22 (b) MEDICAID.—Section 1934 of the Social Security
23 Act (42 U.S.C. 1396u–4) is amended—

24 (1) in subsection (e), by striking paragraph (1)
25 and inserting the following:

1 “(1) REQUIREMENT.—The Secretary, in close
2 cooperation with the State administering agency,
3 shall establish procedures for entering into, extend-
4 ing, and terminating PACE program agreements for
5 the operation of PACE programs by entities that
6 meet the requirements for a PACE provider under
7 this section, section 1894, and regulations.”; and

8 (2) in subsection (h), by striking paragraph (2)
9 and inserting the following:

10 “(2) SIMILAR TERMS AND CONDITIONS.—Ex-
11 cept as provided under paragraph (1), the terms and
12 conditions for operation of a PACE program by a
13 provider under this subsection shall be the same as
14 those for PACE providers that are nonprofit, private
15 organizations.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the date of the enactment
18 of this Act.