

Senate Democrats Push To Block CMS' WISeR Model

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A group of Senate Democrats introduced legislation before leaving for the holidays that would bar CMS from implementing its controversial Wasteful and Inappropriate Service Reduction (WISeR) model, which introduces prior authorization into Traditional Medicare for the first time to purportedly stem over-utilization and fraud. The bill marks the latest step in a growing congressional effort to stop WISeR from starting Jan. 1, following a symbolic bipartisan rebuke by House appropriators and a letter Democrats sent earlier this fall to CMS demanding the agency halt the program.

Since lawmakers are essentially done for the year, the model is still expected to start in January, but a potential ban on the model could be included in any end-of-January health care negotiations as both Republicans and Democrats have raised concerns with prior authorization.

The Seniors Deserve SMARTER Care Act of 2025 -- led by Senate Finance ranking Democrat Ron Wyden (D-OR) and Sens. Patty Murray (D-WA) and Kirsten Gillibrand (D-NY) -- would bar HHS from implementing the WISeR model or any "substantially similar" initiative under the Medicare program.

"The Trump Administration is pushing automated care denials on seniors in Traditional Medicare, which is the last thing Americans want for their health care," Wyden said in a statement accompanying the bill's introduction. "Instead of improving Traditional Medicare to give seniors the health care they've earned, Donald Trump and his cronies are empowering insurance companies and AI special interests. It's time to stop this experiment on seniors."

Under WISeR, CMS plans to contract with third-party vendors that would use artificial intelligence (AI) tools to review and approve or deny certain services for beneficiaries in Traditional Medicare. Vendors would be compensated based on a share of "averted

expenditures,” a structure that Democrats say blatantly creates an incentive to delay or deny care to seniors.

The six-year pilot will operate in six states: Washington, New Jersey, Ohio, Oklahoma, Texas and Arizona.

While CMS has said that human clinicians will review any AI-generated denials, Democrats are still sounding the alarm that the effort will lead to AI randomly denying even more seniors access to necessary care than prior authorization is already notoriously known to do.

“The Trump administration is gearing up to use AI to delay and deny Medicare benefits for seniors -- this is outrageous and should be a national scandal,” Murray said in Monday’s statement. “Seniors already face painful delays when it comes to getting health care, and Republicans have plunged our nation’s health care system further into crisis by passing the largest-ever cuts to Medicaid and the Affordable Care Act -- leaving many hospitals hanging on by a thread. The very last thing this administration should be doing is strangling already overworked providers in new red tape and letting AI decide who gets health care and who doesn’t.”

This follows action earlier this month in the House Appropriations Committee, where lawmakers notably and surprisingly included language in the HHS spending bill barring CMS from using funds to implement WISeR. But the HHS spending bill stalled before lawmakers left town, and it’s unclear whether Congress can fully shut down WISeR through an annual spending bill, since the model is being developed under the CMS Innovation Center (CMMI), which receives mandatory funding through the Affordable Care Act (ACA). It seems that Democrats are now pursuing a statutory prohibition.

Also in September, Murray, Wyden and more than a dozen other Senate Democrats sent a letter to Oz and CMMI Director Abe Sutton to warn that WISeR would import “the most unpopular elements of Medicare Advantage” into Traditional Medicare, such as prior authorization and automated care denials, without any sufficient safeguards or transparency.

The lawmakers criticized CMS for bypassing traditional notice-and-comment rulemaking, questioned the selection of the six participating states, and pressed the agency to explain how it would prevent automation bias, protect patient data, and

ensure that AI recommendations could not override clinical judgment. -- *Jalen Brown* (jbrown@iwnews.com)