

Union Calendar No. 643

115TH CONGRESS
2D SESSION

H. R. 6138

[Report No. 115–831, Part I]

To amend title XVIII of the Social Security Act to provide for ambulatory surgical center representation during the review of hospital outpatient payment rates under part B of the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2018

Mr. NUNES (for himself and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

JULY 17, 2018

Additional sponsors: Mr. GOHMERT and Mr. LANCE

JULY 17, 2018

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 17, 2018

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 19, 2018]

A BILL

To amend title XVIII of the Social Security Act to provide for ambulatory surgical center representation during the review of hospital outpatient payment rates under part B of the Medicare 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 “Ambulatory Surgical*
5 *Center Payment Transparency Act of 2018” or the “ASC*
6 *Payment Transparency Act of 2018”.*

7 **SEC. 2. ADVISORY PANEL ON HOSPITAL OUTPATIENT PAY-**
8 **MENT REPRESENTATION.**

9 *(a) ASC REPRESENTATIVE.—The second sentence of*
10 *section 1833(t)(9)(A) of the Social Security Act (42 U.S.C.*
11 *1395l(t)(9)(A)) is amended by inserting “and at least one*
12 *ambulatory surgical center representative” after “an appro-*
13 *priate selection of representatives of providers”.*

14 *(b) EFFECTIVE DATE.—The amendment made by sub-*
15 *section (a) shall apply with respect to advisory panels con-*
16 *sulted on or after the date that is 1 year after the date of*
17 *enactment of this Act.*

18 **SEC. 3. REASONS FOR EXCLUDING ADDITIONAL PROCE-**
19 **DURES FROM ASC APPROVED LIST.**

20 *Section 1833(i)(1) of the Social Security Act (42*
21 *U.S.C. 1395l(i)(1)) is amended by adding at the end the*
22 *following: “In updating such lists for application in years*
23 *beginning with the second year beginning after the date of*
24 *the enactment of this sentence, for each procedure that was*
25 *not proposed to be included in such lists in the proposed*

1 *rule with respect to such lists and that was subsequently*
2 *requested to be included in such lists during the public com-*
3 *ment period with respect to such proposed rule and that*
4 *is not included in the final rule updating such lists, the*
5 *Secretary shall cite in such final rule the specific criteria*
6 *in paragraph (b) or (c) of section 416.166 of title 42, Code*
7 *of Federal Regulations (or any successor regulation), based*
8 *on which the procedure was excluded. If paragraph (b) of*
9 *such section is cited for exclusion of a procedure, the Sec-*
10 *retary shall identify the peer reviewed research, if any, or*
11 *the evidence upon which such determination is based. The*
12 *Secretary may not use or cite section 416.166(c)(7) of such*
13 *title (or any successor regulation) as criteria or a basis for*
14 *exclusion of a procedure from such lists.”.*

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