

108TH CONGRESS
1ST SESSION

S. 171

To amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2003

Mr. DAYTON introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, 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 “Medicare Ambulance
5 Payment Reform Act of 2003”.

6 **SEC. 2. AMBULANCE PAYMENT RATES.**

7 (a) PAYMENT RATES.—

1 (1) IN GENERAL.—Section 1834(l)(3) of the
2 Social Security Act (42 U.S.C. 1395m(l)(3)) is
3 amended to read as follows:

4 “(3) PAYMENT RATES.—

5 “(A) IN GENERAL.—Subject to any adjust-
6 ment under subparagraph (B) and paragraph
7 (9) and the full payment of a national mileage
8 rate pursuant to paragraph (2)(E), in estab-
9 lishing such fee schedule, the following rules
10 shall apply:

11 “(i) PAYMENT RATES IN 2003.—

12 “(I) GROUND AMBULANCE SERV-
13 ICES.—In the case of ground ambu-
14 lance services furnished under this
15 part in 2003, the Secretary shall set
16 the payment rates under the fee
17 schedule for such services at a rate
18 based on the average costs (as deter-
19 mined by the Secretary on the basis of
20 the most recent and reliable informa-
21 tion available) incurred by full cost
22 ambulance suppliers in providing non-
23 emergency basic life support ambu-
24 lance services covered under this title,
25 with adjustments to the rates for

1 other ground ambulance service levels
2 to be determined based on the rule es-
3 tablished under paragraph (1). For
4 the purposes of the preceding sen-
5 tence, the term ‘full cost ambulance
6 supplier’ means a supplier for which
7 volunteers or other unpaid staff com-
8 prise less than 20 percent of the sup-
9 plier’s total staff and which receives
10 less than 20 percent of space and
11 other capital assets free of charge.

12 “(II) OTHER AMBULANCE SERV-
13 ICES.—In the case of ambulance serv-
14 ices not described in subclause (I)
15 that are furnished under this part in
16 2003, the Secretary shall set the pay-
17 ment rates under the fee schedule for
18 such services based on the rule estab-
19 lished under paragraph (1).

20 “(ii) PAYMENT RATES IN SUBSE-
21 QUENT YEARS FOR ALL AMBULANCE SERV-
22 ICES.—In the case of any ambulance serv-
23 ice furnished under this part in 2004 or
24 any subsequent year, the Secretary shall
25 set the payment rates under the fee sched-

1 ule for such service at amounts equal to
2 the payment rate under the fee schedule
3 for that service furnished during the pre-
4 vious year, increased by the percentage in-
5 crease in the Consumer Price Index for all
6 urban consumers (United States city aver-
7 age) for the 12-month period ending with
8 June of the previous year.

9 “(B) ADJUSTMENT IN RURAL RATES.—For
10 years beginning with 2004, the Secretary, after
11 taking into consideration the recommendations
12 contained in the report submitted under section
13 221(b)(3) the Medicare, Medicaid, and SCHIP
14 Benefits Improvements and Protection Act of
15 2000, shall adjust the fee schedule payment
16 rates that would otherwise apply under this
17 subsection for ambulance services provided in
18 low density rural areas based on the increased
19 cost (if any) of providing such services in such
20 areas.”.

21 (2) CONFORMING AMENDMENT.—Section
22 221(c) of the Medicare, Medicaid, and SCHIP Bene-
23 fits Improvement and Protection Act of 2000 (114
24 Stat. 2763A–487), as enacted into law by section
25 1(a)(6) of Public Law 106–554, is repealed.

1 (b) USE OF MEDICAL CONDITIONS FOR CODING AM-
2 BULANCE SERVICES.—Section 1834(l)(7) of the Social Se-
3 curity Act (42 U.S.C. 1395m(l)(7)) is amended to read
4 as follows:

5 “(7) CODING SYSTEM.—

6 “(A) IN GENERAL.—The Secretary shall,
7 in accordance with section 1173(c)(1)(B), es-
8 tablish a system or systems for the coding of
9 claims for ambulance services for which pay-
10 ment is made under this subsection, including a
11 code set specifying the medical condition of the
12 individual who is transported and the level of
13 service that is appropriate for the transpor-
14 tation of an individual with that medical condi-
15 tion.

16 “(B) MEDICAL CONDITIONS.—The code set
17 established under subparagraph (A) shall—

18 “(i) take into account the list of med-
19 ical conditions developed in the course of
20 the negotiated rulemaking process con-
21 ducted under paragraph (1); and

22 “(ii) notwithstanding any other provi-
23 sion of law, be adopted as a standard code
24 set under section 1173(c).”.

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