



1       “(i)(1) Payment shall be made under this part in the  
2 amount specified under paragraph (2) for facility services  
3 furnished to an individual in an ambulatory surgical cen-  
4 ter in connection with any outpatient surgical procedure  
5 covered under this part as a hospital outpatient depart-  
6 ment service, except for those procedures that the Sec-  
7 retary designates, in consultation with appropriate trade  
8 and professional organizations (including those having di-  
9 rect experience with ambulatory surgical centers) as pos-  
10 ing a significant safety risk or requiring an overnight stay  
11 when performed in ambulatory surgical centers. Not less  
12 frequently than once every two years the Secretary shall  
13 review and, may, after public comment, make appropriate  
14 adjustments to this list of procedures excluded from cov-  
15 erage when performed in ambulatory surgical centers as  
16 the Secretary deems necessary.

17       “(2)(A) Subject to subparagraphs (B) and (C), the  
18 amount of payment to be made under this subsection for  
19 facility services furnished to an individual in an ambula-  
20 tory surgical center in accordance with paragraph (1) shall  
21 be equal to 75 percent of the fee schedule amount deter-  
22 mined under paragraph (3)(A) of subsection (t) for pay-  
23 ment of the same service furnished in hospital outpatient  
24 departments, as adjusted under paragraphs (4)(A), (6),

1 and (15) of such subsection, less a 20 percent beneficiary  
2 copayment.

3 “(B) For covered ambulatory surgical center services  
4 furnished on or after January 1, 2008, and before Janu-  
5 ary 1, 2012, for which the ambulatory surgical center pay-  
6 ment amount payable under this subsection in 2007 (in  
7 this subsection referred to as the ‘2007 ASC payment  
8 amount’) is less than 75 percent of the hospital OPD fee  
9 schedule amount under subsection (t) in 2007 for the  
10 same services, the amount of payment under this sub-  
11 section shall be calculated as follows:

12 “(i) For services furnished during 2008, the  
13 amount shall be equal to the sum of—

14 “(I) 80 percent of the 2007 ASC payment  
15 amount, as increased by the percentage increase  
16 in the consumer price index for all urban con-  
17 sumers (United States city average) as esti-  
18 mated by the Secretary for the 12-month period  
19 ending with December 31, 2006; and

20 “(II) 20 percent of the payment amount  
21 under paragraph (2)(A) for 2008.

22 “(ii) For services furnished during 2009, the  
23 amount shall be equal to the sum of—

24 “(I) 60 percent of the 2007 ASC payment  
25 amount as increased under clause (i)(I) and as

1 further increased by the percentage increase in  
2 the consumer price index for all urban con-  
3 sumers (United States city average) as esti-  
4 mated by the Secretary for the 12-month period  
5 ending with December 31, 2007; and

6 “(II) 40 percent of the payment amount  
7 under paragraph (2)(A) for 2009.

8 “(iii) For services furnished during 2010, the  
9 amount shall be equal to the sum of—

10 “(I) 40 percent of the 2007 ASC payment  
11 amount as increased under clauses (i)(I) and  
12 (ii)(I) and as further increased by the percent-  
13 age increase in the consumer price index for all  
14 urban consumers (United States city average)  
15 as estimated by the Secretary for the 12-month  
16 period ending with December 31, 2008; and

17 “(II) 60 percent of the payment amount  
18 under paragraph (2)(A) for 2010.

19 “(iv) For services furnished during 2011, the  
20 amount shall be equal to the sum of—

21 “(I) 20 percent of the 2007 ASC payment  
22 amount as increased under clauses (i)(I), (ii)(I),  
23 and (iii)(I) and as further increased by the per-  
24 centage increase in the consumer price index for  
25 all urban consumers (United States city aver-

1           age) as estimated by the Secretary for the 12-  
2           month period ending with December 31, 2009;  
3           and

4                   “(II) 80 percent of the payment amount  
5           under paragraph (2)(A) for 2011.

6           “(C) For covered ambulatory surgical center services  
7 for which the 2007 ASC payment amount is—

8                   “(i) greater than 75 percent, but less than 100  
9           percent, of the hospital OPD fee schedule amount  
10          under subsection (t) in 2007 for the same services,  
11          the amount of payment under this subsection shall  
12          be the greater of the 2007 ASC payment amount  
13          or—

14                   “(I) for services furnished in 2008, the  
15          payment amount under subparagraph (B)(i);

16                   “(II) for services furnished in 2009, the  
17          payment amount under subparagraph (B)(ii);

18                   “(III) for services furnished in 2010, the  
19          payment amount under subparagraph (B)(iii);

20                   “(IV) for services furnished in 2011, the  
21          payment amount under subparagraph (B)(iv);

22          or

23                   “(V) in 2012 and subsequent years, the  
24          payment amount under subparagraph (A),

1 but in no case in excess of the then applicable hos-  
2 pital OPD fee schedule amount; or

3 “(ii) greater than the hospital OPD fee sched-  
4 ule amount under subsection (t) in 2007 for the  
5 same services, the amount of payment under this  
6 subsection—

7 “(I) for services furnished during 2008, is  
8 equal to the midpoint between the 2007 ASC  
9 payment amount and 100 percent of such 2007  
10 hospital OPD fee schedule amount; or

11 “(II) for services furnished in a subsequent  
12 year is equal to the greater of the 2007 hospital  
13 OPD fee schedule amount or the payment  
14 amount specified under subclause (I) through  
15 (V) of clause (i) for the year involved, but in no  
16 case in excess of the then applicable hospital  
17 OPD fee schedule amount.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 1832(a)(2)(F)(i) of such Act (42  
20 U.S.C. 1395k(a)(2)(F)(i)) is amended—

21 (A) by striking “section 1833(i)(1)(A)”  
22 and inserting “section 1833(i)(1)”;

23 (B) by striking “the standard overhead  
24 amount as determined under section

1 1833(i)(2)(A)” and inserting “the amount de-  
2 termined under section 1833(i)(2)”;

3 (C) by striking all that follows “as full  
4 payment for such services” and inserting “,  
5 or”.

6 (2) Section 1833(a)(1)(G) of such Act (42  
7 U.S.C. 1395l(a)(1)(G)) is amended—

8 (A) by striking “subsection (i)(1)(A)” and  
9 inserting “subsection (i)(1)”;

10 (B) by striking “for services furnished be-  
11 ginning” and all that follows through “sub-  
12 section (i)(2)(D)”;

13 (C) by striking “such revised payment sys-  
14 tem” and inserting “under subsection (i)(2)”.

15 (3) Section 1833(a)(4) of such Act (42 U.S.C.  
16 1395l(a)(4)) is amended—

17 (A) by striking “section 1833(i)(1)(A)”  
18 and inserting “subsection (i)(1)”;

19 (B) by striking “paragraph (2) or (3) of  
20 subsection (i)” and inserting “subsection  
21 (i)(1)”.

22 (c) EFFECTIVE DATE.—The amendments made by  
23 this section shall apply to ambulatory surgical center serv-  
24 ices furnished on or after January 1, 2008.

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