

114TH CONGRESS
1ST SESSION

S. 2071

To amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2015

Mr. CRAPO (for himself, Mr. ALEXANDER, Mr. BLUMENTHAL, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under 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 Quality and Access Act of 2015”.

1 **SEC. 2. ALIGNING UPDATES FOR AMBULATORY SURGICAL**
2 **CENTER SERVICES WITH UPDATES FOR OPD**
3 **SERVICES.**

4 Section 1833(i)(2)(D) of the Social Security Act (42
5 U.S.C. 1395l(i)(2)(D)) is amended—

6 (1) in clause (v)—

7 (A) in the first sentence, by inserting be-
8 fore the period the following: “and, in the case
9 of 2016 or a subsequent year, by the adjust-
10 ment described in subsection (t)(3)(G) for the
11 respective year”; and

12 (B) by moving the margin 6 ems to the
13 left;

14 (2) by redesignating clause (vi) as clause (vii);
15 and

16 (3) by inserting after clause (v) the following
17 new clause:

18 “(vi) In implementing the system described in clause
19 (i) for 2016 and each subsequent year, there shall be an
20 annual update under such system for the year equal to
21 the OPD fee schedule increase factor specified under sub-
22 section (t)(3)(C)(iv) for such year, adjusted in accordance
23 with clauses (iv) and (v).”.

1 **SEC. 3. TRANSPARENCY OF QUALITY REPORTING AND**
2 **MEDICARE BENEFICIARY INFORMATION.**

3 Paragraph (7) of section 1833(i) of the Social Secu-
4 rity Act (42 U.S.C. 1395l(i)) is amended by adding at the
5 end the following new subparagraphs:

6 “(C) To the extent that quality measures imple-
7 mented by the Secretary under this paragraph for ambula-
8 tory surgical centers and under section 1833(t)(17) for
9 hospital outpatient departments are applicable to the pro-
10 vision of surgical services in both ambulatory surgical cen-
11 ters and hospital outpatient departments, the Secretary
12 shall make reported data on such centers and departments
13 available on the website ‘Medicare.gov’ in a manner that
14 will permit side-by-side comparisons on such measures for
15 ambulatory surgical centers and hospital outpatient de-
16 partments in the same geographic area.

17 “(D) For each procedure covered for payment in an
18 ambulatory surgical center, the Secretary shall publish,
19 along with the quality reporting comparisons provided for
20 in subparagraph (C), comparisons of the Medicare pay-
21 ment and beneficiary copayment amounts for the proce-
22 dure when performed in ambulatory surgical centers and
23 hospital outpatient departments in the same geographic
24 area.

25 “(E) The Secretary shall ensure that an ambulatory
26 surgery center and a hospital has the opportunity to re-

1 view, and submit any corrections for, the data to be made
 2 public with respect to the ambulatory surgery center under
 3 subparagraph (C) prior to such data being made public.

4 “(F) The Secretary shall develop materials and in-
 5 form beneficiaries under this title of publicly available
 6 comparisons provided for in subparagraphs (C) and (D).”.

7 **SEC. 4. 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
 11 U.S.C. 1395l(t)(9)(A)) is amended by inserting “and sup-
 12 pliers subject to the prospective payment system (includ-
 13 ing at least one ambulatory surgical center representa-
 14 tive)” after “an appropriate selection of representatives of
 15 providers”.

16 (b) EFFECTIVE DATE.—The amendment made by
 17 subsection (a) shall take effect on the date of the enact-
 18 ment of this Act.

19 **SEC. 5. REASONS FOR EXCLUDING ADDITIONAL PROCE-**
 20 **DURES FROM ASC APPROVED LIST.**

21 (a) IN GENERAL.—Section 1833(i)(1) of the Social
 22 Security Act (42 U.S.C. 1395l(i)(1)) is amended by add-
 23 ing at the end the following: “In updating such lists for
 24 application in years beginning after the date of the enact-
 25 ment of this sentence, for each procedure that was re-

1 requested to be included in such lists during the public com-
2 ment period but which the Secretary does not propose (in
3 the final rule updating such lists) to so include in such
4 lists, the Secretary shall cite in such final rule the specific
5 criteria in paragraph (b) or (c) of section 416.166 of title
6 42, Code of Federal Regulations, based on which the pro-
7 cedure was excluded. If paragraph (b) of such section is
8 cited for exclusion of a procedure, the Secretary shall iden-
9 tify the peer reviewed research or the evidence upon which
10 such determination is based. The Secretary may not use
11 or cite section 416.166(c)(7) of such title as criteria or
12 a basis for exclusion of a procedure from such lists.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall apply to lists of ambulatory surgery
15 procedures for application in years beginning after the
16 date of the enactment of this Act.

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