

115TH CONGRESS  
1ST SESSION

# H. R. 3729

To amend titles XI and XVIII of the Social Security Act to facilitate provider and supplier cost reporting of ambulance services under the Medicare program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2017

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

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## A BILL

To amend titles XI and XVIII of the Social Security Act to facilitate provider and supplier cost reporting of ambulance services 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 “Comprehensive Oper-  
5 ations, Sustainability, and Transport Act of 2017”.

1 **SEC. 2. GROUND AMBULANCE SERVICES COST REPORTING**  
2 **REQUIREMENT.**

3 (a) IN GENERAL.—Section 1121 of the Social Secu-  
4 rity Act (42 U.S.C. 1320a) is amended—

5 (1) in subsection (a)—

6 (A) by striking “For the purposes of” and  
7 inserting “Subject to subsection (d), for the  
8 purposes of”;

9 (B) by inserting “suppliers of ground am-  
10 bulance services,” after “health maintenance or-  
11 ganizations,”; and

12 (C) in the matter at the end, by adding the  
13 following new sentence: “Not later than Decem-  
14 ber 31, 2019, the Secretary shall modify the  
15 uniform reporting system for providers of serv-  
16 ices with respect to ambulance services to en-  
17 sure that such system contains information  
18 similar (as determined by the Secretary) to in-  
19 formation required under the uniform reporting  
20 system for suppliers of ground ambulance serv-  
21 ices.”; and

22 (2) by adding at the end the following new sub-  
23 section:

24 “(d) In the case of a supplier of ground ambulance  
25 services that furnishes such services for fewer than 20 in-  
26 dividuals entitled to benefits under part A of title XVIII

1 and enrolled under part B of such title in a cost reporting  
2 period (as defined by the Secretary), the Secretary may  
3 modify the requirements for inclusion of any information  
4 specified in subsection (a) in reports made in accordance  
5 with the uniform reporting system established under this  
6 section with respect to such services.”.

7 (b) SUSPENSION OF PAYMENT FOR GROUND AMBU-  
8 LANCE SERVICES; DEEMING CERTAIN PAYMENTS OVER-  
9 PAYMENTS.—Section 1834(l) of the Social Security Act  
10 (42 U.S.C. 1395m(l)) is amended by adding at the end  
11 the following new paragraph:

12 “(17) REQUIREMENT TO SUBMIT COST REPORT  
13 AND AUTHORITY TO SUSPEND PAYMENTS AND DEEM  
14 CERTAIN PAYMENTS OVERPAYMENTS FOR GROUND  
15 AMBULANCE SERVICES.—

16 “(A) IN GENERAL.—With respect to  
17 ground ambulance services furnished by a sup-  
18 plier of such services during cost reporting peri-  
19 ods beginning on or after January 1, 2020,  
20 such supplier shall make reports to the Sec-  
21 retary of information described in section  
22 1121(a) in accordance with the uniform report-  
23 ing system established under such section for  
24 such suppliers and, as may be required by the

1 Secretary, of any of the information described  
2 in subparagraph (B).

3 “(B) ADDITIONAL INFORMATION.—The  
4 Secretary may, with respect to a supplier of  
5 ground ambulance services, require the fol-  
6 lowing information (to be reported to the extent  
7 practicable under the uniform reporting system  
8 established under section 1121(a) for such sup-  
9 pliers):

10 “(i) Whether the supplier is part of  
11 an emergency services department, a gov-  
12 ernmental organization, or another type of  
13 entity (as described by the Secretary).

14 “(ii) The number of hours in a week  
15 during which the supplier is available for  
16 furnishing ground ambulance services.

17 “(iii) The average number of volun-  
18 teer hours a week used by the supplier.

19 “(C) SUSPENSION OF PAYMENT.—Subject  
20 to subparagraph (E), in the case that the Sec-  
21 retary determines that a supplier of ground am-  
22 bulance services has not made to the Secretary  
23 a timely report described in subparagraph (A)  
24 with respect to a cost reporting period begin-  
25 ning on or after January 1, 2020, and before

1 January 1, 2022, the Secretary may suspend  
2 payments made under this subsection, in whole  
3 or in part, to such supplier until the Secretary  
4 finds that such supplier has made such a re-  
5 port.

6 “(D) DEEMING CERTAIN PAYMENTS OVER-  
7 PAYMENTS.—Subject to subparagraphs (E) and  
8 (F), in the case that the Secretary determines  
9 that a supplier of ground ambulance services  
10 has not made to the Secretary a complete, accu-  
11 rate, and timely report described in subpara-  
12 graph (A) with respect to a cost reporting pe-  
13 riod beginning on or after January 1, 2022, the  
14 Secretary may deem payments made under this  
15 subsection to such supplier for such period to  
16 be overpayments and recoup such overpay-  
17 ments.

18 “(E) HARDSHIP DELAY.—The Secretary  
19 shall establish a process whereby a supplier of  
20 ground ambulance services may request a delay  
21 in making a report described in subparagraph  
22 (A) with respect to a cost reporting period for  
23 reason of significant hardship (as determined  
24 by the Secretary).

1           “(F) AUTHORITY TO MODIFY COST RE-  
2           PORTING ELEMENTS AND ENFORCEMENT.—Not  
3           earlier than January 1, 2023, the Secretary  
4           may provide that subparagraph (D) no longer  
5           applies to ground ambulance services suppliers  
6           or a category of such suppliers after—

7                   “(i) taking into account the rec-  
8                   ommendation of the Medicare Payment  
9                   Advisory Commission in the most recent  
10                  report available to the Secretary submitted  
11                  under section 3 of the Ambulance Medicare  
12                  Budget and Operations Act of 2017 re-  
13                  garding whether cost reports made by sup-  
14                  pliers or a category of suppliers (as speci-  
15                  fied for purposes of the report submitted  
16                  under such section) should be required or  
17                  modified; and

18                   “(ii) undertaking notice and comment  
19                   rulemaking.

20           “(G) AUDIT OF COST REPORTS.—The Sec-  
21           retary shall audit reports described in subpara-  
22           graph (A) submitted with respect to cost re-  
23           porting periods beginning on or after January  
24           1, 2021.

1           “(H) APPEALS.—The Secretary shall es-  
2           tablish a process whereby a supplier of ground  
3           ambulance services may appeal a determination  
4           described in subparagraph (C) or (D) made  
5           with respect to a cost report required to be  
6           made by such supplier under subparagraph  
7           (A).”.

8           (c) STAKEHOLDER FEEDBACK.—

9           (1) IN GENERAL.—The Secretary of Health and  
10          Human Services shall implement the provisions of  
11          this section, including the amendments made by this  
12          section, through notice and comment rulemaking  
13          and seek input from stakeholders.

14          (2) NONAPPLICATION OF PAPERWORK REDUC-  
15          TION ACT.—Chapter 35 of title 44, United States  
16          Code, shall not apply with respect to—

17                 (A) the development and implementation of  
18                 the uniform reporting system required under  
19                 section 1121(a) of the Social Security Act (42  
20                 U.S.C. 1320a(a)) for suppliers of ground ambu-  
21                 lance services and reports required to be made  
22                 under section 1834(l)(17) of such Act (42  
23                 U.S.C. 1395m(l)(17)); and

24                 (B) the modification of the uniform report-  
25                 ing systems under such section 1121(a) of such

1 Act for providers of such services and reports  
2 required to be made under section  
3 1861(v)(1)(F) of such Act (42 U.S.C.  
4 1395x(v)(1)(F)).

5 (d) IMPLEMENTATION RESOURCES.—

6 (1) IN GENERAL.—There are hereby appro-  
7 priated to the Secretary from the Federal Hospital  
8 Insurance Trust Fund under section 1817 of the So-  
9 cial Security Act (42 U.S.C. 1395i) \$8,000,000 and  
10 from the Federal Supplementary Medical Insurance  
11 Trust Fund under section 1841 of such Act (42  
12 U.S.C. 1395t) \$92,000,000 (of which not less than  
13 \$10,000,000 shall be used to fulfill the auditing re-  
14 quirement under section 1834(l)(17)(G) of such Act,  
15 as added by subsection (b) of this section) to carry  
16 out the provisions of this section, including the  
17 amendments made by this section, to remain avail-  
18 able through December 31, 2022.

19 (2) FUNDING FOR EMPLOYEES.—The Secretary  
20 of Health and Human Services shall provide for the  
21 transfer to the Centers for Medicare & Medicaid  
22 Services Program Management Account, from the  
23 Supplemental Insurance Trust Fund under section  
24 1841 of the Social Security Act (42 U.S.C. 1395t),  
25 of such sums as may be necessary in order to di-



1       rectly hire no more than 2 full-time employees to  
2       carry out the provisions of this section, including the  
3       amendments made by this section.

4       (e) SENSE OF CONGRESS.—It is the sense of Con-  
5       gress that—

6             (1) a cost report made by a supplier of ground  
7       ambulance services with respect to a cost reporting  
8       period beginning before January 1, 2022, may not  
9       contain complete and accurate information on  
10      ground ambulance services furnished during such a  
11      period by the supplier; and

12            (2) the Secretary should take into account only  
13      the timeliness of such a report made with respect to  
14      such a period when determining whether to suspend  
15      payments to a supplier under section 1834(l) of the  
16      Social Security Act (42 U.S.C. 1395m(l)).

17 **SEC. 3. GROUND AMBULANCE SERVICES COST REPORTING**  
18                                   **STUDY.**

19       (a) IN GENERAL.—Not later than March 15, 2022,  
20      and as determined necessary by the Medicare Payment  
21      Advisory Commission thereafter, such Commission shall  
22      assess and submit to Congress a report on cost reports  
23      carried out in accordance with sections 1121(a) and  
24      1834(l) of the Social Security Act (42 U.S.C. 1320a(a),

1 1395m(l)) and the adequacy of payments for such services  
2 made under section 1834(l) of such Act.

3 (b) CONTENTS.—The report described in subsection  
4 (a) shall contain the following:

5 (1) An analysis of cost report data submitted in  
6 accordance with such sections.

7 (2) An analysis of any burden on providers and  
8 suppliers of such services associated with reporting  
9 such data.

10 (3) A recommendation on whether or not cost  
11 reports of ambulance services made by suppliers or  
12 a category of suppliers (as specified by the Sec-  
13 retary) of such services, or the ground ambulance  
14 portion of cost reports made by providers of such  
15 services, should be required or modified, taking into  
16 account the analyses described in paragraphs (1)  
17 and (2).

18 **SEC. 4. EXTENSION OF GROUND AMBULANCE SERVICES EX-**  
19 **TENDERS AND PAY-FOR.**

20 Section 1834(l) of the Social Security Act (42 U.S.C.  
21 1395m(l)) is amended—

22 (1) in paragraph (12)(A), by striking “2018”  
23 and inserting “2023”;

24 (2) in paragraph (13)(A), by striking “2018”  
25 each place it appears and inserting “2023”; and

1           (3) in paragraph (15), by striking “on or after  
2           October 1, 2013” and inserting “during the period  
3           beginning on October 1, 2013, and ending on Sep-  
4           tember 30, 2018, and by 32 percent for such serv-  
5           ices furnished on or after October 1, 2018”.

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