

# Union Calendar No. 356

115TH CONGRESS  
1ST SESSION

# H. R. 3729

**[Report No. 115–481, Part I]**

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

DECEMBER 21, 2017

Additional sponsors: Mr. CURBELO of Florida, Ms. JENKINS of Kansas, and  
Mr. PETERSON

DECEMBER 21, 2017

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*]

DECEMBER 21, 2017

The 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 September 11, 2017]

# **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”.*

6 **SEC. 2. GROUND AMBULANCE SERVICES COST REPORTING**  
7 **REQUIREMENT.**

8        *(a) IN GENERAL.—Section 1121 of the Social Security*  
9 *Act (42 U.S.C. 1320a) is amended—*

10            *(1) in subsection (a)—*

11                    *(A) by striking “For the purposes of” and*  
12 *inserting “Subject to subsection (d), for the pur-*  
13 *poses of”;*

14                    *(B) by inserting “suppliers of ground am-*  
15 *bulance services,” after “health maintenance or-*  
16 *ganizations,”; and*

17                    *(C) in the matter following paragraph (5),*  
18 *by adding the following new sentence: “Not later*  
19 *than December 31, 2019, the Secretary shall*  
20 *modify the uniform reporting system for pro-*  
21 *viders of services with respect to ambulance serv-*  
22 *ices to ensure that such system contains informa-*  
23 *tion similar (as determined by the Secretary) to*  
24 *information required under the uniform report-*

1            *ing system for suppliers of ground ambulance*  
2            *services.”; and*

3            *(2) by adding at the end the following new sub-*  
4            *section:*

5            *“(d) In the case of a supplier of ground ambulance*  
6            *services that furnishes such services for fewer than 20 indi-*  
7            *viduals entitled to benefits under part A of title XVIII and*  
8            *enrolled under part B of such title in a cost reporting period*  
9            *(as defined by the Secretary), the Secretary may modify*  
10           *the requirements for inclusion of any information specified*  
11           *in subsection (a) in reports made in accordance with the*  
12           *uniform reporting systems established under this section*  
13           *with respect to such services.”.*

14           *(b) SUSPENSION OF PAYMENT FOR GROUND AMBU-*  
15           *LANCE SERVICES; DEEMING CERTAIN PAYMENTS OVERPAY-*  
16           *MENTS.—Section 1834(l) of the Social Security Act (42*  
17           *U.S.C. 1395m(l)) is amended by adding at the end the fol-*  
18           *lowing new paragraph:*

19                    *“(17) REQUIREMENT TO SUBMIT COST REPORT*  
20                    *AND AUTHORITY TO SUSPEND PAYMENTS AND DEEM*  
21                    *CERTAIN PAYMENTS OVERPAYMENTS FOR GROUND AM-*  
22                    *BULANCE SERVICES.—*

23                    *“(A) IN GENERAL.—With respect to ground*  
24                    *ambulance services furnished by a supplier of*  
25                    *such services during cost reporting periods (as*

1           *defined in subparagraph (I)) beginning on or*  
2           *after January 1, 2020, such supplier shall make*  
3           *reports to the Secretary of information described*  
4           *in section 1121(a) in accordance with the uni-*  
5           *form reporting system established under such sec-*  
6           *tion for such suppliers and, as may be required*  
7           *by the Secretary, of any of the information de-*  
8           *scribed in subparagraph (B).*

9           “(B) *ADDITIONAL INFORMATION.—The Sec-*  
10          *retary may, with respect to a supplier of ground*  
11          *ambulance services, require the following infor-*  
12          *mation (to be reported to the extent practicable*  
13          *under the uniform reporting system established*  
14          *under section 1121(a) for such suppliers):*

15                 “(i) *Whether the supplier is part of an*  
16                 *emergency services department, a govern-*  
17                 *mental organization, or another type of en-*  
18                 *tity (as described by the Secretary).*

19                 “(ii) *The number of hours in a week*  
20                 *during which the supplier is available for*  
21                 *furnishing ground ambulance services.*

22                 “(iii) *The average number of volunteer*  
23                 *hours a week used by the supplier.*

24           “(C) *SUSPENSION OF PAYMENT.—Subject to*  
25          *subparagraph (E), in the case that the Secretary*

1 *determines that a supplier of ground ambulance*  
2 *services has not made to the Secretary a timely*  
3 *report described in subparagraph (A) with re-*  
4 *spect to a cost reporting period beginning on or*  
5 *after January 1, 2020, and before January 1,*  
6 *2022, the Secretary may suspend payments*  
7 *made under this subsection, in whole or in part,*  
8 *to such supplier until the Secretary finds that*  
9 *such supplier has made such a report.*

10 *“(D) DEEMING CERTAIN PAYMENTS OVER-*  
11 *PAYMENTS.—Subject to subparagraphs (E) and*  
12 *(F), in the case that the Secretary determines*  
13 *that a supplier of ground ambulance services has*  
14 *not made to the Secretary a complete, accurate,*  
15 *and timely report described in subparagraph (A)*  
16 *with respect to a cost reporting period beginning*  
17 *on or after January 1, 2022, the Secretary may*  
18 *deem payments made under this subsection to*  
19 *such supplier for such period to be overpayments*  
20 *and recoup such overpayments.*

21 *“(E) HARDSHIP DELAY.—The Secretary*  
22 *shall establish a process whereby a supplier of*  
23 *ground ambulance services may request a delay*  
24 *in making a report described in subparagraph*  
25 *(A) with respect to a cost reporting period for*

1           *reason of significant hardship (as determined by*  
2           *the Secretary).*

3           “(F) *AUTHORITY TO MODIFY COST REPORT-*  
4           *ING ELEMENTS AND ENFORCEMENT.—Not earlier*  
5           *than January 1, 2023, the Secretary may pro-*  
6           *vide that subparagraph (D) no longer applies to*  
7           *ground ambulance services suppliers or a cat-*  
8           *egory of such suppliers after—*

9                   “(i) *taking into account the rec-*  
10                   *ommendation of the Medicare Payment Ad-*  
11                   *visory Commission in the most recent report*  
12                   *available to the Secretary submitted under*  
13                   *section 3 of the Comprehensive Operations,*  
14                   *Sustainability, and Transport Act of 2017*  
15                   *regarding whether cost reports made by sup-*  
16                   *pliers or a category of suppliers (as speci-*  
17                   *fied for purposes of the report submitted*  
18                   *under such section) should be required or*  
19                   *modified; and*

20                   “(ii) *undertaking notice and comment*  
21                   *rulemaking.*

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

1           “(H) *APPEALS.*—*The Secretary shall estab-*  
2           *lish a process whereby a supplier of ground am-*  
3           *bulance services may appeal a determination de-*  
4           *scribed in subparagraph (C) or (D) made with*  
5           *respect to a cost report required to be made by*  
6           *such supplier under subparagraph (A).*

7           “(I) *DEFINITION.*—*In this paragraph, the*  
8           *term ‘cost reporting period’ means, with respect*  
9           *to a year, the 12-month period beginning on*  
10           *January 1 of such year.”.*

11       (c) *STAKEHOLDER FEEDBACK.*—

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

17           (2) *NONAPPLICATION OF PAPERWORK REDUCTION*  
18           *ACT.*—*Chapter 35 of title 44, United States Code,*  
19           *shall not apply with respect to—*

20           (A) *the development and implementation of*  
21           *the uniform reporting system required under sec-*  
22           *tion 1121(a) of the Social Security Act (42*  
23           *U.S.C. 1320a(a)) for suppliers of ground ambu-*  
24           *ulance services and reports required to be made*



1           *under section 1834(l)(17) of such Act (42 U.S.C.*  
2           *1395m(l)(17)); and*

3                     *(B) the modification of the uniform report-*  
4           *ing systems under such section 1121(a) of such*  
5           *Act for providers of such services and reports re-*  
6           *quired to be made under section 1861(v)(1)(F) of*  
7           *such Act (42 U.S.C. 1395x(v)(1)(F)).*

8           *(d) IMPLEMENTATION RESOURCES.—*

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

22                     *(2) FUNDING FOR EMPLOYEES.—The Secretary*  
23          *of Health and Human Services shall provide for the*  
24          *transfer to the Centers for Medicare & Medicaid Serv-*  
25          *ices Program Management Account, from the Federal*

1       *Supplementary Medical Insurance Trust Fund under*  
2       *section 1841 of the Social Security Act (42 U.S.C.*  
3       *1395t), of such sums as may be necessary in order to*  
4       *directly hire no more than 2 full-time employees to*  
5       *carry out the provisions of this section, including the*  
6       *amendments made by this section.*

7       *(e) SENSE OF CONGRESS.—It is the sense of Congress*  
8       *that—*

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

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

20       **SEC. 3. GROUND AMBULANCE SERVICES COST REPORTING**  
21                                      **STUDY.**

22              *(a) IN GENERAL.—Not later than March 15, 2022, and*  
23              *as determined necessary by the Medicare Payment Advisory*  
24              *Commission thereafter, such Commission shall assess and*  
25              *submit to Congress a report on cost reports carried out in*

1 *accordance with sections 1121(a) and 1834(l) of the Social*  
2 *Security Act (42 U.S.C. 1320a(a), 1395m(l)), the adequacy*  
3 *of payments for such services made under section 1834(l)*  
4 *of such Act, and the extent to which state mandates may*  
5 *create geographic variations in the cost of providing such*  
6 *services.*

7 (b) *CONTENTS.—The report described in subsection (a)*  
8 *shall contain the following:*

9 (1) *An analysis of cost report data submitted in*  
10 *accordance with such sections.*

11 (2) *An analysis of any burden on providers and*  
12 *suppliers of such services associated with reporting*  
13 *such data.*

14 (3) *A recommendation on whether or not cost re-*  
15 *ports of ambulance services made by suppliers or a*  
16 *category of suppliers (as specified by the Secretary) of*  
17 *such services, or the ground ambulance portion of cost*  
18 *reports made by providers of such services, should be*  
19 *required or modified, taking into account the analyses*  
20 *described in paragraphs (1) and (2).*

21 **SEC. 4. EXTENSION OF GROUND AMBULANCE SERVICES EX-**  
22 **TENDERS AND PAY-FOR.**

23 *Section 1834(l) of the Social Security Act (42. U.S.C.*  
24 *1395m(l)) is amended—*

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

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

5           (3) *in paragraph (15), by striking “on or after*  
6           *October 1, 2013” and inserting “during the period be-*  
7           *ginning on October 1, 2013, and ending on September*  
8           *30, 2018, and by 32 percent for such services fur-*  
9           *nished on or after October 1, 2018”.*



Union Calendar No. 356

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 3729**

[Report No. 115-481, Part I]

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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.

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an amendment

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