

115TH CONGRESS
2D SESSION

H. R. 5804

To amend title XVIII of the Social Security Act to provide for modifications in payment for certain outpatient surgical services.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2018

Mr. SHIMKUS (for himself, Mr. KRISHNAMOORTHY, and Mr. ROSKAM) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

A BILL

To amend title XVIII of the Social Security Act to provide for modifications in payment for certain outpatient surgical services.

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 “Post-Surgical Injec-
5 tions as an Opioid Alternative Act”.

1 **SEC. 2. MODIFICATION OF PAYMENT FOR CERTAIN OUT-**
2 **PATIENT SURGICAL SERVICES.**

3 (a) FREEZE OF PAYMENT FOR CERTAIN SERVICES
4 FURNISHED IN AMBULATORY SURGICAL CENTERS.—Sec-
5 tion 1833(i)(2) of the Social Security Act (42 U.S.C.
6 1395l(i)(2)) is amended by adding at the end the following
7 new subparagraph:

8 “(F)(i) With respect to a targeted procedure
9 (as defined in clause (ii)) furnished during 2020 or
10 a subsequent year (before 2025) to an individual in
11 an ambulatory surgical center, the payment amount
12 for such procedure that would otherwise be deter-
13 mined under the revised payment system under sub-
14 paragraph (D), without application of this subpara-
15 graph, shall be equal to the payment amount for
16 such procedure furnished in 2016.

17 “(ii) For purposes of clause (i), the term ‘tar-
18 geted procedure’ means a procedure to which
19 Healthcare Common Procedure Coding System
20 62310 (or, for years beginning after 2016, 62321),
21 62311 (or, for years beginning after 2016, 62323),
22 62264, 64490, 64493, or G0260 (or any successor
23 code) applies.

24 “(iii) This subparagraph shall not be applied in
25 a budget-neutral manner.”.

26 (b) DATA COLLECTION.—

1 (1) IN GENERAL.—The Comptroller General
2 shall collect data relating to the cost differential be-
3 tween targeted procedures (as defined in section
4 1833(i)(2)(F)(ii) of the Social Security Act, as
5 added by subsection (a)) that are performed in a
6 hospital operating room and such procedures that
7 are performed in an office setting within a hospital
8 in order to determine whether such procedures are
9 being properly coded for claims, based on setting, for
10 payment under section 1833(i)(2)(D) of the Social
11 Security Act (42 U.S.C. 1395l(i)(2)(D)) and to de-
12 termine if further changes are needed in the classi-
13 fication system for covered outpatient department
14 services (as described in section 1833(t)(2)(A) of the
15 Social Security Act (42 U.S.C. 1395l(t)(2)(A))).

16 (2) REPORT.—Not later than 4 years after the
17 date of the enactment of this Act, the Comptroller
18 General shall submit a report to the Committee on
19 Energy and Commerce and the Committee on Ways
20 and Means of the House of Representatives and the
21 Committee on Finance of the Senate containing—

22 (A) a determination of whether procedures
23 described in paragraph (1) are being properly
24 coded for claims, based on setting, for payment

1 under section 1833(i)(2)(D) of the Social Secu-
2 rity Act (42 U.S.C. 1395l(i)(2)(D)); and

3 (B) recommendations on any changes the
4 Comptroller General determines are needed in
5 the classification system for covered outpatient
6 department services (as described in section
7 1833(t)(2)(A) of the Social Security Act (42
8 U.S.C. 1395l(t)(2)(A)).

9 (c) STUDY.—Not later than 3 years after the date
10 of the enactment of this Act, the Secretary of Health and
11 Human Services shall conduct a study and submit to Con-
12 gress a report on the extent to which procedures described
13 in section 1833(i)(2)(F)(ii) of the Social Security Act, as
14 added by subsection (a), are effective at preventing the
15 need for opioids for individuals furnished such procedures.

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