

116TH CONGRESS
1ST SESSION

H. R. 3021

To amend title XVIII of the Social Security Act to restructure the payment adjustment for non-emergency ESRD ambulance transports under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2019

Mr. LAHOOD (for himself and Ms. SEWELL of Alabama) 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 restructure the payment adjustment for non-emergency ESRD ambulance transports under the Medicare program.

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 “Non-Emergency Am-
5 bulance Transportation Sustainability and Accountability
6 Act of 2019” or the “NEATSA Act”.

1 **SEC. 2. RESTRUCTURE OF MEDICARE PAYMENT ADJUST-**
2 **MENT FOR NON-EMERGENCY ESRD AMBU-**
3 **LANCE TRANSPORTS.**

4 (a) IN GENERAL.—Section 1834(l)(15) of the Social
5 Security Act (42 U.S.C. 1395m(l)(15)) is amended to read
6 as follows:

7 “(15) RESTRUCTURE OF PAYMENT ADJUST-
8 MENT FOR NON-EMERGENCY AMBULANCE TRANS-
9 PORTS FOR ESRD BENEFICIARIES.—

10 “(A) IN GENERAL.—In the case of applica-
11 ble ambulance services, the fee schedule amount
12 otherwise applicable under the preceding provi-
13 sions of this subsection shall be reduced as fol-
14 lows:

15 “(i) In the case of applicable ambu-
16 lance services furnished during the period
17 beginning on October 1, 2013, and ending
18 on September 30, 2019, reduced by 10
19 percent.

20 “(ii) In the case of applicable ambu-
21 lance services furnished during the period
22 beginning on October 1, 2019, and ending
23 on December 31, 2019, reduced by 15.5
24 percent.

1 “(iii) In the case of applicable ambu-
2 lance services furnished during 2020 or a
3 subsequent year—

4 “(I) by a provider or supplier of
5 ambulance services that the Secretary
6 has designated under subparagraph
7 (C) for the year and for which such
8 transport originates in an area not de-
9 scribed in paragraph (13)(A)(i), re-
10 duced by 29.5 percent; or

11 “(II) that are not described in
12 subclause (I), reduced by 15.5 per-
13 cent.

14 “(B) APPLICABLE AMBULANCE SERV-
15 ICES.—In this paragraph, the term ‘applicable
16 ambulance services’ means ambulance services
17 consisting of non-emergency basic life support
18 services involving transport of an individual
19 with end-stage renal disease for renal dialysis
20 services (as described in section
21 1881(b)(14)(B)) furnished other than on an
22 emergency basis by a provider of services or a
23 renal dialysis facility.

24 “(C) DESIGNATION.—

1 “(i) IN GENERAL.—For 2020 and
2 each subsequent year, the Secretary shall
3 designate the providers or suppliers of am-
4 bulance services for which the total pay-
5 ments made to the provider or supplier for
6 applicable ambulance services furnished
7 during the applicable period for the year
8 makes up at least 50 percent of the total
9 payments made to the provider or supplier
10 under this part for all ambulance services
11 furnished during such applicable period.

12 “(ii) METHODOLOGY.—The Secretary
13 shall, through notice and comment rule-
14 making, establish the methodology for des-
15 ignating providers and suppliers under
16 clause (i) for a year. Under such method-
17 ology, the applicable period for a year shall
18 be a 12-month period determined by the
19 Secretary that begins and ends prior to the
20 beginning of such year.

21 “(iii) TIMING.—Not later than No-
22 vember 1 of each year (beginning with
23 2019), the Secretary shall notify any pro-
24 vider or supplier that will be designated
25 under clause (i) for the subsequent year.

1 “(iv) TARGETED REVIEW.—The Sec-
2 retary shall establish a process under
3 which a provider or supplier may seek an
4 informal review of the designation under
5 clause (i) with respect to the provider or
6 supplier.

7 “(v) PUBLIC REPORTING.—Beginning
8 in 2021, the Secretary shall, in an easily
9 understandable format, make available on
10 the Internet website of the Centers for
11 Medicare & Medicaid Services the fol-
12 lowing:

13 “(I) The total number of claims
14 paid under this part for applicable
15 ambulance services.

16 “(II) The total number of claims
17 paid under this part for applicable
18 ambulance services that were subject
19 to the payment reduction under sub-
20 paragraph (A)(iii), broken out for
21 each of subclauses (I) and (II) of such
22 subparagraph.

23 “(III) The total number of pro-
24 viders and suppliers that were des-
25 ignated under clause (i).

1 “(IV) Any other data regarding
2 applicable ambulance services that the
3 Secretary determines appropriate.”.

4 (b) GAO STUDY AND REPORT.—

5 (1) IN GENERAL.—The Comptroller General of
6 the United States (in this subsection referred to as
7 the “Comptroller General”) shall conduct a study on
8 payments under section 1834(l) of the Social Secu-
9 rity Act (42 U.S.C. 1395m(l)) for applicable ambu-
10 lance services (as defined in subparagraph (B) of
11 paragraph (15) of such section, as added by sub-
12 section (a)). Such study shall include an analysis of
13 the impact of the amendment made by subsection
14 (a), including the impact on beneficiary access and
15 any steps providers and suppliers of ambulance serv-
16 ices have taken to avoid payment reductions under
17 such paragraph (15).

18 (2) REPORT.—Not later than March 1, 2023,
19 the Comptroller General shall submit to Congress a
20 report containing the results of the study conducted
21 under paragraph (1), together with recommenda-
22 tions for such legislation and administrative action
23 as the Comptroller General determines appropriate.

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