

116TH CONGRESS  
1ST SESSION

# S. 228

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 24), 2019

Mr. CASSIDY (for himself and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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 (NEATSA) Act of 2019”.

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 December 31, 2018, reduced by 10 per-  
19 cent.

20 “(ii) In the case of applicable ambu-  
21 lance services furnished during 2019, re-  
22 duced by 15.5 percent.

23 “(iii) In the case of applicable ambu-  
24 lance services furnished during 2020 or a  
25 subsequent year—

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

8                   “(II) that are not described in  
 9                   subclause (I), reduced by 15.5 per-  
 10                  cent.

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

21                  “(C) DESIGNATION.—

22                  “(i) IN GENERAL.—For 2020 and  
 23                  each subsequent year, the Secretary shall  
 24                  designate the providers or suppliers of am-  
 25                  bulance services for which the total pay-

1           ments made to the provider or supplier for  
2           applicable ambulance services furnished  
3           during the applicable period for the year  
4           makes up at least 50 percent of the total  
5           payments made to the provider or supplier  
6           under this part for all ambulance services  
7           furnished during such applicable period.

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

17          “(iii) **TIMING.**—Not later than No-  
18          vember 1 of each year (beginning with  
19          2019), the Secretary shall notify any pro-  
20          vider or supplier that will be designated  
21          under clause (i) for the subsequent year.

22          “(iv) **TARGETED REVIEW.**—The Sec-  
23          retary shall establish a process under  
24          which a provider or supplier may seek an  
25          informal review of the designation under

1 clause (i) with respect to the provider or  
2 supplier.

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

9 “(I) The total number of claims  
10 paid under this part for applicable  
11 ambulance services.

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

19 “(III) The total number of pro-  
20 viders and suppliers that were des-  
21 ignated under clause (i).

22 “(IV) Any other data regarding  
23 applicable ambulance services that the  
24 Secretary determines appropriate.”.

25 (b) GAO STUDY AND REPORT.—

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

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

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