

119TH CONGRESS
1ST SESSION

S. 2497

To amend title XVIII of the Social Security Act to require a separate identification number and an attestation for each off-campus outpatient department of a provider.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2025

Ms. HASSAN (for herself and Mr. MARSHALL) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to require a separate identification number and an attestation for each off-campus outpatient department of a provider.

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 “Fair Billing Act”.

1 **SEC. 2. REQUIRING A SEPARATE IDENTIFICATION NUMBER**
 2 **AND AN ATTESTATION FOR EACH OFF-CAM-**
 3 **PUS OUTPATIENT DEPARTMENT OF A PRO-**
 4 **VIDER.**

5 (a) IN GENERAL.—Section 1833(t) of the Social Se-
 6 curity Act (42 U.S.C. 1395l(t)) is amended by adding at
 7 the end the following new paragraph:

8 “(23) USE OF UNIQUE HEALTH IDENTIFIERS;
 9 ATTESTATION.—

10 “(A) IN GENERAL.—No payment may be
 11 made under this subsection (or under an appli-
 12 cable payment system pursuant to paragraph
 13 (21)) for items and services furnished on or
 14 after January 1, 2026, by an off-campus out-
 15 patient department of a provider (as defined in
 16 subparagraph (C)) unless—

17 “(i) such department has obtained,
 18 and such items and services are billed
 19 under, a standard unique health identifier
 20 for health care providers (as described in
 21 section 1173(b)) that is separate from
 22 such identifier for such provider;

23 “(ii) such provider has submitted to
 24 the Secretary, during the 2-year period
 25 ending on the date such items and services
 26 are so furnished, an initial provider-based

1 status attestation that such department is
2 compliant with the requirements described
3 in section 413.65 of title 42, Code of Fed-
4 eral Regulations (or a successor regula-
5 tion); and

6 “(iii) after such provider has sub-
7 mitted an attestation under clause (ii),
8 such provider has submitted a subsequent
9 attestation within the timeframe specified
10 by the Secretary.

11 “(B) PROCESS FOR SUBMISSION AND RE-
12 VIEW.—Not later than 1 year after the date of
13 enactment of this paragraph, the Secretary
14 shall, through notice and comment rulemaking,
15 establish a process for each provider with an
16 off-campus outpatient department of a provider
17 to submit an initial and subsequent attestation
18 pursuant to clauses (ii) and (iii), respectively, of
19 subparagraph (A), and for the Secretary to re-
20 view each such attestation and determine,
21 through site visits, remote audits, or other
22 means (as determined appropriate by the Sec-
23 retary), whether such department is compliant
24 with the requirements described in such sub-
25 paragraph.

“(C) OFF-CAMPUS OUTPATIENT DEPARTMENT OF A PROVIDER DEFINED.—For purposes of this paragraph, the term ‘off-campus outpatient department of a provider’ means a department of a provider (as defined in section 413.65 of title 42, Code of Federal Regulations, or any successor regulation) that is not located—

“(i) on the campus (as defined in such section) of such provider; or

“(ii) within the distance (described in such definition of campus) from a remote location of a hospital facility (as defined in such section).”.

(b) HHS OIG ANALYSIS.—Not later than January 1, 2030, the Inspector General of the Department of Health and Human Services shall submit to Congress—

(1) an analysis of the process established by the Secretary of Health and Human Services to conduct the reviews and determinations described in section 1833(t)(23)(B) of the Social Security Act, as added by subsection (a) of this section; and

(2) recommendations based on such analysis, as the Inspector General determines appropriate.

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