

115TH CONGRESS
2D SESSION

H. R. 6138

IN THE SENATE OF THE UNITED STATES

JULY 25, 2018

Received; read twice and referred to the Committee on Finance

AN ACT

To amend title XVIII of the Social Security Act to provide for ambulatory surgical center representation during the review of hospital outpatient payment rates under part B of 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ambulatory Surgical
3 Center Payment Transparency Act of 2018” or the “ASC
4 Payment Transparency Act of 2018”.

5 **SEC. 2. ADVISORY PANEL ON HOSPITAL OUTPATIENT PAY-**
6 **MENT REPRESENTATION.**

7 (a) ASC REPRESENTATIVE.—The second sentence of
8 section 1833(t)(9)(A) of the Social Security Act (42
9 U.S.C. 1395l(t)(9)(A)) is amended by inserting “and at
10 least one ambulatory surgical center representative” after
11 “an appropriate selection of representatives of providers”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply with respect to advisory panels
14 consulted on or after the date that is 1 year after the date
15 of enactment of this Act.

16 **SEC. 3. REASONS FOR EXCLUDING ADDITIONAL PROCE-**
17 **DURES FROM ASC APPROVED LIST.**

18 Section 1833(i)(1) of the Social Security Act (42
19 U.S.C. 1395l(i)(1)) is amended by adding at the end the
20 following: “In updating such lists for application in years
21 beginning with the second year beginning after the date
22 of the enactment of this sentence, for each procedure that
23 was not proposed to be included in such lists in the pro-
24 posed rule with respect to such lists and that was subse-
25 quently requested to be included in such lists during the
26 public comment period with respect to such proposed rule

1 and that is not included in the final rule updating such
2 lists, the Secretary shall cite in such final rule the specific
3 criteria in paragraph (b) or (c) of section 416.166 of title
4 42, Code of Federal Regulations (or any successor regula-
5 tion), based on which the procedure was excluded. If para-
6 graph (b) of such section is cited for exclusion of a proce-
7 dure, the Secretary shall identify the peer reviewed re-
8 search, if any, or the evidence upon which such determina-
9 tion is based.”.

Passed the House of Representatives July 24, 2018.

Attest:

KAREN L. HAAS,

Clerk.