

# Union Calendar No. 643

115TH CONGRESS  
2D SESSION

# H. R. 6138

**[Report No. 115–831, Part I]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2018

Mr. NUNES (for himself and Mr. LARSON of Connecticut) 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

JULY 17, 2018

Additional sponsors: Mr. GOHMERT and Mr. LANCE

JULY 17, 2018

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 17, 2018

Committee on Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 19, 2018]

# **A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. ADVISORY PANEL ON HOSPITAL OUTPATIENT PAY-**  
8 **MENT REPRESENTATION.**

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

14 *(b) EFFECTIVE DATE.—The amendment made by sub-*  
15 *section (a) shall apply with respect to advisory panels con-*  
16 *sulted on or after the date that is 1 year after the date of*  
17 *enactment of this Act.*

18 **SEC. 3. REASONS FOR EXCLUDING ADDITIONAL PROCE-**  
19 **DURES FROM ASC APPROVED LIST.**

20 *Section 1833(i)(1) of the Social Security Act (42*  
21 *U.S.C. 1395l(i)(1)) is amended by adding at the end the*  
22 *following: “In updating such lists for application in years*  
23 *beginning with the second year beginning after the date of*  
24 *the enactment of this sentence, for each procedure that was*  
25 *not proposed to be included in such lists in the proposed*

1 rule with respect to such lists and that was subsequently  
2 requested to be included in such lists during the public com-  
3 ment period with respect to such proposed rule and that  
4 is not included in the final rule updating such lists, the  
5 Secretary shall cite in such final rule the specific criteria  
6 in paragraph (b) or (c) of section 416.166 of title 42, Code  
7 of Federal Regulations (or any successor regulation), based  
8 on which the procedure was excluded. If paragraph (b) of  
9 such section is cited for exclusion of a procedure, the Sec-  
10 retary shall identify the peer reviewed research, if any, or  
11 the evidence upon which such determination is based. The  
12 Secretary may not use or cite section 416.166(c)(7) of such  
13 title (or any successor regulation) as criteria or a basis for  
14 exclusion of a procedure from such lists.”.



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