

115TH CONGRESS  
2D SESSION

# H. R. 6138

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

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## 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”.

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

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

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

12 **SEC. 3. REASONS FOR EXCLUDING ADDITIONAL PROCE-**  
13 **DURES FROM ASC APPROVED LIST.**

14 Section 1833(i)(1) of the Social Security Act (42  
15 U.S.C. 1395l(i)(1)) is amended by adding at the end the  
16 following: “In updating such lists for application in years  
17 beginning after the date of the enactment of this sentence,  
18 for each procedure that was not proposed to be included  
19 in such lists in the proposed rule with respect to such lists  
20 and that was subsequently requested to be included in  
21 such lists during the public comment period with respect  
22 to such proposed rule and that is not included in the final  
23 rule updating such lists, the Secretary shall cite in such  
24 final rule the specific criteria in paragraph (b) or (c) of  
25 section 416.166 of title 42, Code of Federal Regulations  
26 (or any successor regulation), based on which the proce-

1 dure was excluded. If paragraph (b) of such section is  
2 cited for exclusion of a procedure, the Secretary shall iden-  
3 tify the peer reviewed research, if any, or the evidence  
4 upon which such determination is based. The Secretary  
5 may not use or cite section 416.166(e)(7) of such title (or  
6 any successor regulation) as criteria or a basis for exclu-  
7 sion of a procedure from such lists.”.

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