

115TH CONGRESS
1ST SESSION

H. R. 3236

To amend titles XI and XVIII of the Social Security Act to improve provider and supplier cost reporting of ambulance services under the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2017

Mr. NUNES (for himself and Mr. UPTON) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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

A BILL

To amend titles XI and XVIII of the Social Security Act to improve provider and supplier cost reporting of ambulance services under 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 “Ambulance Medicare
5 Budget and Operations Act of 2017”.

1 **SEC. 2. GROUND AMBULANCE SERVICES COST REPORTING**
2 **REQUIREMENT.**

3 (a) IN GENERAL.—Section 1121 of the Social Secu-
4 rity Act (42 U.S.C. 1320a) is amended—

5 (1) in subsection (a)—

6 (A) by striking “For the purposes of” and
7 inserting “Subject to subsection (d), for the
8 purposes of”; and

9 (B) by inserting “providers and suppliers
10 of ground ambulance services,” after “health
11 maintenance organizations,”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(d) In the case of a provider or supplier of ground
15 ambulance services that furnishes such services for fewer
16 than 20 individuals entitled to benefits under part A and
17 enrolled under part B in a reporting period (as defined
18 by the Secretary), the Secretary may modify the require-
19 ments for inclusion of any information specified in sub-
20 section (a) in reports made in accordance with the uniform
21 reporting system established under this section with re-
22 spect to such services.”.

23 (b) HOSPITAL PROVIDER AGREEMENTS.—Section
24 1866(a)(1) of the Social Security Act (42 U.S.C.
25 1395cc(a)(1)) is amended—

1 (1) in subparagraph (X), by striking “Sec-
2 retary, and” and inserting “Secretary,”;

3 (2) in subparagraph (Y)(ii)(V), by striking the
4 period at the end and inserting “, and”; and

5 (3) by inserting after subparagraph (Y) the fol-
6 lowing new subparagraph:

7 “(Z) in the case of a hospital that is a provider
8 of ground ambulance services, with respect to such
9 services furnished for reporting periods (as defined
10 by the Secretary) on or after January 1, 2022, to
11 make reports to the Secretary of information de-
12 scribed in section 1121(a) in accordance with the
13 uniform reporting system established under such
14 section for providers and suppliers of ground ambu-
15 lance services.”.

16 (c) SKILLED NURSING FACILITY PROVIDER AGREE-
17 MENTS.—Section 1819(d) of the Social Security Act (42
18 U.S.C. 1395i–3(d)) is amended by adding at the end the
19 following new paragraph:

20 “(5) AMBULANCE SERVICES COST REPORT-
21 ING.—A skilled nursing facility that furnishes
22 ground ambulance services, with respect to such
23 services furnished on or after January 1, 2022, shall
24 make reports to the Secretary of information de-
25 scribed in section 1121(a) in accordance with the

1 uniform reporting system established under such
2 section for providers and suppliers of ground ambu-
3 lance services.”.

4 (d) HOME HEALTH AGENCY PROVIDER AGREE-
5 MENTS.—Section 1891(a) of the Social Security Act (42
6 U.S.C. 1395bbb(a)) is amended by adding at the end the
7 following new paragraph:

8 “(7) In the case of an agency that furnishes
9 ground ambulance services, with respect to such
10 services furnished on or after January 1, 2022, the
11 agency makes reports to the Secretary of informa-
12 tion described in section 1121(a) in accordance with
13 the uniform reporting system established under such
14 section for providers and suppliers of ground ambu-
15 lance services.”.

16 (e) SUSPENSION OF PAYMENT FOR GROUND AMBU-
17 LANCE SERVICES.—Section 1834(l) of the Social Security
18 Act (42 U.S.C. 1395m(l)) is amended by adding at the
19 end the following new paragraph:

20 “(17) AUTHORITY TO SUSPEND PAYMENTS FOR
21 GROUND AMBULANCE SERVICES.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graphs (C) and (D), in the case that the Sec-
24 retary determines that a supplier of ground am-
25 bulance services has not made to the Secretary

1 complete, accurate, and timely reports of such
2 services for reporting periods (as defined by the
3 Secretary) with respect to a year beginning with
4 2020 of information described in section
5 1121(a) in accordance with the uniform report-
6 ing system established under such section for
7 providers and suppliers of ground ambulance
8 services and, as determined appropriate by the
9 Secretary, of any of the information described
10 in subparagraph (B), the Secretary may sus-
11 pend payments made under this subsection, in
12 whole or in part, to such supplier until the Sec-
13 retary determines that such supplier has sub-
14 mitted such reports with respect to such report-
15 ing period.

16 “(B) ADDITIONAL INFORMATION.—The
17 Secretary may, with respect to a supplier of
18 ground ambulance services, require the fol-
19 lowing information (to be reported to the extent
20 practicable under the uniform reporting system
21 established under section 1121(a)):

22 “(i) Whether the supplier is part of
23 an emergency services department, a gov-
24 ernmental organization, or another type of
25 entity (as described by the Secretary).

1 “(ii) The number of hours in a week
2 during which the supplier is available for
3 furnishing ground ambulance services.

4 “(iii) Any State regulations regarding
5 requirements relating to the stocking of
6 ambulances with certain equipment or
7 drugs.

8 “(iv) The average number of volunteer
9 hours a week used by the supplier.

10 “(C) HARDSHIP DELAY.—The Secretary
11 shall establish a process whereby a supplier of
12 ground ambulance services may request a delay
13 in reporting information described in subpara-
14 graphs (A) and (B) with respect to a reporting
15 period for reason of significant hardship (as de-
16 termined by the Secretary).

17 “(D) AUTHORITY TO MODIFY COST RE-
18 PORTING ELEMENTS AND ENFORCEMENT.—Not
19 earlier than January 1, 2023, the Secretary
20 may, after taking into account the recommenda-
21 tion of the Medicare Payment Advisory Com-
22 mission in the most recent report available to
23 the Secretary submitted under section 3 of the
24 Ambulance Medicare Budget and Operations
25 Act of 2017 regarding whether cost reporting of

ground ambulance services by a supplier or category of suppliers (as specified for purposes of the report submitted under such section) should be required or modified, and through notice and comment rulemaking, provide that subparagraph (A) no longer applies to ground ambulance services suppliers or such a category of such suppliers.”.

(f) **STAKEHOLDER FEEDBACK.**—

(1) **IN GENERAL.**—The Secretary shall implement the provisions of this section, including the amendments made by this section, through notice and comment rulemaking and seek input from stakeholders.

(2) **NONAPPLICATION OF PAPERWORK REDUCTION ACT.**—Chapter 35 of title 44, United States Code, shall not apply with respect to notice and comment rulemaking carried out under paragraph (1).

SEC. 3. GROUND AMBULANCE SERVICES COST REPORTING STUDY.

(a) **IN GENERAL.**—Not later than March 15, 2022, and as determined necessary by the Medicare Payment Advisory Commission thereafter, such Commission shall assess and submit to Congress a report on ambulance

1 services cost reporting carried out in accordance with sec-
2 tions 1121(a) and 1834(l) of the Social Security Act (42
3 U.S.C. 1320a(a), 1395m(l)) and the adequacy of pay-
4 ments for such services made under section 1834(l) of
5 such Act.

6 (b) CONTENTS.—The report described in subsection
7 (a) shall contain the following:

8 (1) An analysis of the accuracy of cost report
9 data submitted in accordance with such sections.

10 (2) An analysis of any burden on providers and
11 suppliers of such services associated with reporting
12 such data.

13 (3) A recommendation on whether or not cost
14 reporting of ambulance services by providers, sup-
15 pliers, or a category of suppliers (as specified by the
16 Secretary) of such services should be required or
17 modified, taking into account the analyses described
18 in paragraphs (1) and (2).

19 **SEC. 4. EXTENSION OF GROUND AMBULANCE SERVICES EX-**
20 **TENDERS.**

21 Section 1834(l) of the Social Security Act (42. U.S.C.
22 1395m(l)) is amended—

23 (1) in paragraph (12)(A), by striking “2018”
24 and inserting “2023”; and

- 1 (2) in paragraph (13)(A), by striking “2018”
- 2 each place it appears and inserting “2023”.

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