

119TH CONGRESS  
2D SESSION

# H. R. 8091

To amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2026

Ms. VAN DUYNE (for herself 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 modernize payments for ambulatory surgical centers under the Medicare program.

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 “Outpatient Surgery  
5 Access Act of 2026”.

1 **SEC. 2. ALIGNING UPDATES FOR AMBULATORY SURGICAL**  
 2 **CENTER SERVICES WITH UPDATES FOR OPD**  
 3 **SERVICES.**

4 Section 1833(i)(2)(D) of the Social Security Act (42  
 5 U.S.C. 1395l(i)(2)(D)) is amended—

6 (1) in clause (v), by moving the margin 6 ems  
 7 to the left;

8 (2) by redesignating clause (vi) as clause (vii);  
 9 and

10 (3) by inserting after clause (v) the following  
 11 new clause:

12 “(vi) In implementing the system described in clause  
 13 (i) for 2027 and each subsequent year, the Secretary shall  
 14 apply an annual update under such system that is equal  
 15 to the OPD fee schedule increase factor specified under  
 16 subsection (t)(3)(C)(iv) for such year, adjusted in accord-  
 17 ance with clauses (iv) and (v).”.

18 **SEC. 3. ALIGNMENT OF BUDGET NEUTRALITY ADJUSTMENT**  
 19 **FOR OUTPATIENT SURGICAL PROCEDURES.**

20 (a) PROHIBITING ASC-SPECIFIC BUDGET NEU-  
 21 TRALITY ADJUSTMENT.—Section 1833(i)(2)(D)(ii) of the  
 22 Social Security Act (42 U.S.C. 1395l(i)(2)(D)(ii)) is  
 23 amended by adding at the end the following new sentence:  
 24 “In implementing such system for 2027 and each subse-  
 25 quent year, the Secretary may not apply under such sys-  
 26 tem any adjustment designed to result in the same aggre-

1 gate amount of expenditures for such services for the year  
2 as would be made if this subparagraph did not apply (as  
3 described in the preceding sentence).”.

4 (b) COMBINING VOLUME FOR BUDGET NEUTRALITY  
5 CALCULATION.—Section 1833(t)(9)(B) of the Social Se-  
6 curity Act (42 U.S.C. 1395l(t)(9)(B)) is amended by add-  
7 ing at the end the following new sentence: “In determining  
8 adjustments under the first sentence of this subparagraph  
9 for 2027 and each subsequent year, the Secretary shall  
10 take into account any expenditures made under the revised  
11 payment system under subsection (i)(2)(D).”.

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