

Union Calendar No. 356

115TH CONGRESS
1ST SESSION

H. R. 3729

[Report No. 115–481, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2017

Mr. NUNES (for himself and Ms. SEWELL of Alabama) 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

DECEMBER 21, 2017

Additional sponsors: Mr. CURBELO of Florida, Ms. JENKINS of Kansas, and
Mr. PETERSON

DECEMBER 21, 2017

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*]

DECEMBER 21, 2017

The 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 September 11, 2017]

A BILL

To amend titles XI and XVIII of the Social Security Act to facilitate 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 “Comprehensive Oper-*
 5 *ations, Sustainability, and Transport Act of 2017”.*

6 **SEC. 2. GROUND AMBULANCE SERVICES COST REPORTING**
 7 **REQUIREMENT.**

8 *(a) IN GENERAL.—Section 1121 of the Social Security*
 9 *Act (42 U.S.C. 1320a) is amended—*

10 *(1) in subsection (a)—*

11 *(A) by striking “For the purposes of” and*
 12 *inserting “Subject to subsection (d), for the pur-*
 13 *poses of”;*

14 *(B) by inserting “suppliers of ground am-*
 15 *bulance services,” after “health maintenance or-*
 16 *ganizations,”; and*

17 *(C) in the matter following paragraph (5),*
 18 *by adding the following new sentence: “Not later*
 19 *than December 31, 2019, the Secretary shall*
 20 *modify the uniform reporting system for pro-*
 21 *viders of services with respect to ambulance serv-*
 22 *ices to ensure that such system contains informa-*
 23 *tion similar (as determined by the Secretary) to*
 24 *information required under the uniform report-*

1 *ing system for suppliers of ground ambulance*
 2 *services.”; and*

3 *(2) by adding at the end the following new sub-*
 4 *section:*

5 *“(d) In the case of a supplier of ground ambulance*
 6 *services that furnishes such services for fewer than 20 indi-*
 7 *viduals entitled to benefits under part A of title XVIII and*
 8 *enrolled under part B of such title in a cost reporting period*
 9 *(as defined by the Secretary), the Secretary may modify*
 10 *the requirements for inclusion of any information specified*
 11 *in subsection (a) in reports made in accordance with the*
 12 *uniform reporting systems established under this section*
 13 *with respect to such services.”.*

14 *(b) SUSPENSION OF PAYMENT FOR GROUND AMBU-*
 15 *LANCE SERVICES; DEEMING CERTAIN PAYMENTS OVERPAY-*
 16 *MENTS.—Section 1834(l) of the Social Security Act (42*
 17 *U.S.C. 1395m(l)) is amended by adding at the end the fol-*
 18 *lowing new paragraph:*

19 *“(17) REQUIREMENT TO SUBMIT COST REPORT*
 20 *AND AUTHORITY TO SUSPEND PAYMENTS AND DEEM*
 21 *CERTAIN PAYMENTS OVERPAYMENTS FOR GROUND AM-*
 22 *BULANCE SERVICES.—*

23 *“(A) IN GENERAL.—With respect to ground*
 24 *ambulance services furnished by a supplier of*
 25 *such services during cost reporting periods (as*

1 *defined in subparagraph (I)) beginning on or*
2 *after January 1, 2020, such supplier shall make*
3 *reports to the Secretary of information described*
4 *in section 1121(a) in accordance with the uni-*
5 *form reporting system established under such sec-*
6 *tion for such suppliers and, as may be required*
7 *by the Secretary, of any of the information de-*
8 *scribed in subparagraph (B).*

9 “(B) *ADDITIONAL INFORMATION.—The Sec-*
10 *retary may, with respect to a supplier of ground*
11 *ambulance services, require the following infor-*
12 *mation (to be reported to the extent practicable*
13 *under the uniform reporting system established*
14 *under section 1121(a) for such suppliers):*

15 “(i) *Whether the supplier is part of an*
16 *emergency services department, a govern-*
17 *mental organization, or another type of en-*
18 *tity (as described by the Secretary).*

19 “(ii) *The number of hours in a week*
20 *during which the supplier is available for*
21 *furnishing ground ambulance services.*

22 “(iii) *The average number of volunteer*
23 *hours a week used by the supplier.*

24 “(C) *SUSPENSION OF PAYMENT.—Subject to*
25 *subparagraph (E), in the case that the Secretary*

1 *determines that a supplier of ground ambulance*
2 *services has not made to the Secretary a timely*
3 *report described in subparagraph (A) with re-*
4 *spect to a cost reporting period beginning on or*
5 *after January 1, 2020, and before January 1,*
6 *2022, the Secretary may suspend payments*
7 *made under this subsection, in whole or in part,*
8 *to such supplier until the Secretary finds that*
9 *such supplier has made such a report.*

10 *“(D) DEEMING CERTAIN PAYMENTS OVER-*
11 *PAYMENTS.—Subject to subparagraphs (E) and*
12 *(F), in the case that the Secretary determines*
13 *that a supplier of ground ambulance services has*
14 *not made to the Secretary a complete, accurate,*
15 *and timely report described in subparagraph (A)*
16 *with respect to a cost reporting period beginning*
17 *on or after January 1, 2022, the Secretary may*
18 *deem payments made under this subsection to*
19 *such supplier for such period to be overpayments*
20 *and recoup such overpayments.*

21 *“(E) HARDSHIP DELAY.—The Secretary*
22 *shall establish a process whereby a supplier of*
23 *ground ambulance services may request a delay*
24 *in making a report described in subparagraph*
25 *(A) with respect to a cost reporting period for*

1 *reason of significant hardship (as determined by*
2 *the Secretary).*

3 “(F) *AUTHORITY TO MODIFY COST REPORT-*
4 *ING ELEMENTS AND ENFORCEMENT.—Not earlier*
5 *than January 1, 2023, the Secretary may pro-*
6 *vide that subparagraph (D) no longer applies to*
7 *ground ambulance services suppliers or a cat-*
8 *egory of such suppliers after—*

9 “(i) *taking into account the rec-*
10 *ommendation of the Medicare Payment Ad-*
11 *visory Commission in the most recent report*
12 *available to the Secretary submitted under*
13 *section 3 of the Comprehensive Operations,*
14 *Sustainability, and Transport Act of 2017*
15 *regarding whether cost reports made by sup-*
16 *pliers or a category of suppliers (as speci-*
17 *fied for purposes of the report submitted*
18 *under such section) should be required or*
19 *modified; and*

20 “(ii) *undertaking notice and comment*
21 *rulemaking.*

22 “(G) *AUDIT OF COST REPORTS.—The Sec-*
23 *retary shall audit reports described in subpara-*
24 *graph (A) made with respect to cost reporting*
25 *periods beginning on or after January 1, 2021.*

1 “(H) *APPEALS.*—*The Secretary shall estab-*
 2 *lish a process whereby a supplier of ground am-*
 3 *bulance services may appeal a determination de-*
 4 *scribed in subparagraph (C) or (D) made with*
 5 *respect to a cost report required to be made by*
 6 *such supplier under subparagraph (A).*

7 “(I) *DEFINITION.*—*In this paragraph, the*
 8 *term ‘cost reporting period’ means, with respect*
 9 *to a year, the 12-month period beginning on*
 10 *January 1 of such year.”.*

11 (c) *STAKEHOLDER FEEDBACK.*—

12 (1) *IN GENERAL.*—*The Secretary of Health and*
 13 *Human Services shall implement the provisions of*
 14 *this section, including the amendments made by this*
 15 *section, through notice and comment rulemaking and*
 16 *seek input from stakeholders.*

17 (2) *NONAPPLICATION OF PAPERWORK REDUCTION*
 18 *ACT.*—*Chapter 35 of title 44, United States Code,*
 19 *shall not apply with respect to—*

20 (A) *the development and implementation of*
 21 *the uniform reporting system required under sec-*
 22 *tion 1121(a) of the Social Security Act (42*
 23 *U.S.C. 1320a(a)) for suppliers of ground ambu-*
 24 *lance services and reports required to be made*

1 *under section 1834(l)(17) of such Act (42 U.S.C.*
 2 *1395m(l)(17)); and*

3 *(B) the modification of the uniform report-*
 4 *ing systems under such section 1121(a) of such*
 5 *Act for providers of such services and reports re-*
 6 *quired to be made under section 1861(v)(1)(F) of*
 7 *such Act (42 U.S.C. 1395x(v)(1)(F)).*

8 *(d) IMPLEMENTATION RESOURCES.—*

9 *(1) IN GENERAL.—There are hereby appro-*
 10 *priated to the Secretary from the Federal Hospital*
 11 *Insurance Trust Fund under section 1817 of the So-*
 12 *cial Security Act (42 U.S.C. 1395i) \$8,000,000 and*
 13 *from the Federal Supplementary Medical Insurance*
 14 *Trust Fund under section 1841 of such Act (42*
 15 *U.S.C. 1395t) \$92,000,000 (of which not less than*
 16 *\$10,000,000 shall be used to fulfill the auditing re-*
 17 *quirement under section 1834(l)(17)(G) of such Act,*
 18 *as added by subsection (b) of this section) to carry out*
 19 *the provisions of this section, including the amend-*
 20 *ments made by this section, to remain available*
 21 *through December 31, 2022.*

22 *(2) FUNDING FOR EMPLOYEES.—The Secretary*
 23 *of Health and Human Services shall provide for the*
 24 *transfer to the Centers for Medicare & Medicaid Serv-*
 25 *ices Program Management Account, from the Federal*

1 *Supplementary Medical Insurance Trust Fund under*
2 *section 1841 of the Social Security Act (42 U.S.C.*
3 *1395t), of such sums as may be necessary in order to*
4 *directly hire no more than 2 full-time employees to*
5 *carry out the provisions of this section, including the*
6 *amendments made by this section.*

7 *(e) SENSE OF CONGRESS.—It is the sense of Congress*
8 *that—*

9 *(1) a cost report made by a supplier of ground*
10 *ambulance services with respect to a cost reporting*
11 *period beginning before January 1, 2022, may not*
12 *contain complete and accurate information on ground*
13 *ambulance services furnished during such a period by*
14 *the supplier; and*

15 *(2) the Secretary should take into account only*
16 *the timeliness of such a report made with respect to*
17 *such a period when determining whether to suspend*
18 *payments to a supplier under section 1834(l) of the*
19 *Social Security Act (42 U.S.C. 1395m(l)).*

20 **SEC. 3. GROUND AMBULANCE SERVICES COST REPORTING**
21 **STUDY.**

22 *(a) IN GENERAL.—Not later than March 15, 2022, and*
23 *as determined necessary by the Medicare Payment Advisory*
24 *Commission thereafter, such Commission shall assess and*
25 *submit to Congress a report on cost reports carried out in*

1 *accordance with sections 1121(a) and 1834(l) of the Social*
 2 *Security Act (42 U.S.C. 1320a(a), 1395m(l)), the adequacy*
 3 *of payments for such services made under section 1834(l)*
 4 *of such Act, and the extent to which state mandates may*
 5 *create geographic variations in the cost of providing such*
 6 *services.*

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

9 *(1) An analysis of cost report data submitted in*
 10 *accordance with such sections.*

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

14 *(3) A recommendation on whether or not cost re-*
 15 *ports of ambulance services made by suppliers or a*
 16 *category of suppliers (as specified by the Secretary) of*
 17 *such services, or the ground ambulance portion of cost*
 18 *reports made by providers of such services, should be*
 19 *required or modified, taking into account the analyses*
 20 *described in paragraphs (1) and (2).*

21 **SEC. 4. EXTENSION OF GROUND AMBULANCE SERVICES EX-**
 22 **TENDERS AND PAY-FOR.**

23 *Section 1834(l) of the Social Security Act (42. U.S.C.*
 24 *1395m(l)) is amended—*

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

3 (2) in paragraph (13)(A), by striking “2018”
4 each place it appears and inserting “2023”; and

5 (3) in paragraph (15), by striking “on or after
6 October 1, 2013” and inserting “during the period be-
7 ginning on October 1, 2013, and ending on September
8 30, 2018, and by 32 percent for such services fur-
9 nished on or after October 1, 2018”.

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