

# Union Calendar No. 585

115TH CONGRESS  
2D SESSION

# H. R. 5804

**[Report No. 115–752, Part I]**

To amend title XVIII of the Social Security Act to provide for modifications in payment for certain outpatient surgical services.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2018

Mr. SHIMKUS (for himself, Mr. KRISHNAMOORTHY, and Mr. ROSKAM) 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

JUNE 13, 2018

Additional sponsor: Mr. WALDEN

JUNE 13, 2018

Reported from the Committee on Energy and Commerce

JUNE 13, 2018

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

# **A BILL**

To amend title XVIII of the Social Security Act to provide for modifications in payment for certain outpatient surgical services.

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 “Post-Surgical Injec-  
 5 tions as an Opioid Alternative Act”.

6 **SEC. 2. MODIFICATION OF PAYMENT FOR CERTAIN OUT-**  
 7 **PATIENT SURGICAL SERVICES.**

8 (a) FREEZE OF PAYMENT FOR CERTAIN SERVICES  
 9 FURNISHED IN AMBULATORY SURGICAL CENTERS.—Sec-  
 10 tion 1833(i)(2) of the Social Security Act (42 U.S.C.  
 11 1395l(i)(2)) is amended by adding at the end the following  
 12 new subparagraph:

13 “(F)(i) With respect to a targeted procedure  
 14 (as defined in clause (ii)) furnished during 2020 or  
 15 a subsequent year (before 2025) to an individual in  
 16 an ambulatory surgical center, the payment amount  
 17 for such procedure that would otherwise be deter-  
 18 mined under the revised payment system under sub-  
 19 paragraph (D), without application of this subpara-  
 20 graph, shall be equal to the payment amount for  
 21 such procedure furnished in 2016.

22 “(ii) For purposes of clause (i), the term ‘tar-  
 23 geted procedure’ means a procedure to which  
 24 Healthcare Common Procedure Coding System  
 25 62310 (or, for years beginning after 2016, 62321),

1 62311 (or, for years beginning after 2016, 62323),  
2 62264, 64490, 64493, or G0260 (or any successor  
3 code) applies.

4 “(iii) This subparagraph shall not be applied in  
5 a budget-neutral manner.”.

6 (b) DATA COLLECTION.—

7 (1) IN GENERAL.—The Comptroller General  
8 shall collect data relating to the cost differential be-  
9 tween targeted procedures (as defined in section  
10 1833(i)(2)(F)(ii) of the Social Security Act, as  
11 added by subsection (a)) that are performed in a  
12 hospital operating room and such procedures that  
13 are performed in an office setting within a hospital  
14 in order to determine whether such procedures are  
15 being properly coded for claims, based on setting, for  
16 payment under section 1833(i)(2)(D) of the Social  
17 Security Act (42 U.S.C. 1395l(i)(2)(D)) and to de-  
18 termine if further changes are needed in the classi-  
19 fication system for covered outpatient department  
20 services (as described in section 1833(t)(2)(A) of the  
21 Social Security Act (42 U.S.C. 1395l(t)(2)(A))).

22 (2) REPORT.—Not later than 4 years after the  
23 date of the enactment of this Act, the Comptroller  
24 General shall submit a report to the Committee on  
25 Energy and Commerce and the Committee on Ways

1 and Means of the House of Representatives and the  
2 Committee on Finance of the Senate containing—

3 (A) a determination of whether procedures  
4 described in paragraph (1) are being properly  
5 coded for claims, based on setting, for payment  
6 under section 1833(i)(2)(D) of the Social Secu-  
7 rity Act (42 U.S.C. 1395l(i)(2)(D)); and

8 (B) recommendations on any changes the  
9 Comptroller General determines are needed in  
10 the classification system for covered outpatient  
11 department services (as described in section  
12 1833(t)(2)(A) of the Social Security Act (42  
13 U.S.C. 1395l(t)(2)(A)).

14 (c) STUDY.—Not later than 3 years after the date  
15 of the enactment of this Act, the Secretary of Health and  
16 Human Services shall conduct a study and submit to Con-  
17 gress a report on the extent to which procedures described  
18 in section 1833(i)(2)(F)(ii) of the Social Security Act, as  
19 added by subsection (a), are effective at preventing the  
20 need for opioids for individuals furnished such procedures.

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