

115TH CONGRESS
2D SESSION

S. 3619

To amend title XVIII of the Social Security Act to restructure the payment adjustment for non-emergency ESRD ambulance transports under the Medicare program.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2018

Mr. CASSIDY (for himself and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to restructure the payment adjustment for non-emergency ESRD ambulance transports 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 “Non-Emergency Am-
5 bulance Transportation Sustainability and Accountability
6 (NEATSA) Act of 2018”.

1 **SEC. 2. RESTRUCTURE OF MEDICARE PAYMENT ADJUST-**
 2 **MENT FOR NON-EMERGENCY ESRD AMBU-**
 3 **LANCE TRANSPORTS.**

4 (a) IN GENERAL.—Section 1834(l)(15) of the Social
 5 Security Act (42. U.S.C. 1395m(l)(15)) is amended to
 6 read as follows:

7 “(15) RESTRUCTURE OF PAYMENT ADJUST-
 8 MENT FOR NON-EMERGENCY AMBULANCE TRANS-
 9 PORTS FOR ESRD BENEFICIARIES.—

10 “(A) IN GENERAL.—In the case of applica-
 11 ble ambulance services, the fee schedule amount
 12 otherwise applicable under the preceding provi-
 13 sions of this subsection shall be reduced as fol-
 14 lows:

15 “(i) In the case of applicable ambu-
 16 lance services furnished during the period
 17 beginning on October 1, 2013, and ending
 18 on December 31, 2018, reduced by 10 per-
 19 cent.

20 “(ii) In the case of applicable ambu-
 21 lance services furnished during 2019, re-
 22 duced by 15.5 percent.

23 “(iii) In the case of applicable ambu-
 24 lance services furnished during 2020 or a
 25 subsequent year—

1 “(I) by a provider or supplier of
 2 ambulance services that the Secretary
 3 has designated under subparagraph
 4 (C) for the year and for which such
 5 transport originates in an area not de-
 6 scribed in paragraph (13)(A)(i), re-
 7 duced by 29.5 percent; or

8 “(II) that are not described in
 9 subclause (I), reduced by 15.5 per-
 10 cent.

11 “(B) APPLICABLE AMBULANCE SERV-
 12 ICES.—In this paragraph, the term ‘applicable
 13 ambulance services’ means ambulance services
 14 consisting of non-emergency basic life support
 15 services involving transport of an individual
 16 with end-stage renal disease for renal dialysis
 17 services (as described in section
 18 1881(b)(14)(B)) furnished other than on an
 19 emergency basis by a provider of services or a
 20 renal dialysis facility.

21 “(C) DESIGNATION.—

22 “(i) IN GENERAL.—For 2020 and
 23 each subsequent year, the Secretary shall
 24 designate the providers or suppliers of am-
 25 bulance services for which the total pay-

1 ments made to the provider or supplier for
2 applicable ambulance services furnished
3 during the applicable period for the year
4 makes up at least 50 percent of the total
5 payments made to the provider or supplier
6 under this part for all ambulance services
7 furnished during such applicable period.

8 “(ii) **METHODOLOGY.**—The Secretary
9 shall, through notice and comment rule-
10 making, establish the methodology for des-
11 ignating providers and suppliers under
12 clause (i) for a year. Under such method-
13 ology, the applicable period for a year shall
14 be a 12-month period determined by the
15 Secretary that begins and ends prior to the
16 beginning of such year.

17 “(iii) **TIMING.**—Not later than No-
18 vember 1 of each year (beginning with
19 2019), the Secretary shall notify any pro-
20 vider or supplier that will be designated
21 under clause (i) for the subsequent year.

22 “(iv) **TARGETED REVIEW.**—The Sec-
23 retary shall establish a process under
24 which a provider or supplier may seek an
25 informal review of the designation under

1 clause (i) with respect to the provider or
2 supplier.

3 “(v) PUBLIC REPORTING.—Beginning
4 in 2021, the Secretary shall, in an easily
5 understandable format, make available on
6 the Internet website of the Centers for
7 Medicare & Medicaid Services the fol-
8 lowing:

9 “(I) The total number of claims
10 paid under this part for applicable
11 ambulance services.

12 “(II) The total number of claims
13 paid under this part for applicable
14 ambulance services that were subject
15 to the payment reduction under sub-
16 paragraph (A)(iii), broken out for
17 each of subclauses (I) and (II) of such
18 subparagraph.

19 “(III) The total number of pro-
20 viders and suppliers that were des-
21 ignated under clause (i).

22 “(IV) Any other data regarding
23 applicable ambulance services that the
24 Secretary determines appropriate.”.

25 (b) GAO STUDY AND REPORT.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States (in this subsection referred to as
3 the “Comptroller General”) shall conduct a study on
4 payments under section 1834(l) of the Social Secu-
5 rity Act (42 U.S.C. 1395m(l)) for applicable ambu-
6 lance services (as defined in subparagraph (B) of
7 paragraph (15) of such section, as added by sub-
8 section (a)). Such study shall include an analysis of
9 the impact of the amendment made by subsection
10 (a), including the impact on beneficiary access and
11 any steps providers and suppliers of ambulance serv-
12 ices have taken to avoid payment reductions under
13 such paragraph (15).

14 (2) REPORT.—Not later than March 1, 2023,
15 the Comptroller General shall submit to Congress a
16 report containing the results of the study conducted
17 under paragraph (1), together with recommenda-
18 tions for such legislation and administrative action
19 as the Comptroller General determines appropriate.

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