

119TH CONGRESS
1ST SESSION

S. 1629

To amend title XVIII of the Social Security Act to align Medicare fee-for-service payment rates across ambulatory settings.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2025

Mr. KENNEDY 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 align Medicare fee-for-service payment rates across ambulatory settings.

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 “Same Care, Lower
5 Cost Act”.

6 **SEC. 2. ALIGNING MEDICARE FEE-FOR-SERVICE PAYMENT**
7 **RATES ACROSS AMBULATORY SETTINGS.**

8 (a) IN GENERAL.—Section 1834 of the Social Secu-
9 rity Act (42 U.S.C. 1395m) is amended by adding at the
10 end the following new subsection:

1 “(aa) SITE NEUTRAL PAYMENTS FOR CERTAIN
2 SERVICES FURNISHED IN AMBULATORY SETTINGS.—

3 “(1) IN GENERAL.—For items and services fur-
4 nished in a specified ambulatory setting during 2027
5 or a subsequent year and included in an ambulatory
6 payment classifications identified pursuant to para-
7 graph (2) for such year, payment under this part
8 shall be made at the applicable site neutral payment
9 rate under this part (as determined by the Sec-
10 retary) if the requirements for such payment are
11 otherwise met.

12 “(2) IDENTIFICATION OF SERVICES TO WHICH
13 SITE NEUTRAL PAYMENTS APPLY.—For 2027 and
14 subsequent years:

15 “(A) IDENTIFICATION.—

16 “(i) IN GENERAL.—The Secretary
17 shall identify not fewer than 66 ambula-
18 tory payment classifications for site neutral
19 payments which are appropriately fur-
20 nished in either a hospital outpatient de-
21 partment, ambulatory surgical center, or
22 other setting determined appropriate by
23 the Secretary.

24 “(ii) ADDITIONAL APCS.—The Sec-
25 retary may add additional ambulatory pay-

1 ment classifications to those identified
2 under clause (i) as the Secretary deter-
3 mines clinically appropriate

4 “(B) EXCEPTION.—The Secretary shall re-
5 classify the ambulatory payment classifications
6 for emergency department visits, critical care
7 visits, and trauma care visits at a hospital out-
8 patient department as Comprehensive APCs, in
9 which all the items and services on the same
10 claim are packaged into a single payment unit.
11 Any item or service that is provided with such
12 a visit so reclassified shall not be treated as an
13 item or service identified under subparagraph
14 (A), and shall not be subject to the provisions
15 of paragraph (1). The Secretary may, pursuant
16 to rulemaking, specify exceptions to any reclas-
17 sification under the first sentence of this sub-
18 paragraph.

19 “(3) CONSIDERATION OF MEDPAC REC-
20 OMMENDATIONS.—In carrying out this subsection
21 (including the identification of services under para-
22 graph (2)), the Secretary shall take into consider-
23 ation the recommendations of the Medicare Payment
24 Advisory Commission in Chapter 8 (entitled ‘Align-
25 ing fee-for-service payment rates across ambulatory

1 settings’) of its ‘Medicare and the Health Care De-
 2 livery System’ report submitted to Congress in June
 3 2023.

4 “(4) DEFINITION OF SPECIFIED AMBULATORY
 5 SETTING.—In this subsection, the term ‘specified
 6 ambulatory setting’ means a hospital outpatient de-
 7 partment, ambulatory surgical center, or other set-
 8 ting determined appropriate by the Secretary.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) PAYMENT SYSTEM FOR AMBULATORY SUR-
 11 GICAL CENTER SERVICES.—Section 1833(i)(2)(D)(i)
 12 of the Social Security Act (42 U.S.C.
 13 1395l(i)(2)(D)(i)) is amended by striking “for pay-
 14 ment” and inserting “for, subject to section
 15 1834(aa), payment”.

16 (2) HOPD FEE SCHEDULE.—Section 1833(t)
 17 of the Social Security Act (42 U.S.C. 1395l(t)) is
 18 amended—

19 (A) in paragraph (1)(A), by striking “the
 20 amount of payment” and inserting “subject to
 21 section 1834(aa), the amount of payment”; and

22 (B) in paragraph (9)(B), by adding at the
 23 end the following: “In determining adjustments
 24 under this subparagraph for 2027 or a subse-
 25 quent year, the Secretary shall not take into ac-

1 count under this subparagraph or paragraph
2 (2)(E) any changes in expenditures as a result
3 of the application of section 1834(aa).”

4 (3) PHYSICIAN FEE SCHEDULE.—Section
5 1848(a)(1)(B) of the Social Security Act (42 U.S.C.
6 1395w-4(a)(1)(B)) is amended by inserting “and
7 section 1834(aa)” after “succeeding provisions of
8 this subsection”.

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