

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To amend title XVIII of the Social Security Act to provide for parity in Medicare payments for hospital outpatient department services furnished off-campus.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title XVIII of the Social Security Act to provide for parity in Medicare payments for hospital outpatient department services furnished off-campus.

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 “_____ Act
5 of 2023”.

1 **SEC. 2. PARITY IN MEDICARE PAYMENTS FOR HOSPITAL**
2 **OUTPATIENT DEPARTMENT SERVICES FUR-**
3 **NISHED OFF-CAMPUS.**

4 (a) IN GENERAL.—Section 1833(t)(3) of the Social
5 Security Act (42 U.S.C. 1395l(t)(3)) is amended—

6 (1) in subparagraph (D), in the matter pre-
7 ceding clause (i), by striking “The Secretary” and
8 inserting “Subject to subparagraph (H), the Sec-
9 retary”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(H) PARITY IN FEE SCHEDULE AMOUNT
13 FOR CERTAIN SERVICES FURNISHED BY AN
14 OFF-CAMPUS OUTPATIENT DEPARTMENT OF A
15 PROVIDER.—

16 “(i) IN GENERAL.—Subject to clauses
17 (v) and (vi), in the case of specified OPD
18 services (as defined in clause (iii)) that are
19 furnished during 2024 or a subsequent
20 year by an off-campus outpatient depart-
21 ment of a provider (as defined in clause
22 (iv)), there shall be substituted for the
23 medicare OPD fee schedule amount estab-
24 lished under subparagraph (D) for such
25 service and year, determined prior to appli-
26 cation of any geographic or other adjust-

1 ments under this subsection (including ad-
2 justments under paragraph (17)), an
3 amount equal to the payment amount
4 under subsection (i) for such service and
5 year, determined prior to application of
6 any geographic or other adjustments under
7 such subsection (including adjustments
8 under paragraph (2)(D)(iv) of such sec-
9 tion).

10 “(ii) NOT BUDGET NEUTRAL IMPLE-
11 MENTATION.—In making any budget neu-
12 trality adjustments under this subsection
13 for 2024 or a subsequent year, the Sec-
14 retary shall not take into account the re-
15 duced expenditures that result from the
16 application of this subparagraph.

17 “(iii) SPECIFIED OPD SERVICES DE-
18 FINED.—For purposes of this subpara-
19 graph, the term ‘specified OPD services’
20 means covered OPD services included in
21 the ambulatory payment classification
22 groups for drug administration services.

23 “(iv) OFF-CAMPUS OUTPATIENT DE-
24 PARTMENT OF A PROVIDER DEFINED.—
25 For purposes of this subparagraph, the

1 term ‘off-campus outpatient department of
2 a provider’ means a department of a pro-
3 vider (as defined in section 413.65(a)(2) of
4 title 42, Code of Federal Regulations) that
5 is not located—

6 “(I) on the campus (as such term
7 is defined in such section
8 413.65(a)(2)) of such provider; and

9 “(II) within the distance (de-
10 scribed in such definition of campus)
11 from a remote location of a hospital
12 facility (as defined in such section
13 413.65(a)(2)).

14 “(v) TRANSITION.—The Secretary
15 shall provide for a 4-year phase-in of the
16 application of clause (i), with clause (i)
17 being fully applicable for covered OPD
18 services furnished during 2027 or a subse-
19 quent year.

20 “(vi) AUTHORITY TO ADJUST PAY-
21 MENT AMOUNT.—The Secretary may ad-
22 just the payment amount for covered OPD
23 services described in clause (i) if the Sec-
24 retary determines that the application of

1 clause (i) will create access problems for
2 individuals enrolled under this part.”.

3 (b) IMPLEMENTATION.—Section 1833(t)(12) of the
4 Social Security Act (42 U.S.C. 1395l(t)(12)) is amend-
5 ed—

6 (1) in subparagraph (D), by striking “and” at
7 the end;

8 (2) in subparagraph (E), by striking the period
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(F) the determination of any payment
13 amount under paragraph (3)(H), including the
14 transition under clause (v) of such paragraph
15 and any adjustment under clause (vi) of such
16 paragraph.”.