

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To phase out certain services designated as inpatient-only services under
the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To phase out certain services designated as inpatient-only
services 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. PHASE OUT OF INPATIENT-ONLY SERVICE LIST.**

4 (a) DESIGNATION OF MUSCULOSKELETAL HOSPITAL
5 SERVICES.—Beginning January 1, 2025, the Secretary of
6 Health and Human Services (hereinafter referred to as
7 the “Secretary”) may not refuse to designate a musculo-
8 skeletal hospital service as a hospital outpatient service

1 pursuant to section 1833(t)(1)(B)(i) of the Social Security
2 Act (42 U.S.C. 1395l(t)(1)(B)(i)).

3 (b) STUDY AND REPORT ON INPATIENT-ONLY SERV-
4 ICE LIST; SUBSEQUENT DESIGNATIONS.—

5 (1) STUDY OF INPATIENT-ONLY SERVICE
6 LIST.—Not later than January 1, 2026, the Sec-
7 retary shall study and make publicly available on a
8 website of the Department of Health and Human
9 Services a report on hospital services designated as
10 inpatient-only services pursuant to section
11 1833(t)(1)(B)(i) of the Social Security Act (42
12 U.S.C. 1395l(t)(1)(B)(i)) that were furnished to in-
13 dividuals entitled to benefits under part A of title
14 XVIII of such Act in the 10 calendar years imme-
15 diately preceding the date of enactment of this Act.
16 Such report shall include an analysis of—

17 (A) clinical health outcomes and patient
18 safety, including changes in patient health,
19 function, quality of life, and mortality;

20 (B) provider autonomy, including the abil-
21 ity for physicians, health care providers, and
22 suppliers to make clinical health care decisions
23 reflecting the clinical judgment of such physi-
24 cian, provider, or supplier;

1 (C) patient out-of-pocket spending on such
2 hospital services; and

3 (D) total spending under the Medicare pro-
4 gram on hospital services designated as inpa-
5 tient-only services pursuant to section
6 1833(t)(1)(B)(i) of such Act.

7 For purposes of collecting and evaluating the infor-
8 mation required to complete the study and report
9 under paragraph (1), the Secretary may utilize pub-
10 licly available data, voluntary surveys of physicians,
11 and other data sources as the Secretary determines
12 necessary. To the extent possible, the Secretary shall
13 collect the information described in subparagraphs
14 (A) through (D) of paragraph (1) with respect to
15 such hospital services furnished in an outpatient set-
16 ting to individuals not entitled to benefits under part
17 A of title XVIII of the Social Security Act (42
18 U.S.C. 1395 et seq.), and may include such informa-
19 tion in the report under paragraph (1) for purposes
20 of data comparison.

21 (2) SUBSEQUENT DESIGNATIONS.—Not later
22 than January 1, 2027, the Secretary may not refuse
23 to designate an outpatient hospital service pursuant
24 to section 1833(t)(1)(B)(i) of the Social Security
25 Act (42 U.S.C. 1395l(t)(1)(B)(i)) unless, based on

1 the results of the study conducted under paragraph
2 (1), the Secretary determines there is conclusive
3 clinical evidence that such service may not be per-
4 formed safely in an outpatient setting.