[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 of 2023”.
5
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 ceeding 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-
ments under this subsection (including ad-
justments under paragraph (17)), an
amount equal to the payment amount
under subsection (i) for such service and
year, determined prior to application of
any geographic or other adjustments under
such subsection (including adjustments
under paragraph (2)(D)(iv) of such sec-

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

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

 ``(iv) OFF-CAMPUS OUTPATIENT DE-
PARTMENT OF A PROVIDER DEFINED.—
For purposes of this subparagraph, the
term ‘off-campus outpatient department of a provider’ means a department of a provider (as defined in section 413.65(a)(2) of title 42, Code of Federal Regulations) that is not located—

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

“(II) within the distance (described in such definition of campus) from a remote location of a hospital facility (as defined in such section 413.65(a)(2)).

“(v) TRANSITION.—The Secretary shall provide for a 4-year phase-in of the application of clause (i), with clause (i) being fully applicable for covered OPD services furnished during 2027 or a subsequent year.

“(vi) AUTHORITY TO ADJUST PAYMENT AMOUNT.—The Secretary may adjust the payment amount for covered OPD services described in clause (i) if the Secretary determines that the application of
clause (i) will create access problems for individuals enrolled under this part.”.

(b) IMPLEMENTATION.—Section 1833(t)(12) of the Social Security Act (42 U.S.C. 1395l(t)(12)) is amended—

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

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

(3) by adding at the end the following new subparagraph:

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