

116TH CONGRESS  
1ST SESSION

# H. R. 3433

To amend title XVIII of the Social Security Act to provide for ambulatory surgical center representation during the review of hospital outpatient payment rates under part B of the Medicare program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2019

Mr. LARSON of Connecticut (for himself and Mr. NUNES) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to provide for ambulatory surgical center representation during the review of hospital outpatient payment rates under part B of the Medicare program, and for other purposes.

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 “Ambulatory Surgical  
5 Center Payment Transparency Act of 2019” or the “ASC  
6 Payment Transparency Act of 2019”.

1 **SEC. 2. ADVISORY PANEL ON HOSPITAL OUTPATIENT PAY-**  
2 **MENT REPRESENTATION.**

3 (a) ASC REPRESENTATIVE.—The second sentence of  
4 section 1833(t)(9)(A) of the Social Security Act (42  
5 U.S.C. 1395l(t)(9)(A)) is amended by inserting “and at  
6 least one ambulatory surgical center representative” after  
7 “an appropriate selection of representatives of providers”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) shall apply with respect to advisory panels  
10 consulted on or after the date that is 1 year after the date  
11 of the enactment of this Act.

12 **SEC. 3. REASONS FOR EXCLUDING ADDITIONAL PROCE-**  
13 **DURES FROM ASC APPROVED LIST.**

14 Section 1833(i)(1) of the Social Security Act (42  
15 U.S.C. 1395l(i)(1)) is amended by adding at the end the  
16 following: “In updating such lists for application in years  
17 beginning with the second year beginning after the date  
18 of the enactment of this sentence, for each procedure that  
19 was not proposed to be included in such lists in the pro-  
20 posed rule with respect to such lists and that was subse-  
21 quently requested to be included in such lists during the  
22 public comment period with respect to such proposed rule  
23 and that is not included in the final rule updating such  
24 lists, the Secretary shall cite in such final rule the specific  
25 criteria in paragraph (b) or (c) of section 416.166 of title  
26 42, Code of Federal Regulations (or any successor regula-

1 tion), based on which the procedure was excluded. If para-  
2 graph (b) of such section is cited for exclusion of a proce-  
3 dure, the Secretary shall identify the peer-reviewed re-  
4 search, if any, or the evidence upon which such determina-  
5 tion is based.”.

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