

118TH CONGRESS
1ST SESSION

S. 1869

To amend title XVIII of the Social Security Act and title XXVII of the Public Health Service Act to ensure fair billing practice for items and services furnished by off-campus hospital locations, to amend such title XVIII to provide for payments for graduate nursing education costs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2023

Mr. BRAUN (for himself, Ms. HASSAN, and 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 and title XXVII of the Public Health Service Act to ensure fair billing practice for items and services furnished by off-campus hospital locations, to amend such title XVIII to provide for payments for graduate nursing education costs, 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 “Site-based Invoicing
5 and Transparency Enhancement Act” or the “SITE Act”.

1 **SEC. 2. ENSURING FAIR BILLING PRACTICE FOR ITEMS**
 2 **AND SERVICES FURNISHED BY OFF-CAMPUS**
 3 **HOSPITAL LOCATIONS.**

4 (a) PROMOTING MEDICARE SITE-NEUTRAL PAY-
 5 MENTS.—Section 1833(t)(21) of the Social Security Act
 6 (42 U.S.C. 1395l(t)(21)) is amended—

7 (1) by redesignating subparagraph (E) as sub-
 8 paragraph (G); and

9 (2) by inserting after subparagraph (D) the fol-
 10 lowing new subparagraphs:

11 “(E) SUNSET OF CERTAIN EXCEPTIONS.—

12 The provisions of clauses (ii) and (iv) of sub-
 13 paragraph (B) shall not apply with respect to
 14 applicable items and services furnished on or
 15 after January 1, 2025.

16 “(F) SPECIAL PAYMENT RULE FOR NON-
 17 APPLICABLE ITEMS AND SERVICES FURNISHED
 18 AT CERTAIN OFF-CAMPUS DEDICATED EMER-
 19 GENCY DEPARTMENTS.—

20 “(i) IN GENERAL.—In the case of cov-
 21 ered OPD services furnished by an applica-
 22 ble dedicated emergency department dur-
 23 ing 2025 or a subsequent year, the pay-
 24 ment amount for such service that would
 25 otherwise be determined under this sub-
 26 section (without regard to the application

1 of this subparagraph) for such year shall
 2 be reduced by 30 percent.

3 “(ii) APPLICABLE DEDICATED EMER-
 4 GENCY DEPARTMENT.—In clause (i), the
 5 term ‘applicable dedicated emergency de-
 6 partment’ means a dedicated emergency
 7 department (as defined in section
 8 489.24(b) of title 42 of the Code of Fed-
 9 eral Regulations) that—

10 “(I) is an off-campus outpatient
 11 department of a provider (as defined
 12 in subparagraph (B)); and

13 “(II) is located 6 or fewer miles
 14 from another hospital, critical access
 15 hospital, or rural emergency hospital,
 16 including the parent hospital of such
 17 emergency department.”.

18 (b) ENSURING SEPARATE NPIS FOR OFF-CAMPUS
 19 OUTPATIENT DEPARTMENTS OF A PROVIDER.—

20 (1) IN GENERAL.—Section 1173(b) of the So-
 21 cial Security Act (42 U.S.C. 1320d–2(b)) is amend-
 22 ed by adding at the end the following new para-
 23 graph:

24 “(3) ENSURING SEPARATE NPIS FOR OFF-CAM-
 25 PUS OUTPATIENT DEPARTMENTS OF A PROVIDER.—

1 The standards specified under paragraph (1) shall
2 ensure that, not later than January 1, 2025, each
3 off-campus outpatient department of a provider (as
4 defined in section 1833(t)(21)(B)) is assigned a sep-
5 arate unique health identifier from such provider.”.

6 (2) TREATMENT OF CERTAIN DEPARTMENTS AS
7 SUBPARTS OF A HOSPITAL.—Not later than January
8 1, 2025, the Secretary of Health and Human Serv-
9 ices shall revise sections 162.408 and 162.410 of
10 title 45, Code of Federal Regulations, to ensure that
11 each off-campus outpatient department of a provider
12 (as defined in section 1833(t)(21)(B) of the Social
13 Security Act (42 U.S.C. 1395l(t)(21)(B))) is treated
14 as a subpart (as described in such sections) of such
15 provider and assigned a unique health identifier pur-
16 suant to section 1173(b)(3) of such Act (as added
17 by paragraph (1)).

18 (c) BILLING REQUIREMENTS FOR OFF-CAMPUS OUT-
19 PATIENT DEPARTMENTS OF A PROVIDER.—

20 (1) MEDICARE.—Section 1866(a)(1) of the So-
21 cial Security Act (42 U.S.C. 1395cc(a)(1)) is
22 amended—

23 (A) in subparagraph (X), by striking
24 “and” at the end;

1 (B) in subparagraph (Y)(ii)(V), by striking
2 the period and inserting “, and”; and

3 (C) by inserting after subparagraph (Y)
4 the following new subparagraph:

5 “(Z) in the case of a hospital with an off-cam-
6 pus outpatient department of a provider (as defined
7 in section 1833(t)(21)(B)), with respect to items
8 and services furnished at such department of a pro-
9 vider on or after January 1, 2025, to include in any
10 claim form submitted under this title (including
11 under part C of this title) for such items and serv-
12 ices the unique health identifier established for such
13 department of a provider pursuant to section
14 1173(b)(3).”.

15 (2) OTHER PROVIDERS.—Part E of title XXVII
16 of the Public Health Service Act (42 U.S.C. 300gg–
17 131 et seq.) is amended by adding at the end the
18 following new section:

19 **“SEC. 2799B-10. BILLING REQUIREMENTS FOR OFF-CAMPUS**
20 **DEPARTMENTS OF A PROVIDER OR FACILITY.**

21 “A health care provider or facility may not, with re-
22 spect to items and services furnished to an individual at
23 an off-campus outpatient department of a provider (as de-
24 fined in section 1833(t)(21)(B) of the Social Security Act)
25 on or after January 1, 2025, submit a claim for such items

1 and services to a group health plan or health insurance
2 issuer, and may not bill such an individual or hold such
3 individual liable for such items and services, unless such
4 items and services are billed—

5 “(1) using the separate unique health identifier
6 established for such department pursuant to section
7 1173(b)(3) of such Act; and

8 “(2) on a HIPAA X12 837P transaction form
9 or CMS 1500 form (or a successor transaction or
10 form).”.

11 (3) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall apply with respect to claims
13 submitted for items and services furnished on or
14 after January 1, 2025.

15 **SEC. 3. PAYMENTS FOR GRADUATE NURSING EDUCATION**
16 **COSTS.**

17 (a) IN GENERAL.—Title XVIII of the Social Security
18 Act (42 U.S.C. 1395 et seq.) is amended by adding at
19 the end the following new section:

20 **“SEC. 1899C. PAYMENTS FOR GRADUATE NURSING EDU-**
21 **CATION COSTS.**

22 “(a) IN GENERAL.—The Secretary shall provide for
23 payments for qualified training costs in accordance with
24 this section. Such payments shall be made from the Fed-

1 eral Supplementary Medical Insurance Trust Fund under
2 section 1841.

3 “(b) ESTABLISHMENT OF HUB STRUCTURE.—

4 “(1) APPLICATION.—An eligible hospital seek-
5 ing to operate as a Graduate Nursing Education
6 Hub (in this section referred to as a ‘Hub’) shall
7 submit an application to the Secretary at such time,
8 in such manner, and containing such information as
9 the Secretary may specify.

10 “(2) SELECTION OF ELIGIBLE HOSPITALS TO
11 OPERATE AS HUB.—

12 “(A) ESTABLISHMENT OF REGIONS.—The
13 Secretary shall establish regions for Hubs based
14 on hospital referral regions.

15 “(B) SELECTION OF ELIGIBLE HOS-
16 PITALS.—For each hospital referral region, the
17 Secretary shall select not more than one eligible
18 hospital to operate as a Hub.

19 “(C) LIMITATION.—An eligible hospital
20 may not be selected to operate, or participate as
21 an eligible partner of, more than one Hub
22 under this section.

23 “(D) ADJACENT REGIONS.—An eligible
24 hospital may be selected to operate as a Hub
25 for one or more adjacent hospital referral re-

1 regions if no other qualifying eligible hospital sub-
2 mits an application for such regions, in which
3 case the eligible hospital shall operate as a sin-
4 gle Hub for such regions.

5 “(E) MULTIPLE APPLICATIONS.—If more
6 than one eligible hospital submits an application
7 to operate as a Hub for a hospital referral re-
8 gion, the Secretary shall consider each applica-
9 tion submitted, giving special consideration to
10 the following:

11 “(i) The application of the eligible
12 hospital that includes the greatest number
13 of applicable schools of nursing that have
14 an advanced practice registered nurse edu-
15 cation program in the region (or in an ad-
16 jacent region if an eligible hospital has not
17 been selected to operate as a Hub for such
18 region and the eligible hospital is submit-
19 ting an application to operate as a single
20 Hub for both regions).

21 “(ii) The application of the eligible
22 hospital that includes the greatest number
23 of advanced practice registered nurses that
24 have graduated from participating applica-

1 ble schools of nursing over the preceding 3
2 years.

3 “(c) HUB REQUIREMENTS.—

4 “(1) CONTRACTS.—Each Hub selected pursu-
5 ant to subsection (b)(2) must enter into a written
6 agreement with each eligible partner of the Hub that
7 meets contents and terms, as determined by the Sec-
8 retary, and sets out, at a minimum, the following:

9 “(A) PARTNER OBLIGATIONS.—The obliga-
10 tions of the eligible partner with respect to the
11 provision of qualified training.

12 “(B) REIMBURSEMENT.—The obligation of
13 the Hub to reimburse the eligible partner (in a
14 timely manner as the Secretary may specify) for
15 the costs of qualified training for which pay-
16 ment is made under this section that are attrib-
17 utable to such partner.

18 “(C) GOVERNANCE STRUCTURE.—A gov-
19 ernance structure that includes the Hub and
20 one or more applicable schools of nursing in the
21 leadership and an oversight process that is de-
22 veloped and approved by the Hub, participating
23 applicable schools of nursing, and other Hub
24 partners, in accordance with requirements es-
25 tablished by the Secretary.

1 “(D) COORDINATION.—The maintenance
2 of an adequate system for coordination of clinical
3 education sites and preceptors. The Secretary
4 may specify standards for such system.

5 “(E) PRECEPTOR TRAINING.—A system
6 for the Hub to provide at least 4 hours of preceptor
7 training to each preceptor each year.

8 “(F) PUBLIC HEALTH NEEDS.—A process
9 for taking into consideration local, State, and
10 regional workforce needs to ensure public
11 health.

12 “(d) PAYMENTS.—

13 “(1) AMOUNT OF PAYMENT.—The amount of
14 payment to a Hub under this section for qualified
15 training costs during a year shall be equal to the
16 product of—

17 “(A) the annual per student payment
18 amount determined under paragraph (2) for the
19 Hub for the year; and

20 “(B) the total number of positions distributed
21 to the Hub under subsection (f), as determined
22 by the Secretary.

23 “(2) DETERMINATION OF HUB-SPECIFIC ANNUAL PER STUDENT
24 PAYMENT AMOUNT.—The Secretary shall determine, for each Hub,
25 an annual per

1 student payment amount for each year (beginning
2 with 2026). Such amount shall be equal to the
3 unadjusted per student amount determined under
4 paragraph (3), as adjusted for geographic variation
5 in wages in a budget neutral manner, as determined
6 appropriate by the Secretary.

7 “(3) UNADJUSTED PER STUDENT AMOUNT.—

8 The unadjusted per student amount determined
9 under this paragraph for a year is equal to the prod-
10 uct of—

11 “(A) 750 hours; and

12 “(B) the median hourly wage for a nurse
13 practitioner in the United States, according to
14 the Occupational Employment and Wage Statis-
15 tics of the Bureau of Labor Statistics for the
16 most recent year for which such data is avail-
17 able (or an appropriate successor measure), in-
18 creased or decreased by the percentage change
19 in the consumer price index for all urban con-
20 sumers (all items; United States city average)
21 from June of the most recent year for which
22 such data is available to the June preceding the
23 year involved.

1 “(4) PERMISSIBLE USES OF PAYMENT.—A Hub
2 may use payments provided under this section only
3 for payment of the costs of qualified training.

4 “(e) NUMBER OF TRAINING POSITIONS AVAIL-
5 ABLE.—The maximum number of positions for which pay-
6 ment made be made under this section for a year shall
7 be equal to—

8 “(1) for each of 2026 and 2027, 10,000 ad-
9 vanced practice registered nurse students;

10 “(2) for each of 2028 and 2029, 15,000 ad-
11 vanced practice registered nurse students;

12 “(3) for each of 2030 and 2031: 20,000 ad-
13 vanced practice registered nurse students; and

14 “(4) for 2032 and subsequent years, the greater
15 of—

16 “(A) 20,000 advanced practice registered
17 nurse students; or

18 “(B) the number of advanced practice reg-
19 istered nurse students needed to ensure the
20 ratio of such students to the number of bene-
21 ficiaries under the program under this title, the
22 Medicaid program under title XIX, and the
23 CHIP program under title XXI during the year
24 is the same as such ratio for 2031.

25 “(f) DISTRIBUTION OF TRAINING POSITIONS.—

1 “(1) IN GENERAL.—

2 “(A) DISTRIBUTION.—The Secretary shall
3 distribute the applicable percent (as defined in
4 subparagraph (B)) of the total number of posi-
5 tions available for distribution under subsection
6 (e) for a year as follows:

7 “(i) Each Hub shall receive a min-
8 imum number of positions, as determined
9 by the Secretary.

10 “(ii) Any remaining positions available
11 for distribution under this subparagraph
12 shall be distributed to Hubs based on the
13 following factors:

14 “(I) The number of advanced
15 practice registered nurses that have
16 graduated from participating applica-
17 ble schools of nursing over the pre-
18 ceding 3 years.

19 “(II) The share of the relevant
20 hospital referral region that is located
21 in an area designated as a health pro-
22 fessional shortage area under section
23 332(a)(1)(A) of the Public Health
24 Service Act, as determined by the Sec-
25 retary.

1 “(III) The share of the relevant
2 hospital referral region that is located
3 in a frontier State (as defined in sec-
4 tion 1886(d)(3)(E)(iii)(II)).

5 “(IV) The share of the relevant
6 hospital referral region that is located
7 in a rural area (as defined in section
8 1886(d)(2)(D)).

9 “(V) Other factors determined
10 appropriate by the Secretary.

11 “(B) APPLICABLE PERCENT DEFINED.—
12 For purposes of subparagraph (A), the term
13 ‘applicable percent’ means—

14 “(i) for 2026 and 2027, 100 percent;

15 “(ii) for 2028 and 2029, 95 percent;

16 and

17 “(iii) for 2030 and each subsequent
18 year, 90 percent.

19 “(2) TESTING NEW TRAINING MODELS.—

20 “(A) IN GENERAL.—The Secretary shall
21 distribute the applicable percent (as defined in
22 subparagraph (B)) of the total number of posi-
23 tions available for distribution under this sub-
24 section for a year to test new models of training
25 advanced practice registered nurses and other

1 health care workers or account for different
2 workforce needs (for example, a shortage of cer-
3 tified nurse-midwives or community health
4 workers).

5 “(B) APPLICABLE PERCENT DEFINED.—
6 For purposes of subparagraph (A), the term
7 ‘applicable percent’ means—

8 “(i) for 2026 and 2027, 0 percent;

9 “(ii) for 2028 and 2029, 5 percent;

10 and

11 “(iii) for 2030 and each subsequent
12 year, 10 percent.

13 “(3) REDISTRIBUTION.—The Secretary shall
14 develop a process for redistributing—

15 “(A) unused positions; and

16 “(B) positions from terminated or closed
17 Hubs.

18 “(g) MISCELLANEOUS.—

19 “(1) WAIVER AUTHORITY.—The Secretary may
20 waive such requirements of title XI and this title as
21 may be necessary to carry out this section.

22 “(2) ADMINISTRATION.—Chapter 35 of title 44,
23 United States Code, shall not apply to the imple-
24 mentation of this section.

1 “(3) JUDICIAL REVIEW.—There shall be no ad-
2 ministrative or judicial review under section 1869,
3 1878, or otherwise, with respect to determinations
4 made under subsection (d) or subsection (f).

5 “(4) NO EFFECT ON OTHER PAYMENTS FOR
6 MEDICAL EDUCATION COSTS.—Nothing in this sec-
7 tion shall affect payments under subsection
8 (d)(5)(B), (h), or (l)(2)(B) of section 1886.

9 “(5) IMPLEMENTATION FUNDING.—For pur-
10 poses of carrying out this section, there are appro-
11 priated, out of amounts in the Treasury not other-
12 wise appropriated, to the Centers for Medicare &
13 Medicaid Services Program Management Account
14 for fiscal year 2024, \$100,000,000, to remain avail-
15 able until expended.

16 “(6) SUPPLEMENT NOT SUPPLANT.—Payments
17 under this section in any given year shall supple-
18 ment, not supplant, other Federal funds that have
19 been made available in the year for advanced prac-
20 tice registered nurse clinical education or training.

21 “(h) DEFINITIONS.—In this section:

22 “(1) ADVANCED PRACTICE REGISTERED
23 NURSE.—The term ‘advanced practice registered
24 nurse’ includes the following:

1 “(A) A clinical nurse specialist (as defined
2 in subsection (aa)(5) of section 1861).

3 “(B) A nurse practitioner (as defined in
4 such subsection).

5 “(C) A certified registered nurse anes-
6 thetist (as defined in subsection (bb)(2) of such
7 section).

8 “(D) A certified nurse-midwife (as defined
9 in subsection (gg)(2) of such section).

10 “(2) AMBULATORY CARE SETTING.—The term
11 ‘ambulatory care setting’ includes a Federally quali-
12 fied health center (as defined in section
13 1861(aa)(4)), a rural health clinic (as defined in sec-
14 tion 1861(aa)(4)), a nurse-managed clinic, an ambu-
15 latory practice, a behavioral health clinic (including
16 a clinic certified as a certified community behavioral
17 health clinic pursuant to section 223 of the Pro-
18 tecting Access to Medicare Act of 2014) or other be-
19 havioral health setting (as determined appropriate
20 by the Secretary), a physician or practitioner office,
21 a school, a skilled nursing facility or nursing facility
22 (as defined in section 1919(a)), a hospice program,
23 a long-term care facility, and any other setting spec-
24 ified by the Secretary.

1 “(3) APPLICABLE SCHOOL OF NURSING.—The
2 term ‘applicable school of nursing’ means an accred-
3 ited school of nursing (as defined in section 801 of
4 the Public Health Service Act).

5 “(4) ELIGIBLE HOSPITAL.—The term ‘eligible
6 hospital’ means a hospital or a critical access hos-
7 pital that has a written agreement described in sub-
8 section (c)(1) in place with—

9 “(A) at least two applicable schools of
10 nursing (or at least one applicable school of
11 nursing if there is only one applicable school of
12 nursing within the hospital referral region); and

13 “(B) at least one ambulatory care setting
14 that is not owned or operated by a Hub oper-
15 ated by the hospital or critical access hospital.

16 “(5) ELIGIBLE PARTNER.—

17 “(A) IN GENERAL.—The term ‘eligible
18 partner’ means—

19 “(i) an applicable school of nursing
20 that has an advanced practice registered
21 nurse education program;

22 “(ii) an entity or practitioner that is
23 a participating provider under this title or
24 a State plan under title XIX (or a waiver
25 of such plan); and

1 “(iii) any other entity determined ap-
2 propriate by the Secretary.

3 “(B) LIMITATION.—An applicable school
4 of nursing, entity, or practitioner described in
5 subparagraph (A) may not participate as an eli-
6 gible partner of more than one Hub under this
7 section.

8 “(6) QUALIFIED TRAINING.—

9 “(A) IN GENERAL.—The term ‘qualified
10 training’ means training—

11 “(i) that provides an advanced prac-
12 tice registered nurse with the clinical skills
13 necessary to provide primary care, behav-
14 ioral health care, obstetric care, preventive
15 care, transitional care, chronic care man-
16 agement, and other services appropriate
17 for individuals entitled to, or enrolled for,
18 benefits under part A, or enrolled under
19 part B; and

20 “(ii) subject to subparagraph (B), at
21 least a third of which is provided in an am-
22 bulatory care setting that is not owned or
23 operated by a Hub.

24 “(B) WAIVER OF REQUIREMENT FOR ELI-
25 GIBLE HOSPITALS LOCATED IN RURAL OR

1 MEDICALLY UNDESERVED AREAS.—The Sec-
2 retary may waive the requirement under sub-
3 paragraph (A)(ii), or reduce the threshold oth-
4 erwise applicable under such subparagraph,
5 with respect to an eligible hospital that is lo-
6 cated in a rural or medically underserved
7 area.”.

8 (b) EXCLUSION OF PAYMENTS FROM CALCULATION
9 OF FEE-FOR-SERVICE COSTS UNDER MEDICARE ADVAN-
10 TAGE.—Section 1853(c)(1)(D)(i) of the Social Security
11 Act (42 U.S.C. 1395w-23(c)(1)(D)(i)) is amended by
12 striking “and 1886(n) and 1886(h)” and inserting
13 “1886(n), 1886(h), and 1899C”.

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