

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3729
OFFERED BY MR. BRADY OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Comprehensive Oper-
3 ations, Sustainability, and Transport Act of 2017”.

**4 SEC. 2. GROUND AMBULANCE SERVICES COST REPORTING
5 REQUIREMENT.**

6 (a) IN GENERAL.—Section 1121 of the Social Secu-
7 rity Act (42 U.S.C. 1320a) is amended—

8 (1) in subsection (a)—

9 (A) by striking “For the purposes of” and
10 inserting “Subject to subsection (d), for the
11 purposes of”;

12 (B) by inserting “suppliers of ground am-
13 bulance services,” after “health maintenance or-
14 ganizations,”; and

15 (C) in the matter at the end, by adding the
16 following new sentence: “Not later than Decem-
17 ber 31, 2019, the Secretary shall modify the
18 uniform reporting system for providers of serv-

1 ices with respect to ambulance services to en-
2 sure that such system contains information
3 similar (as determined by the Secretary) to in-
4 formation required under the uniform reporting
5 system for suppliers of ground ambulance serv-
6 ices.”; and

7 (2) by adding at the end the following new sub-
8 section:

9 “(d) In the case of a supplier of ground ambulance
10 services that furnishes such services for fewer than 20 in-
11 dividuals entitled to benefits under part A of title XVIII
12 and enrolled under part B of such title in a cost reporting
13 period (as defined by the Secretary), the Secretary may
14 modify the requirements for inclusion of any information
15 specified in subsection (a) in reports made in accordance
16 with the uniform reporting system established under this
17 section with respect to such services.”.

18 (b) **SUSPENSION OF PAYMENT FOR GROUND AMBU-**
19 **LANCE SERVICES; DEEMING CERTAIN PAYMENTS OVER-**
20 **PAYMENTS.**—Section 1834(l) of the Social Security Act
21 (42 U.S.C. 1395m(l)) is amended by adding at the end
22 the following new paragraph:

23 “(17) **REQUIREMENT TO SUBMIT COST REPORT**
24 **AND AUTHORITY TO SUSPEND PAYMENTS AND DEEM**

1 CERTAIN PAYMENTS OVERPAYMENTS FOR GROUND
2 AMBULANCE SERVICES.—

3 “(A) IN GENERAL.—With respect to
4 ground ambulance services furnished by a sup-
5 plier of such services during cost reporting peri-
6 ods (as defined in subparagraph (I)) beginning
7 on or after January 1, 2020, such supplier shall
8 make reports to the Secretary of information
9 described in section 1121(a) in accordance with
10 the uniform reporting system established under
11 such section for such suppliers and, as may be
12 required by the Secretary, of any of the infor-
13 mation described in subparagraph (B).

14 “(B) ADDITIONAL INFORMATION.—The
15 Secretary may, with respect to a supplier of
16 ground ambulance services, require the fol-
17 lowing information (to be reported to the extent
18 practicable under the uniform reporting system
19 established under section 1121(a) for such sup-
20 pliers):

21 “(i) Whether the supplier is part of
22 an emergency services department, a gov-
23 ernmental organization, or another type of
24 entity (as described by the Secretary).

1 “(ii) The number of hours in a week
2 during which the supplier is available for
3 furnishing ground ambulance services.

4 “(iii) The average number of volun-
5 teer hours a week used by the supplier.

6 “(C) SUSPENSION OF PAYMENT.—Subject
7 to subparagraph (E), in the case that the Sec-
8 retary determines that a supplier of ground am-
9 bulance services has not made to the Secretary
10 a timely report described in subparagraph (A)
11 with respect to a cost reporting period begin-
12 ning on or after January 1, 2020, and before
13 January 1, 2022, the Secretary may suspend
14 payments made under this subsection, in whole
15 or in part, to such supplier until the Secretary
16 finds that such supplier has made such a re-
17 port.

18 “(D) DEEMING CERTAIN PAYMENTS OVER-
19 PAYMENTS.—Subject to subparagraphs (E) and
20 (F), in the case that the Secretary determines
21 that a supplier of ground ambulance services
22 has not made to the Secretary a complete, accu-
23 rate, and timely report described in subpara-
24 graph (A) with respect to a cost reporting pe-
25 riod beginning on or after January 1, 2022, the

1 Secretary may deem payments made under this
2 subsection to such supplier for such period to
3 be overpayments and recoup such overpay-
4 ments.

5 “(E) HARDSHIP DELAY.—The Secretary
6 shall establish a process whereby a supplier of
7 ground ambulance services may request a delay
8 in making a report described in subparagraph
9 (A) with respect to a cost reporting period for
10 reason of significant hardship (as determined
11 by the Secretary).

12 “(F) AUTHORITY TO MODIFY COST RE-
13 PORTING ELEMENTS AND ENFORCEMENT.—Not
14 earlier than January 1, 2023, the Secretary
15 may provide that subparagraph (D) no longer
16 applies to ground ambulance services suppliers
17 or a category of such suppliers after—

18 “(i) taking into account the rec-
19 ommendation of the Medicare Payment
20 Advisory Commission in the most recent
21 report available to the Secretary submitted
22 under section 3 of the Ambulance Medicare
23 Budget and Operations Act of 2017 re-
24 garding whether cost reports made by sup-
25 pliers or a category of suppliers (as speci-

1 fied for purposes of the report submitted
2 under such section) should be required or
3 modified; and

4 “(ii) undertaking notice and comment
5 rulemaking.

6 “(G) AUDIT OF COST REPORTS.—The Sec-
7 retary shall audit reports described in subpara-
8 graph (A) submitted with respect to cost re-
9 porting periods beginning on or after January
10 1, 2021.

11 “(H) APPEALS.—The Secretary shall es-
12 tablish a process whereby a supplier of ground
13 ambulance services may appeal a determination
14 described in subparagraph (C) or (D) made
15 with respect to a cost report required to be
16 made by such supplier under subparagraph (A).

17 “(I) DEFINITION.—In this paragraph, the
18 term ‘cost reporting period’ means, with respect
19 to a year, the 12-month period beginning on
20 January 1 of such year.”.

21 (c) STAKEHOLDER FEEDBACK.—

22 (1) IN GENERAL.—The Secretary of Health and
23 Human Services shall implement the provisions of
24 this section, including the amendments made by this

1 section, through notice and comment rulemaking
2 and seek input from stakeholders.

3 (2) NONAPPLICATION OF PAPERWORK REDUC-
4 TION ACT.—Chapter 35 of title 44, United States
5 Code, shall not apply with respect to—

6 (A) the development and implementation of
7 the uniform reporting system required under
8 section 1121(a) of the Social Security Act (42
9 U.S.C. 1320a(a)) for suppliers of ground ambu-
10 lance services and reports required to be made
11 under section 1834(l)(17) of such Act (42
12 U.S.C. 1395m(l)(17)); and

13 (B) the modification of the uniform report-
14 ing systems under such section 1121(a) of such
15 Act for providers of such services and reports
16 required to be made under section
17 1861(v)(1)(F) of such Act (42 U.S.C.
18 1395x(v)(1)(F)).

19 (d) IMPLEMENTATION RESOURCES.—

20 (1) IN GENERAL.—There are hereby appro-
21 priated to the Secretary from the Federal Hospital
22 Insurance Trust Fund under section 1817 of the So-
23 cial Security Act (42 U.S.C. 1395i) \$8,000,000 and
24 from the Federal Supplementary Medical Insurance
25 Trust Fund under section 1841 of such Act (42

1 U.S.C. 1395t) \$92,000,000 (of which not less than
2 \$10,000,000 shall be used to fulfill the auditing re-
3 quirement under section 1834(l)(17)(G) of such Act,
4 as added by subsection (b) of this section) to carry
5 out the provisions of this section, including the
6 amendments made by this section, to remain avail-
7 able through December 31, 2022.

8 (2) FUNDING FOR EMPLOYEES.—The Secretary
9 of Health and Human Services shall provide for the
10 transfer to the Centers for Medicare & Medicaid
11 Services Program Management Account, from the
12 Supplemental Insurance Trust Fund under section
13 1841 of the Social Security Act (42 U.S.C. 1395t),
14 of such sums as may be necessary in order to di-
15 rectly hire no more than 2 full-time employees to
16 carry out the provisions of this section, including the
17 amendments made by this section.

18 (e) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) a cost report made by a supplier of ground
21 ambulance services with respect to a cost reporting
22 period beginning before January 1, 2022, may not
23 contain complete and accurate information on
24 ground ambulance services furnished during such a
25 period by the supplier; and

1 (2) the Secretary should take into account only
2 the timeliness of such a report made with respect to
3 such a period when determining whether to suspend
4 payments to a supplier under section 1834(l) of the
5 Social Security Act (42 U.S.C. 1395m(l)).

6 **SEC. 3. GROUND AMBULANCE SERVICES COST REPORTING**
7 **STUDY.**

8 (a) IN GENERAL.—Not later than March 15, 2022,
9 and as determined necessary by the Medicare Payment
10 Advisory Commission thereafter, such Commission shall
11 assess and submit to Congress a report on cost reports
12 carried out in accordance with sections 1121(a) and
13 1834(l) of the Social Security Act (42 U.S.C. 1320a(a),
14 1395m(l)), the adequacy of payments for such services
15 made under section 1834(l) of such Act, and the extent
16 to which State mandates may create geographic variations
17 in the cost of providing such services.

18 (b) CONTENTS.—The report described in subsection
19 (a) shall contain the following:

20 (1) An analysis of cost report data submitted in
21 accordance with such sections.

22 (2) An analysis of any burden on providers and
23 suppliers of such services associated with reporting
24 such data.

1 (3) A recommendation on whether or not cost
2 reports of ambulance services made by suppliers or
3 a category of suppliers (as specified by the Sec-
4 retary) of such services, or the ground ambulance
5 portion of cost reports made by providers of such
6 services, should be required or modified, taking into
7 account the analyses described in paragraphs (1)
8 and (2).

9 **SEC. 4. EXTENSION OF GROUND AMBULANCE SERVICES EX-**
10 **TENDERS AND PAY-FOR.**

11 Section 1834(l) of the Social Security Act (42. U.S.C.
12 1395m(l)) is amended—

13 (1) in paragraph (12)(A), by striking “2018”
14 and inserting “2023”;

15 (2) in paragraph (13)(A), by striking “2018”
16 each place it appears and inserting “2023”; and

17 (3) in paragraph (15), by striking “on or after
18 October 1, 2013” and inserting “during the period
19 beginning on October 1, 2013, and ending on Sep-
20 tember 30, 2018, and by 32 percent for such serv-
21 ices furnished on or after October 1, 2018”.

