

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6138
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 “Ambulatory Surgical
3 Center Payment Transparency Act of 2018” or the “ASC
4 Payment Transparency Act of 2018”.

5 SEC. 2. ADVISORY PANEL ON HOSPITAL OUTPATIENT PAY-
6 MENT REPRESENTATION.

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

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

1 **SEC. 3. REASONS FOR EXCLUDING ADDITIONAL PROCE-**
2 **DURES FROM ASC APPROVED LIST.**

3 Section 1833(i)(1) of the Social Security Act (42
4 U.S.C. 1395l(i)(1)) is amended by adding at the end the
5 following: “In updating such lists for application in years
6 beginning with the second year beginning after the date
7 of the enactment of this sentence, for each procedure that
8 was not proposed to be included in such lists in the pro-
9 posed rule with respect to such lists and that was subse-
10 quently requested to be included in such lists during the
11 public comment period with respect to such proposed rule
12 and that is not included in the final rule updating such
13 lists, the Secretary shall cite in such final rule the specific
14 criteria in paragraph (b) or (c) of section 416.166 of title
15 42, Code of Federal Regulations (or any successor regula-
16 tion), based on which the procedure was excluded. If para-
17 graph (b) of such section is cited for exclusion of a proce-
18 dure, the Secretary shall identify the peer reviewed re-
19 search, if any, or the evidence upon which such determina-
20 tion is based. The Secretary may not use or cite section
21 416.166(c)(7) of such title (or any successor regulation)
22 as criteria or a basis for exclusion of a procedure from
23 such lists.”.

