

106TH CONGRESS
2^D SESSION

H. R. 5153

To amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2000

Mr. HOUGHTON (for himself, Mr. MINGE, Mr. STUPAK, and Mrs. KELLY) introduced the following bill; which was referred to the Committee on 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

A BILL

To amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medicare Access to
3 Ambulance Services Act of 2000”.

4 **SEC. 2. PAYMENT RATES.**

5 (a) IN GENERAL.—Section 1834(l)(3) of the Social
6 Security Act (42 U.S.C. 1395m(l)(3)) is amended to read
7 as follows:

8 “(3) PAYMENT RATES.—

9 “(A) GROUND AND AIR AMBULANCE PAY-
10 MENT RATES.—Subject to the succeeding provi-
11 sions of this paragraph, in establishing such fee
12 schedule, the Secretary shall—

13 “(i) set the payment rates provided
14 under the fee schedule for ground ambu-
15 lance services furnished under this part
16 during 2001 at a rate based on the aver-
17 age costs (as determined by the Secretary
18 based on a study performed by an inde-
19 pendent research organization of such
20 costs, adjusted for inflation if necessary)
21 incurred by full cost ambulance suppliers
22 in providing nonemergency basic life sup-
23 port ambulance services covered under this
24 title, with adjustments to the rates for
25 other service levels to be determined based

1 on the rule negotiated in accordance with
2 paragraph (1); and

3 “(ii) set the payment amounts pro-
4 vided under the fee schedule for all ambu-
5 lance services furnished in 2002 and each
6 subsequent year at amounts equal to the
7 payment amounts under the fee schedule
8 for services furnished during the previous
9 year, increased by the percentage increase
10 in the Consumer Price Index for all urban
11 consumers (United States city average) for
12 the 12-month period ending with June of
13 the previous year.

14 “(B) STUDY AND REPORT ON THE COSTS
15 OF RURAL AMBULANCE SERVICES.—

16 “(i) STUDY.—The Secretary, in con-
17 sultation with the Office of Rural Health
18 Policy, shall conduct a study of the means
19 by which rural areas with low population
20 densities can be identified for the purpose
21 of designating areas in which the cost of
22 providing ambulance services would be ex-
23 pected to be higher than similar services
24 provided in more heavily populated areas
25 because of low usage. Such study shall also

1 include an analysis of the additional costs
2 of providing ambulance services in areas
3 designated under the previous sentence.

4 “(ii) REPORT.—Not later than June
5 30, 2001, the Secretary shall submit to
6 Congress a report on the results of the
7 study conducted under this section, to-
8 gether with a regulation based on that
9 study which adjusts the fee schedule pay-
10 ment rates for ambulance services provided
11 in low density rural areas based on the in-
12 creased cost of providing such services in
13 such areas.

14 “(iii) IMPLEMENTATION OF REGULA-
15 TION.—The regulation submitted under
16 clause (ii) shall become effective not later
17 than January 1, 2002.

18 “(C) INTERIM PAYMENTS FOR RURAL
19 GROUND AMBULANCE SERVICES.—Notwith-
20 standing subparagraph (A)(i) of this paragraph,
21 until such time as the fee schedule established
22 under this subsection is modified by the regula-
23 tion under subparagraph (B), the amount of
24 payment under this subsection for ground am-
25 bulance services provided in a rural area (as de-

1 fined in section 1886(d)(2)(D)) shall be the
2 greater of—

3 “(i) the amount determined under the
4 fee schedule established under this sub-
5 section (without regard to any phase-in es-
6 tablished pursuant to paragraph (2)(E));
7 or

8 “(ii) the amount that would have been
9 paid for such service if the amendments
10 made by section 4531(b) of the Balanced
11 Budget Act of 1997 had not been enacted;
12 as adjusted for inflation pursuant to subpara-
13 graph (A)(ii). For purposes of this subpara-
14 graph, an ambulance trip shall be considered to
15 have been provided in a rural area only if the
16 transportation of the patient originated in a
17 rural area.”.

18 (b) CONFORMING AMENDMENTS.—Section
19 1833(a)(1) of the Social Security Act (42 U.S.C.
20 1395l(a)(1)) is amended—

21 (1) in subparagraph (R)—

22 (A) by inserting “except as provided in
23 subparagraph (T),” before “with respect”; and

24 (B) by striking “and” at the end; and

1 (2) in subparagraph (S), by striking the semi-
2 colon at the end and inserting “, and (T) with re-
3 spect to ambulance services described in section
4 1834(l)(3)(C), the amount paid shall be 80 percent
5 of the lesser of the actual charge for the services or
6 the amount determined under such section;”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to services provided
9 on and after January 1, 2001.

10 **SEC. 3. PRUDENT LAYPERSON STANDARD FOR EMERGENCY**
11 **AMBULANCE SERVICES.**

12 (a) IN GENERAL.—Section 1861(s)(7) of the Social
13 Security Act (42 U.S.C. 1395x(s)(7)) is amended by strik-
14 ing “regulations;” and inserting “regulations, except that
15 such regulations shall not fail to treat ambulance services
16 as medical and other health services solely because the ul-
17 timate diagnosis of the individual receiving the ambulance
18 services results in the conclusion that ambulance services
19 were not necessary, as long as the request for ambulance
20 services is made after the sudden onset of a medical condi-
21 tion that is manifested by symptoms of such sufficient se-
22 verity, including severe pain, that a prudent layperson,
23 who possesses an average knowledge of health and medi-
24 cine, could reasonably expect to result, without immediate
25 medical attention, in—

1 “(A) placing the individual’s health in seri-
2 ous jeopardy;

3 “(B) serious impairment to the individual’s
4 bodily functions; or

5 “(C) serious dysfunction of any bodily
6 organ or part of the individual;”.

7 (b) **EFFECTIVE DATE.**—The amendment made by
8 this section shall apply with respect to services provided
9 on and after the date of enactment of this Act.

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