

118TH CONGRESS  
1ST SESSION

# S. 1849

To amend title XVIII of the Social Security Act to allow payments under the Medicare program for certain items and services furnished by off-campus outpatient departments of a provider to be determined under the prospective payment system for hospital outpatient department services, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 7, 2023

Mr. HOEVEN (for himself and Ms. KLOBUCHAR) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to allow payments under the Medicare program for certain items and services furnished by off-campus outpatient departments of a provider to be determined under the prospective payment system for hospital outpatient department services, 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 “SOS: Sustaining Out-  
5 patient Services Act”.

1 **SEC. 2. ALLOWING MEDICARE PAYMENTS FOR CERTAIN**  
 2 **ITEMS AND SERVICES FURNISHED BY OFF-**  
 3 **CAMPUS OUTPATIENT DEPARTMENTS OF A**  
 4 **PROVIDER TO BE DETERMINED UNDER THE**  
 5 **PROSPECTIVE PAYMENT SYSTEM FOR HOS-**  
 6 **PITAL OUTPATIENT DEPARTMENT SERVICES.**

7 Section 1833(t)(1)(B) of the Social Security Act (42  
 8 U.S.C. 1395l(t)(1)(B)) is amended—

9 (1) in clause (iv), by striking “and” at the end;

10 (2) in clause (v)—

11 (A) by inserting before “does not include”  
 12 the following: “subject to clause (vi),”; and

13 (B) by striking the period at the end and  
 14 inserting “; and”; and

15 (3) by adding at the end the following new  
 16 clause:

17 “(vi) includes, with respect to a year  
 18 (beginning with 2024), any item or serv-  
 19 ice—

20 “(I) that is furnished during  
 21 such year by an off-campus outpatient  
 22 department of a provider (as defined  
 23 in subparagraph (B) of paragraph  
 24 (21)); and

25 “(II) with respect to which the  
 26 greatest total amount paid with re-

1                   spect to a physician specialty under  
2                   the physician fee schedule under sec-  
3                   tion 1848 for all such items or serv-  
4                   ices furnished by physicians in such  
5                   specialty during the previous year was  
6                   less than \$2,000,000.”.

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