

118TH CONGRESS
1ST SESSION

H. R. 3237

To amend title XVIII of the Social Security Act to require each off-campus outpatient department of a provider to include a unique identifier on claims for items and services, and to require providers with a department of a provider to submit to the Centers for Medicare & Medicaid Services an attestation with respect to each such department.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mr. JOYCE of Pennsylvania (for himself and Mr. SARBANES) introduced the following bill; which was referred to the Committee on Energy and 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 require each off-campus outpatient department of a provider to include a unique identifier on claims for items and services, and to require providers with a department of a provider to submit to the Centers for Medicare & Medicaid Services an attestation with respect to each such department.

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. REQUIRING A SEPARATE IDENTIFICATION**
2 **NUMBER AND AN ATTESTATION FOR EACH**
3 **OFF-CAMPUS OUTPATIENT DEPARTMENT OF**
4 **A PROVIDER.**

5 Section 1833(t) of the Social Security Act (42 U.S.C.
6 1395l(t)) is amended by adding at the end the following
7 new paragraph:

8 “(23) USE OF UNIQUE HEALTH IDENTIFIERS;
9 ATTESTATION.—

10 “(A) IN GENERAL.—No payment may be
11 made under this subsection (or under an appli-
12 cable payment system pursuant to paragraph
13 (21)) for items and services furnished on or
14 after January 1, 2026, by an off-campus out-
15 patient department of a provider (as defined in
16 subparagraph (C)) unless—

17 “(i) such department has obtained,
18 and such items and services are billed
19 under, a unique health identifier (as estab-
20 lished pursuant to standards described in
21 section 1173(b)) that is separate from
22 such identifier for such provider; and

23 “(ii) such provider has submitted to
24 the Secretary, during the 2-year period
25 ending on the date such items and services
26 are so furnished, an attestation that such

1 department is compliant with the require-
2 ments described in section 413.65 of title
3 42, Code of Federal Regulations (or a suc-
4 cessor regulation).

5 “(B) PROCESS FOR SUBMISSION AND RE-
6 VIEW.—Not later than 1 year after the date of
7 enactment of this paragraph, the Secretary
8 shall, through notice and comment rulemaking,
9 establish a process for each provider with an
10 off-campus outpatient department of a provider
11 to submit an attestation pursuant to subpara-
12 graph (A)(ii), and for the Secretary to review
13 each such attestation and determine, through
14 site visits or through remote audits (as deter-
15 mined appropriate by the Secretary), whether
16 such department is compliant with the require-
17 ments described in such subparagraph.

18 “(C) OFF-CAMPUS OUTPATIENT DEPART-
19 MENT OF A PROVIDER DEFINED.—For purposes
20 of this paragraph, the term ‘off-campus out-
21 patient department of a provider’ means a de-
22 partment of a provider (as defined in section
23 413.65 of title 42, Code of Federal Regulations,
24 or any successor regulation) that is not lo-
25 cated—

1 “(i) on the campus (as defined in such
2 section) of such provider; or

3 “(ii) within the distance (described in
4 such definition of campus) from a remote
5 location of a hospital facility (as defined in
6 such section).”.

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