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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title XVIII of the Social Security Act to ensure appropriate payments for ambulance services under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

Mr. PFLUGER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title XVIII of the Social Security Act to ensure appropriate payments for ambulance services under the Medicare program.

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 “Reimbursing Emer-
5 gency Services for Critical Urgent Encounters Act of
6 2026” or “RESCUE Act of 2026”.

1 **SEC. 2. AMBULANCE SERVICES PAYMENTS.**

2 Section 1834(l) of the Social Security Act (42 U.S.C.
3 1395m(l)) is amended—

4 (1) in paragraph (1)—

5 (A) by inserting “, for years before 2027,”
6 after “under this part through”; and

7 (B) by inserting “(and for each year, be-
8 ginning with 2027, by regulation)” after “title
9 5, United States Code,”;

10 (2) in paragraph (2)(D), by inserting “and, be-
11 ginning for 2028, in accordance with paragraph
12 (18), determine and apply updated payment
13 amounts (as defined in subparagraph (A)(ii) of such
14 paragraph) and the adjustments described in such
15 paragraph” after “and other relevant factors”;

16 (3) in paragraph (3)—

17 (A) in subparagraph (B)—

18 (i) by inserting “(before 2028)” after
19 “each subsequent year”; and

20 (ii) by striking “and” after the semi-
21 colon;

22 (B) in subparagraph (C)—

23 (i) by inserting “(before 2028)” after
24 “each subsequent year”; and

25 (ii) by striking the period at the end
26 and inserting a semicolon; and

1 (C) by inserting at the end the following:

2 “(D) for services furnished in 2028, sub-
3 stitute the updated payment amounts (as de-
4 fined in paragraph (18)(A)(ii)) for such services
5 as the payment amounts provided under the fee
6 schedule for such services; and

7 “(E) set the payment amounts provided
8 under the fee schedule for services furnished in
9 2029 and each subsequent year at amounts
10 equal to the payment amounts under the fee
11 schedule for services furnished during the pre-
12 vious year, updated by the adjustments or in-
13 crease applicable to such year in accordance
14 with clause (ii) or (iii), respectively, of para-
15 graph (18)(B).”;

16 (4) in paragraph (4), by inserting “including
17 for purposes of carrying out the provisions of para-
18 graph (18),” after “under this subsection,”;

19 (5) in paragraph (15), by striking “the pre-
20 ceding provisions of” after “amount otherwise appli-
21 cable under”;

22 (6) in paragraph (17)—

23 (A) in subparagraph (D)—

24 (i) in clause (i)—

1 (I) by inserting “(or, in the case
2 of a provider or supplier of air ambu-
3 lance services, beginning January 1 of
4 the year subsequent to the first year
5 for which such providers and suppliers
6 are required to submit information
7 pursuant to subparagraph
8 (E)(ii)(II)),” after “Beginning Janu-
9 ary 1, 2022,”;

10 (II) by redesignating subclauses
11 (I) and (II) as items (aa) and (bb),
12 respectively, and moving the margin
13 of each such item, as redesignated, 2
14 ems to the right;

15 (III) by striking “(as defined in
16 clause (ii)) to a provider or supplier of
17 ground ambulance services” and in-
18 serting “(as defined in clause (ii))—

19 “(I) to a provider or supplier of ground
20 ambulance services”;

21 (IV) by striking at the end the
22 period and inserting “; and”; and

23 (V) by adding at the end the fol-
24 lowing new subclause:

1 “(II) to a provider or supplier of
2 air ambulance services that—

3 “(aa) is required to submit
4 information for a year deter-
5 mined by the Secretary under
6 subparagraph (E)(ii)(II); and

7 “(bb) does not sufficiently
8 submit such information, as de-
9 termined by the Secretary.”;

10 (ii) in clause (ii)—

11 (I) by inserting “or a provider or
12 supplier of air ambulance services”
13 after “with respect to a provider or
14 supplier of ground ambulance serv-
15 ices”;

16 (II) by striking “made a deter-
17 mination under clause (i)(II)” and in-
18 serting “made—

19 “(I) in the case of a provider or supplier
20 of ground ambulance services, a determination
21 under clause (i)(I)(bb)”;

22 (III) by striking at the end the
23 period and inserting “; or”; and

24 (IV) by adding at the end the fol-
25 lowing new subclause:

1 “(II) in the case of a provider or
2 supplier of air ambulance services, a
3 determination under clause (i)(II)(bb)
4 that the provider or supplier of air
5 ambulance services failed to suffi-
6 ciently submit information as de-
7 scribed in clause (i)(II)(aa).”;

8 (iii) in clause (iii)—

9 (I) by inserting “of ground am-
10 bulance services or a provider or sup-
11 plier of air ambulance services” after
12 “may exempt a provider or supplier”;
13 and

14 (II) by inserting “or provider or
15 supplier of air ambulance services, re-
16 spectively,” after “ability of the pro-
17 vider or supplier of ground ambulance
18 services”; and

19 (iv) in clause (iv), by inserting “or air
20 ambulance services” after “ground ambu-
21 lance services”;

22 (B) in subparagraph (E)—

23 (i) in clause (ii)—

24 (I) by striking “shall require”
25 and inserting “shall—

1 “(I) require”;

2 (II) by striking at the end the pe-
3 riod and inserting “; and”; and

4 (III) by adding at the end the
5 following new subclause:

6 “(II) require providers and sup-
7 pliers of air ambulance services to
8 submit, in such form and manner and
9 at such time as specified by the Sec-
10 retary in accordance with clause (iii),
11 information described in section
12 106(a)(2) of the No Surprises Act for
13 years after the last NSA reporting
14 year (as defined in clause (iv)) as the
15 Secretary determines appropriate, but
16 in no case less often than once every
17 3 years.”; and

18 (ii) by adding at the end the following
19 new clauses:

20 “(iii) APPLICATION TO AIR AMBU-
21 LANCE SERVICES.—In carrying out clause
22 (ii)(II), the Secretary—

23 “(I) may, as the Secretary deter-
24 mines appropriate, use the data collec-
25 tion system under subparagraph (A)

1 to provide for a single process for the
2 submission of information under this
3 paragraph, including information de-
4 scribed in such clause with respect to
5 providers and suppliers of air ambu-
6 lance services; and

7 “(II) shall, to the greatest extent
8 practicable, align the years for which
9 information is required to be sub-
10 mitted under such clause with the
11 years for which information is re-
12 quired to be submitted under clause
13 (ii)(I).

14 “(iv) LAST NSA REPORTING YEAR.—
15 For purposes of clause (ii)(II), the term
16 ‘last NSA reporting year’ means the year
17 with respect to which information is re-
18 quired to be submitted under section
19 106(a)(1)(B) of the No Surprises Act.”;
20 and

21 (C) in subparagraph (F)(i), by striking
22 “thereafter,, such” and inserting “thereafter,
23 such”; and
24 (7) by adding at the end the following:

1 “(18) UPDATING FEE SCHEDULE TO REFLECT
2 MOST RECENTLY AVAILABLE DATA.—

3 “(A) INITIAL REVIEW AND REVISIONS.—

4 “(i) IN GENERAL.—To improve the
5 valuation of ground ambulance services
6 and air ambulance services under this sub-
7 section the Secretary shall review the rel-
8 ative value units, conversion factor, air am-
9 bulance base rates, and the mileage rates
10 applied under the fee schedule under this
11 subsection and shall, by regulation and
12 taking into account the information re-
13 quired under subparagraph (C), make such
14 adjustments as are necessary to ensure
15 that such relative value units, conversion
16 factor, base rates, and mileage rates that
17 are applied under the fee schedule for
18 2028 with respect to ground ambulance
19 services and with respect to air ambulance
20 services, as applicable, reflect the costs (in-
21 cluding labor-related costs and costs re-
22 lated to uncompensated care), expenses,
23 and resources used in furnishing the re-
24 spective ambulance service.

1 “(ii) UPDATED PAYMENT AMOUNTS
2 DEFINED.—For purposes of this sub-
3 section, the term ‘updated payment
4 amounts’ means the payment amounts de-
5 termined, with application of the adjust-
6 ments pursuant to clause (i), under the fee
7 schedule under this subsection for 2028.

8 “(B) ONGOING REVIEW AND ADJUST-
9 MENTS.—

10 “(i) TRIENNIAL REVIEW.—For each
11 data-based adjustment year (as defined in
12 clause (iv)), with respect to ground ambu-
13 lance services and with respect to air am-
14 bulance services, the Secretary shall review
15 the relative value units, conversion factor,
16 air ambulance base rates, and the mileage
17 rates (or any successor to or replacement
18 for such units, factor, or rates, including
19 under any payment methodology developed
20 pursuant to this subsection that is dif-
21 ferent from the methodology in effect as of
22 the date of enactment of this paragraph),
23 as applicable to the respective services, es-
24 tablished under the fee schedule under this
25 subsection.

1 “(ii) TRIENNIAL ADJUSTMENTS
2 BASED ON UPDATED FACTORS AND
3 DATA.—For determining payment amounts
4 under the fee schedule under this sub-
5 section for ground ambulance services and
6 air ambulance services furnished during a
7 data-based adjustment year, the Secretary
8 shall, based on the review under clause (i)
9 with respect to such year and taking into
10 account the information required under
11 subparagraph (C), by regulation adjust the
12 number of relative value units, conversion
13 factor, air ambulance base rates, mileage
14 rates (or any successor to or replacement
15 for such units, factor, or rates, including
16 under any payment methodology developed
17 pursuant to this subsection that is dif-
18 ferent from the methodology in effect as of
19 the date of enactment of this paragraph),
20 or any combination thereof, as applicable
21 to the respective services, to take into ac-
22 count changes in medical practice, changes
23 in technology, the addition of new services,
24 new data on relative value components,
25 new cost data (including on labor-related

1 costs and costs related to uncompensated
2 care), and other relevant information and
3 factors. The Secretary shall publish in the
4 Federal Register an explanation of the
5 basis for such adjustments made for a
6 data-based adjustment year.

7 “(iii) ADJUSTMENTS FOR YEARS THAT
8 ARE NOT DATA-BASED ADJUSTMENT
9 YEARS.—Beginning with 2029, with re-
10 spect to a year that is not a data-based ad-
11 justment year, for determining the pay-
12 ment amounts under the fee schedule
13 under this subsection for ground ambu-
14 lance services and air ambulance services
15 furnished during such year, such payment
16 amounts for such services furnished during
17 such year shall be computed by increasing
18 the payment amounts determined under
19 this subsection for such services furnished
20 during the previous year by the percentage
21 increase in the consumer price index for all
22 urban consumers (U.S. city average) for
23 the 12-month period ending with June of
24 the previous year.

1 “(iv) DATA-BASED ADJUSTMENT YEAR
2 DEFINED.—For purposes of this subpara-
3 graph, the term ‘data-based adjustment
4 year’ means 2031 and each third year
5 thereafter.

6 “(C) USE OF INFORMATION.—For pur-
7 poses of subparagraph (A) and clauses (i) and
8 (ii) of subparagraph (B), the Secretary shall
9 use the most recently available data related to
10 ground ambulance services and air ambulance
11 services for which payment is made under the
12 fee schedule under this subsection, including (as
13 applicable to the respective services) informa-
14 tion collected or obtained pursuant to para-
15 graph (17), information collected or obtained
16 pursuant to section 106 of the No Surprises
17 Act, and such other information specified by the
18 Secretary on costs (including labor-related costs
19 and costs related to uncompensated care), ex-
20 penses, and resources directly or indirectly re-
21 lated to furnishing such respective services. In
22 applying the previous sentence with respect to
23 air ambulance services, in the case that infor-
24 mation collected or obtained pursuant to section
25 106 of the No Surprises Act is not available,

1 the Secretary shall instead use such other com-
2 parable information (as identified by the Sec-
3 retary in consultation with the organizations de-
4 scribed in paragraph (4)) on such costs, ex-
5 penses, and resources related to furnishing air
6 ambulance services.

7 “(19) STAKEHOLDER CONSULTATION FOR CON-
8 TINUED ASSESSMENT FOR MODIFICATIONS TO IM-
9 PROVE FEE SCHEDULE.—Not later than December
10 31, 2028, the Secretary shall convene experts and
11 stakeholders, including organizations described in
12 paragraph (4), to assess the fee schedule applied
13 under this subsection for ground ambulance services
14 and for air ambulance services and the adequacy of
15 payments for such respective services under such fee
16 schedule and to submit, not later than July 1, 2029,
17 to the Secretary and Congress recommendations for
18 modifications to such fee schedule, including the
19 payment methodology under the fee schedule, to im-
20 prove the valuation of such respective services under
21 this subsection.”.