

Insert at the appropriate place the following new section (and conform the table of contents accordingly):

1 **SEC. ____ . TECHNICAL AMENDMENTS FOR NEW PAYMENT RULES FOR OFF-**
2 **CAMPUS OUTPATIENT DEPARTMENTS OF A PROVIDER.**

3 (a) RELOCATED FACILITIES OR FACILITIES UNDER DEVELOPMENT.—Section 1833(t)(21)(B) of
4 the Social Security Act (42 U.S.C.13951(t)(21)(B)), as added by section 603(2) of the Bipartisan
5 Budget Act of 2015 (Public Law 114–74), is amended—

6 (1) in clause (ii)—

7 (A) by striking "shall not include" and inserting "shall not include—";

8 (B) by designating the matter that follows "shall not include—", as so amended by
9 subparagraph (A), as subclause (I), with appropriate indentation;

10 (C) in subclause (I), as so designated by subparagraph (B), by striking the period at
11 the end and inserting a semicolon; and

12 (D) by adding at the end the following:

13 "(II) a department of a provider (as so defined) that on or after the date of the
14 enactment of this paragraph is relocated (as determined by the Secretary to meet
15 such criteria as the Secretary may specify in regulations, in consultation with
16 relevant stakeholders); or

17 "(III) a department of a provider (as so defined) that as of the date of the
18 enactment of this paragraph is under development (as determined by the Secretary
19 using the factors described in clause (iii)).

20 In applying this clause, the Secretary shall disregard any change in the ownership
21 or control of the provider, the department of the provider, or the off-campus
22 outpatient department of the provider, as the case may be, that is pending on, or
23 that occurs on or after, the date of the enactment of this paragraph."; and

24 (2) by adding at the end the following new clause:

25 "(iii) FACTORS FOR DETERMINATION OF UNDER DEVELOPMENT.— For purposes of a
26 determination under clause (ii)(III), the Secretary shall consider—

27 "(I) whether architectural plans have been completed, funding has been
28 received, zoning requirements have been met, contracts have been negotiated, a
29 certification of need has been filed for in a State that requires one, or evidence
30 exists of governing board consideration of acquisition or merger; or

31 "(II) any other evidence that would indicate whether an off-campus outpatient
32 department of a provider is under development as of such date.".

33 (b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if
34 included in the enactment of section 603 of the Bipartisan Budget Act of 2015 (Public Law 114–
35 74).