

# The Outpatient Surgery Access Act of 2026 (H.R. 8091)

Ambulatory surgery centers (ASCs) have provided high-quality care and cost savings to patients and healthcare payers since their inception more than 55 years ago. From 2015 to 2024, ASCs saved Medicare \$43.2 billion, and ASCs are projected to save an additional \$84.8 billion between 2025 and 2034. Forecasted savings, however, are threatened by problematic Medicare policies that limit Medicare beneficiaries' access to the lower-cost outpatient surgical care setting.

By enacting the *Outpatient Surgery Access Act of 2026*, Congress would:

## Align the Reimbursement Update Factor

The bill would permanently adopt the U.S. Department of Health and Human Services' 2019 decision to use the same update factor for hospital outpatient departments (HOPDs) and ASCs, allowing ASC payments to keep pace with inflation and preserving access for Medicare beneficiaries.

## Allow ASC Services to Grow Naturally

Currently, the Centers for Medicare & Medicaid Services (CMS) penalizes ASCs for shifting Medicare services from higher-cost settings, artificially limiting what otherwise would be the natural migration to the lower-cost ASC setting. CMS scales HOPD relative payment weights for budget neutrality and then applies a second, ASC-specific weight scalar to maintain budget neutrality within the ASC payment system.<sup>1</sup> This bill would prohibit the agency from conducting the secondary scaling calculation and instead directs CMS to combine ASC and HOPD volume and calculate one outpatient weight scalar, making this provision budget neutral and expanding access to lower-cost outpatient surgery for Medicare beneficiaries.

Increased access to ASCs means increased savings for Medicare. In a time of rising healthcare costs, these commonsense policy fixes provide Congress with a budget-neutral opportunity to build on the proven savings record of ASCs. Support America's access to lower-cost, high-quality surgical care by supporting the *Outpatient Surgery Access Act of 2026*.

<sup>1</sup> 90 Federal Register 53448 (November 25, 2025): 53910  
<https://www.govinfo.gov/content/pkg/FR-2025-11-25/pdf/2025-20907.pdf>

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