

111TH CONGRESS
1ST SESSION

H. R. 4371

To amend title XVIII of the Social Security Act to continue using 2009 Medicare practice expense relative value units for certain cardiology services.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. GONZALEZ (for himself, Mr. ORTIZ, Mr. BOREN, Mr. GRIFFITH, Mr. THORNBERRY, Mr. MEEK of Florida, Mr. COURTNEY, Mr. GARRETT of New Jersey, Mr. ARCURI, Mr. CARNAHAN, Mr. HALL of Texas, Mr. RUPPERSBERGER, Mr. MORAN of Virginia, Mr. SCOTT of Georgia, Mr. AKIN, Mr. PITTS, Mr. CUELLAR, Mr. KAGEN, Mr. MCINTYRE, Mr. GRAYSON, Mrs. MCCARTHY of New York, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mr. MASSA, Mr. BARTLETT, Mr. COHEN, Mr. PETERS, Mr. BERRY, Mr. HIMES, Ms. MCCOLLUM, Mr. BISHOP of New York, Mrs. LOWEY, Mr. MAFFEI, Mr. CLAY, Mr. MURPHY of New York, Mrs. CHRISTENSEN, Mr. KRATOVIL, Mr. ROE of Tennessee, Mr. WITTMAN, Mr. BUTTERFIELD, Mr. ISRAEL, Mr. LUETKEMEYER, Mr. RUSH, Mr. MARCHANT, Mr. HILL, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Ms. NORTON, Mr. LOBIONDO, Ms. KOSMAS, Mr. DENT, Mr. FALEOMAVAEGA, Mrs. BIGGERT, Mr. ADLER of New Jersey, Mr. GERLACH, and Mr. PAUL) 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 continue using 2009 Medicare practice expense relative value units for certain cardiology services.

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. CONTINUED USE OF 2009 MEDICARE PRACTICE**
4 **EXPENSE RELATIVE VALUE UNITS FOR CER-**
5 **TAIN CARDIOLOGY SERVICES.**

6 Section 1848(c)(2) of the Social Security Act (42
7 U.S.C. 1395w-4(c)(2)) is amended by adding at the end
8 the following new subparagraph:

9 “(K) CONTINUED USE OF 2009 PRACTICE
10 EXPENSE RELATIVE VALUE UNITS FOR CERTAIN
11 CARDIOLOGY SERVICES.—

12 “(i) IN GENERAL.—Notwithstanding
13 any other provision of law, including provi-
14 sions contained in the final rule published
15 in the Federal Register on November 25,
16 2009 (74 Fed. Reg. 61737), relating to CY
17 2010 relative value units, subject to clause
18 (iii) and the second sentence of clause (iv),
19 in determining the practice expense pay-
20 ment under this paragraph for services
21 performed predominantly by cardiologists
22 and furnished on or after January 1, 2010,
23 the Secretary shall continue practice ex-
24 pense relative value units at the levels for
25 CY 2009 for such services. For purposes of

1 the previous sentence, the services per-
2 formed predominantly by cardiologists in-
3 clude (as determined by the Secretary) car-
4 diac monitoring services, services per-
5 formed primarily for the diagnosis or treat-
6 ment of heart disease, and other services
7 at least 50 percent of which are performed
8 under this part by cardiologists.

9 “(ii) INCLUSION OF SPECIFIC CARDIAC
10 CODES.—In determining practice expense
11 relative value units under this paragraph
12 for myocardial perfusion imaging (CPT
13 codes 78451–78454) for services furnished
14 on or after January 1, 2010, subject to
15 clause (iii) and the second sentence of
16 clause (iv), the Secretary shall use the
17 2009 practice expense relative value units
18 for the previous codes that were combined
19 to create such CPT codes.

20 “(iii) NEW CPT CODE IMPLEMENTA-
21 TION PERMITTED.—Nothing in clause (i)
22 or (ii) shall be construed to prevent new
23 category I CPT codes related to cardio-
24 vascular computed tomography and cardio-
25 vascular magnetic resonance imaging, pub-

1 lished in the rule referred to in clause (i),
2 from taking effect on January 1, 2010.

3 “(iv) STUDY AND REPORT ON PRAC-
4 TICE EXPENSE METHODOLOGY.—The Sec-
5 retary, in consultation with medical spe-
6 cialty society stakeholders and other af-
7 fected stakeholders, shall enter into a con-
8 tract with an independent entity—

9 “(I) to conduct a study of the
10 practice expense methodology used to
11 determine relative value units under
12 this paragraph to determine whether
13 the cost finding, indirect cost alloca-
14 tion, scaling, and budget neutrality
15 methodologies used are consistent
16 with generally accepted accounting
17 principles, distribute the burden of
18 any necessary budget neutrality ad-
19 justments proportionally among all
20 physicians’ services, comparison to
21 other payment methodologies, and re-
22 sult in allowances that accurately re-
23 flect the relative direct and indirect
24 resources involved in the provision of
25 various physicians’ services; and

1 “(II) to submit to the Secretary
2 and Congress no later than January
3 1, 2011, a report on such study that
4 includes recommendations for deter-
5 mining practice expense under this
6 subsection.

7 Upon completion of such study, the Sec-
8 retary may adjust the practice expense rel-
9 ative value units described in clause (i) and
10 the codes described in clause (ii) for serv-
11 ices furnished on or after such date (not
12 earlier than January 1, 2012) as the Sec-
13 retary may specify.

14 “(v) NO BUDGET NEUTRALITY AD-
15 JUSTMENT.—The Secretary shall not make
16 any reduction in relative value units or
17 other budget neutrality adjustments pursu-
18 ant to the application of the previous pro-
19 visions of this subparagraph.”.

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