

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.

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## 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

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## 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-

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

“(iv) STUDY AND REPORT ON PRACTICE EXPENSE METHODOLOGY.—The Secretary, in consultation with medical specialty society stakeholders and other affected stakeholders, shall enter into a contract with an independent entity—

“(I) to conduct a study of the practice expense methodology used to determine relative value units under this paragraph to determine whether the cost finding, indirect cost allocation, scaling, and budget neutrality methodologies used are consistent with generally accepted accounting principles, distribute the burden of any necessary budget neutrality adjustments proportionally among all physicians’ services, comparison to other payment methodologies, and result in allowances that accurately reflect the relative direct and indirect resources involved in the provision of 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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