

111TH CONGRESS
2D SESSION

S. 3527

To amend title XVIII of the Social Security Act to ensure access to chest radiography (x-ray) services that use Computer-Aided Detection for the purpose of early detection of lung cancer.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2010

Mr. BROWN of Ohio introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to ensure access to chest radiography (x-ray) services that use Computer-Aided Detection for the purpose of early detection of lung cancer.

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 “Medicare Lung Cancer
5 Early Detection Promotion Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Lung cancer accounts for more deaths than
2 any other cancer in both men and women.

3 (2) According to the American Cancer Soci-
4 ety—

5 (A) an estimated 222,520 new cases of
6 lung cancer are expected in 2010, accounting
7 for about 15 percent of cancer diagnoses in
8 2010; and

9 (B) an estimated 157,300 deaths from
10 lung cancer are expected to occur in 2010, ac-
11 counting for about 28 percent of all cancer
12 deaths in 2010.

13 (3) In the United States today, one in four can-
14 cer deaths in women is due to lung cancer.

15 (4) African-Americans have a higher occurrence
16 of lung cancer than any other racial or ethnic group
17 in the United States, and Black men are 37 percent
18 more likely to get lung cancer than White men.

19 (5) Two-thirds of all lung cancer cases are
20 among people 65 years and older.

21 (6) Computer-Aided Detection (CAD) tech-
22 nology, when used on a common chest x-ray, can
23 help detect lung cancer in its earliest and most
24 treatable stages.

1 (7) Clinical trials have shown that radiologists
 2 are able to detect more early-stage lung cancer with
 3 chest x-ray CAD technology than with chest x-rays
 4 alone.

5 (8) In 2007, the Centers for Medicare & Med-
 6 icaid Services Advisory Panel on Ambulatory Pay-
 7 ment Classification Groups recommended payment
 8 for chest x-ray CAD technology as a special pack-
 9 aged code, meaning that it would be paid separately
 10 when performed by itself. The Centers for Medicare
 11 & Medicaid Services did not heed this recommenda-
 12 tion and continues to bundle the CAD technology
 13 with the chest x-ray.

14 **SEC. 3. ENSURING ACCESS UNDER THE MEDICARE PRO-**
 15 **GRAM TO X-RAY BASED CHEST RADIOGRAPHY**
 16 **THAT USES COMPUTER-AIDED DETECTION**
 17 **TECHNOLOGY.**

18 Section 1834 of the Social Security Act (42 U.S.C.
 19 1395m), as amended by sections 4105 and 10501(h)(3)
 20 of the Patient Protection and Affordable Care Act, is
 21 amended—

22 (1) in subsection (b)(1)(B), by striking “sub-
 23 section (c)(1)(A)” and inserting “subsections
 24 (c)(1)(A) and (p)”;

1 (2) by adding at the end the following new sub-
2 section:

3 “(p) PAYMENT FOR X-RAY BASED CHEST RADIOG-
4 RAPHY SERVICES THAT USE COMPUTER-AIDED DETEC-
5 TION TECHNOLOGY FOR THE EARLY DETECTION OF
6 LUNG CANCER.—

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of this part, with respect to chest radiog-
9 raphy services (identified as of September 1, 2006,
10 by Level 1 HCPCS codes 71010, 71020, 71021,
11 71022, and 71030, and as subsequently modified by
12 the Secretary) furnished on or after January 1,
13 2011, that use Computer-Aided Detection Tech-
14 nology for the early detection of lung cancer (as de-
15 fined in paragraph (2)), the amount of payment
16 shall be equal to an amount established by the Sec-
17 retary for the technical component and the profes-
18 sional component of the chest radiography services
19 that use such technology. The Secretary shall estab-
20 lish such payment amount in a manner that will en-
21 sure appropriate access under this title to such serv-
22 ices that use such technology.

23 “(2) COMPUTER-AIDED DETECTION TECH-
24 NOLOGY FOR THE EARLY DETECTION OF LUNG CAN-
25 CER DEFINED.—In this subsection, the term ‘Com-

1 puter-Aided Detection Technology for the early de-
2 tection of lung cancer’ means a computer software
3 technology which allows for the production of a dig-
4 ital chest x-ray image or the conversion of a chest
5 x-ray into a digital image to be subsequently ana-
6 lyzed for early lung cancer nodules and which the
7 Food and Drug Administration has granted approval
8 or clearance.

9 “(3) NEW CODES.—The Secretary shall estab-
10 lish new codes for chest radiography services de-
11 scribed in paragraph (1) in order to implement this
12 subsection.”.

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