

PUBLIC AFFAIRS UPDATE



Legislative Report

Bipartisan support for the Consumers Assurance of Radiologic Excellence bill continues to grow with 21 cosponsors added to the House total and 2 to the Senate total since the “RT in DC” blitz this spring. On March 9 more than 100 radiologic technologists, including members of the SNMITS, spent the day on Capitol Hill lobbying for passage of legislation mandating licensing of radiologic technologists in all states. A number of legislators signed up as cosponsors immediately after the tech blitz, and apparently the effects of the grassroots lobbying effort are continuing.

More cosponsors have signed up in the last two months than in any comparable time period since Rep. Heather Wilson (R-NM) introduced the bill, HR 1214, in March 2003. The total number of cosponsors in the House now stands at 104. The bill has been in the House Subcommittee on Health for just over 1 year. Representative Wilson requested that the chair of the committee move the bill to the top of the committee’s agenda. In the Senate S 1197 has been in the Committee on Health, Education, Labor, and Pensions since it was introduced in June of last year by Sen. Michael B. Enzi (R-WY). Including Enzi, the bill has 13 Senate sponsors.

You can help get this bill passed. Visit the SNM Web site (www.snm.org) and look for the Action Alert below the news on the main page. That will link to a legislative action page with a prepared letter that you can use to express support to your senator and representative.

In another state legislative victory for nuclear medicine technologist licensure, the Kansas legislature has passed and Governor Kathleen Sebelius has signed legislation requiring the licensing of radiographers, radiation therapists, and nuclear medicine technologists.

The bill will take effect July 1, 2005. Licensing requirements include satisfactorily completing a course of study in radiography, radiation therapy, or nuclear medicine technology and successfully passing a license examination approved by the state Board of Healing Arts. Technologists licensed by other states may be granted a waiver on the examination. Education and examination requirements are waived for applicants who have been practicing for 2 of the 3 years before the effective date and for practicing technologists who hold a current valid

certificate from the American Registry of Radiologic Technologists or the Nuclear Medicine Technologist Certification Board.

The legislation sets licensing fees and establishes a radiologic technology council to assist the state Board of Healing Arts in administering the act. The council will consist of 1 radiologist, 1 member of the Board of Healing Arts, and 3 licensed radiologic technologists.

The bill was introduced in early February by the Kansas Health and Human Services department as HJ 1021. It moved rapidly through the House of Representatives, passing on February 26 with a 106 to 19 vote, and was introduced to the state Senate the same day. The Senate passed the bill unanimously on March 23, and Governor Sebelius signed it April 14.

CMS Corrects 2 Coding Errors

In response to communications from the SNM, the Centers for Medicare & Medicaid Services (CMS) are correcting 2 errors related to new CPT code 78804, *Radiopharmaceutical localization of tumor or distribution of radiopharmaceuticals agent(s) whole body, requiring 2 or more days imaging*.

Originally, the relative value units for code 78804 were set lower than the rate for 78802, which covers a single, whole-body study. After SNM notified CMS of the problem, the agency confirmed that this is an error and that a correction notice will be out soon. The correction will be implemented in the next physician fee schedule update in July 2004, and we are hopeful that the correction will be retroactive to January 1 so that providers can submit claims to recover the difference.

A related error resulted from a Correct Coding Initiative (CCI) edit that was “fast-tracked” (professional societies did not have an opportunity to comment before implementation of the change) by CMS. Currently it is acceptable practice to perform, code, and bill for a tumor whole-body SPECT and tumor SPECT on the same day. The CCI edit disallowed the billing of CPT codes 78804 and 78803 (multiday tumor imaging and SPECT) on the same day. SNM again notified CMS. The edit will be eliminated in July, retroactively effective to January 1. ❄