



# SNM Comments on Proposed HOPPS Rule

**O**n September 19, SNM sent comments to the Centers for Medicare & Medicaid Services regarding the hospital outpatient prospective payment system (HOPPS) proposed rule for calendar year (CY) 2007.

The comments address the new status indicator Q for CPT 38792, the proposed reassignment of nuclear medicine procedures to new or different Ambulatory Payment Classifications (APCs), the continued inappropriate assignment of CPT 78730 urinary bladder residual study—a nuclear medicine procedure—in the non-nuclear medicine APC 0304, and reimbursement for radiopharmaceuticals and drugs.

To download the SNM comments regarding the proposed HOPPS rule for CY2007, log into the FOR HOSPITALS section of the CODING CORNER on the SNM Web site at [www.snm.org/CodingCorner](http://www.snm.org/CodingCorner).

## SNM, ACR, and ASNC Submit Joint Comments on Proposed NRC NARM Rulemaking

On September 11, SNM, the American College of Radiology (ACR), and the American Society of Nuclear Cardiology (ASNC) submitted public comments in response to the proposed U.S. Nuclear Regulatory Commission (NRC) rulemaking on naturally occurring and accelerator-produced radioactive material (NARM). The proposed rulemaking incorporates NARM into the NRC's regulatory framework as mandated by Section 651(e) of the Energy Policy Act of 2005. After reviewing the public comments and making modifications, the NRC will publish the final version of the NARM rule by February 7, 2007.

SNM, ACR, and ASNC asked for several modifications to the rulemaking, including category exemptions from decommissioning assurance requirements for facilities with cyclotrons of 18 MeV or less, further clarification of the new fee category (3.S) proposed by the NRC for onsite producers of NARM, an enhanced transition plan for adequately preparing the regulated community, and specific derived air concentrations for  $^{15}\text{O}$  and  $^{13}\text{N}$ .

To view the SNM, ACR, and ASNC joint comments regarding the proposed rulemaking, go to <http://interactive.snm.org/index.cfm?PageID=5504>.

## Senate RadCARE Bill Moves Through Committee; CARE Bill Poised to Move in November

The Senate Health Education, Labor and Pensions (HELP) Committee, under the leadership of Chairman Mike Enzi (R-WY), voted unanimously to approve S 2322, the Consumer Assurance of Radiologic Excellence (RadCARE) bill. The bill now moves to the full Senate where, hopefully, it will be considered before Congress adjourns later this year.

During the HELP Committee mark-up session on September 20, the RadCARE bill was slightly revised to ensure that it would not appear to be encroaching on territory already legislated by the Mammography Quality Standards Act. Additionally, some language was added to allow partial exemptions with alternative pathways for specific "rural" (as identified by the Medicare Geographic Classification Review Board) or underserved areas, and to allow state governors the opportunity to appeal if the prescribed alternatives are unfeasible. Finally, a clause was included to ensure that the law would be reviewed for renewal by the year 2016.

On the House of Representatives' side, the House Energy & Commerce Committee is considering substituting the Senate's version for their version (HR 1426, the CARE bill) and moving the bill as part of a legislative package in November after the mid-term elections. As you may recall, there are some differences between the CARE and the RadCARE bills, the most obvious of which is that the House bill deals with Medicaid while the Senate is concerned with Medicare.

To view the summary and full text of the RadCARE and CARE bills and related amendments, go to <http://thomas.loc.gov> and search by bill number (S 2322 or HR 1426).



**Hugh Cannon**  
SNM Director of Public Affairs

*Hugh Cannon*  
SNM Director of Public Affairs