Bone Density Test Payments

**Summary:** Restores payment for dual-energy x-ray absorptiometry (DXA) services furnished during 2010 and 2011 to 70 percent of the Medicare rate paid in 2006.

**Status update:** As part of the June 25 proposed rule regarding the Medicare physician fee schedule for CY11, the Center for Medicare and Medicaid Services (CMS) addressed the bone density test payments.

**Next steps:**
- January 1, 2010 – New payment policies apply for calendar year 2010.
- June 25, 2010 – CMS issues regulations regarding the DXA services
- August 24, 2010 – Comments due to the CMS regarding the proposed rule
- Not later than November 1, 2010 – CMS will respond to comments
- January 1, 2011 – New payment rates and policies will apply for calendar year 2011, including the new bone density test payments, which includes a restoration of payment for DXA services to 70% of the Medicare rate paid in 2006
- January 1, 2012 – New payment for DXA services ends

**Additional information:**
- Recent Agency for Healthcare Research and Quality (AHRQ) February 2010 study suggesting that cuts in reimbursing DXA provided in physician offices or outpatient settings may reduce availability, particularly for rural residents -- [http://www.ahrq.gov/research/feb10/0210RA25.htm](http://www.ahrq.gov/research/feb10/0210RA25.htm)
- AHRQ study examining the need for more DXA tests among men -- [http://www.ahrq.gov/research/sep08/0908RA24.htm](http://www.ahrq.gov/research/sep08/0908RA24.htm)

**Long summary:**
**Sec. 3111. Payment for bone density tests.**
Restores payment for dual-energy x-ray absorptiometry (DXA) bone mass scan services furnished during 2010 and 2011 to 70 percent of the Medicare rate paid in 2006 (using the geographic adjustment factor that would apply in 2010 and 2011, respectively).
Requires an Institute of Medicine study of the impact of Medicare payment reductions for dual-energy x-ray absorptiometry during 2007-2009 on beneficiary access to bone mass density tests. Study results will be provided to the Secretary of Health and Human Services and Congress.

Summary of the Regulations:
The Affordable Care Act increases the payment for two dual-energy x-ray absorptiometry (DXA) CPT codes for measuring bone density for CYs 2010 and 2011. This provision revises payments for these preventive services to use 70 percent of their CY 2006 RVUs, and the 2006 conversion factor with the current year geographic adjustment.

Legislative text:
SEC. 3111. PAYMENT FOR BONE DENSITY TESTS.
(a) PAYMENT.—
(1) IN GENERAL.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—
(A) in subsection (b)—
(i) in paragraph (4)(B), by inserting “, and for 2010 and 2011, dual-energy x-ray absorptiometry services (as described in paragraph (6))” before the period at the end; and
(ii) by adding at the end the following new paragraph:
“(c) TREATMENT OF BONE MASS SCANS.—For dual-energy x-ray absorptiometry services (identified in 2006 by HCPCS codes 76075 and 76077 (and any succeeding codes)) furnished during 2010 and 2011, instead of the payment amount that would otherwise be determined under this section for such years, the payment amount shall be equal to 70 percent of the product of—
“(A) the relative value for the service (as determined in subsection (c)(2)) for 2006;
“(B) the conversion factor (established under subsection (d)) for 2006; and
“(C) the geographic adjustment factor (established under subsection (e)(2)) for the service for the fee schedule area for 2010 and 2011, respectively.”; and
(B) in subsection (c)(2)(B)(iv)—
(i) in subclause (II), by striking “and” at the end;
(ii) in subclause (III), by striking the period at the end and inserting “; and”;
and
(iii) by adding at the end the following new sub- clause:
“(IV) subsection (b)(6) shall not be taken into account in applying clause (ii)(II) for 2010 or 2011.”.
(2) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by paragraph (1) by program instruction or otherwise.
(b) STUDY AND REPORT BY THE INSTITUTE OF MEDICINE.—
(1) IN GENERAL.—The Secretary of Health and Human Services is authorized to enter into an agreement with the Institute of Medicine of the National Academies to conduct a study on the ramifications of Medicare payment reductions for dual-energy x-ray absorptiometry (as described in section 1848(b)(6) of the Social Security Act, as added by subsection (a)(1)) during 2007, 2008, and 2009 on beneficiary access to bone mass density tests.
(2) REPORT.—An agreement entered into under paragraph (1) shall provide for the Institute of Medicine to submit to the Secretary and to Congress a report containing the results of the study conducted under such paragraph.