S. 1544

To amend title XVIII of the Social Security Act to provide for payment for services of radiologist assistants under the Medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2019

Mr. BOOZMAN (for himself, Mr. CASEY, Mr. DAINES, and Mr. TESTER) 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 provide for payment for services of radiologist assistants under the Medicare program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Medicare Access to Radiology Care Act of 2019”.

SEC. 2. MEDICARE PAYMENT FOR RADIOLOGIST ASSISTANT SERVICES.

(a) COVERAGE.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—
(1) in subsection (s)(2)(K)—

(A) by striking the semicolon at the end of clause (ii) and inserting a comma; and

(B) by adding at the end the following new clause:

“(iii) radiologist assistant services (as defined in subsection (kkk)(1));”; and

(2) by adding at the end the following new subsection:

“Radiologist Assistant Services; Radiologist Assistant

“(kkk)(1) The term ‘radiologist assistant services’ means services—

“(A) performed by a radiologist assistant (as defined in paragraph (2)) under the supervision of a radiologist as an employee, leased employee, or independent contractor of the supervising radiologist; and

“(B) which the radiologist assistant is legally authorized to perform under State law (or the State regulatory mechanism provided by State law).

“(2) The term ‘radiologist assistant’ means a radiographer who is certified by the American Registry of Radiologic Technologists as a registered radiologist assistant or by the Certification Board for Radiology Practitioner Assistants as a radiology practitioner assistant to
perform radiologic procedures under the supervision of a radiologist.”.

(b) Payment in Relation to Physician Fee Schedule.—

(1) Payment Level.—Section 1833(a)(1)(O) of such Act (42 U.S.C. 1395l(a)(1)(O)) is amended by inserting “, or radiologist assistant services” after “or clinic nurse specialists”.

(2) Application of Fee Schedule in Hospital, Ambulatory Surgical Center Settings.—Section 1848(a) of such Act (42 U.S.C. 1395w–4(a)) is amended by adding at the end the following new paragraph:

“(10) Application of Fee Schedule for Radiologist Assistant Services in Hospital, Ambulatory Surgical Center Settings.—

“(A) In General.—In the case of radiologist assistant services (as defined in section 1861(k)(1)) furnished in a facility setting (as defined in subparagraph (B)), payment for such services furnished in such setting shall be made to the supervising radiologist in an amount determined pursuant to section 1833(a)(1)(O).
“(B) FACILITY SETTING DEFINED.—In this paragraph, the term ‘facility setting’ means—

“(i) a hospital or critical access hospital;

“(ii) an ambulatory surgical center;

and

“(iii) such other providers of services as the Secretary may specify.”.

(3) PAYMENT TO SUPERVISING RADIOLOGIST.—

The first sentence of section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking “and” before “(J)”; and

(B) by inserting before the period at the end the following: “, and (K) in the case of services described in clause (iii) of section 1861(s)(2)(K) (relating to radiologist assistant services), payment shall be made to the supervising radiologist”.

(4) RULES OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed as affecting—

(A) coverage of and payment for the technical component (including the technical component of a global fee) with respect to imaging
services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as in effect before the date of the enactment of this Act;

(B) the amount of payment made for physicians’ services under such title when furnished solely by a radiologist; or

(C) the amount of payment made under such title for services furnished by a hospital, critical access hospital, ambulatory surgical center, or any other facility setting specified by the Secretary under section 1848(a)(10)(B)(iii) of the Social Security Act (as added by paragraph (3)), as the case may be.

(c) **Effective Date.**—The amendments made by this section shall apply to services furnished on or after January 1, 2020.