

Health Law Bulletin

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CMS Issues Proposed Rules for Accreditation of Advanced Imaging Services

The Medicare Improvements for Patients and Providers Act of 2008 requires that beginning January 1, 2012, Medicare payments for the technical component of advanced diagnostic imaging services may be made only to accredited suppliers. Last month, CMS issued its proposed rules for how it intends to administer this accreditation requirement.

As proposed, the requirement will apply to magnetic resonance imaging (MRI), computed tomography (CT), nuclear medicine, and positron emission tomography (PET) services only at this time (although the law allows CMS to designate other imaging services as “advanced imaging services subject to the accreditation requirement). In order to receive Medicare payment for the technical component of these services, a supplier will have to be accredited by a CMS-approved accreditation organization.

According to the proposed rules, in order to be accredited, an imaging supplier will have to meet the following requirements:

- Employ a medical director or supervising physician who received residency training in advanced imaging services, has attained through experience the necessary expertise to be a medical director or supervising physician, or has completed continuing medical education courses related to advanced imaging services;
- Establish and maintain a quality control program to ensure the technical quality of diagnostic images;
- Ensure the equipment used meets performance specifications; and
- Ensure safety of personnel.

CMS will designate accrediting organizations using the existing procedures for application, selection, and oversight of accrediting organizations with modifications to meet the specialized needs of the advanced imaging industry. CMS will monitor the accrediting organizations through validation audits that will allow CMS to determine whether the accrediting organizations are meeting the relevant statutory and regulatory requirements. The law requires CMS to designate the accreditation organizations by January 1, 2010, and CMS indicates that it intends to meet that tight timeframe. That will provide a two-year

period for the accreditation organizations to become operational and for suppliers to achieve accreditation before the January 1, 2012 deadline.

In addition to their accreditation responsibilities, the CMS-approved accrediting organizations will be required to provide certain information to CMS on an ongoing basis:

- Copies of accreditation surveys;
- Notice of all accreditation decisions;
- Notice of all complaints related to suppliers of the technical component of advanced diagnostic imaging services;
- Information about any suppliers for which the accrediting organization has denied accreditation; and
- Notice of any proposed changes in accreditation standards or requirements or survey process.

At this time, there is no action required on the part of suppliers of advanced imaging services, other than making plans to meet any of the criteria listed above that they do not already meet. Once the rule is finalized and the accreditation organizations are designated, additional information will be available to suppliers regarding the specifics of the requirements and the timeframes for the accreditation process.