

Advanced Imaging Services

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STATE OF NEW YORK
DEPARTMENT OF HEALTH

Joan Cleary Miron, MPH
Director

Division of Primary Care Development

Definition: Advanced Diagnostic Imaging Services

MIPPA

- * Section 135 (B) ADVANCED DIAGNOSTIC IMAGING SERVICES DEFINED---
- * (i) diagnostic magnetic resonance imaging, computed tomography, and nuclear medicine (including positron emission tomography); and
- * (ii) such other diagnostic imaging services, including services described in section 1848(b)(4)(B) (excluding X-ray, ultrasound, and fluoroscopy), as specified by the Secretary in consultation with physician specialty organizations and other stakeholders.

Potential Issues to be Addressed

- * Inappropriate Use and Overuse
- * Quality and Patient Safety
- * Costs

Physician Self-Referrals

- * Stark Laws:
 - * Federal
 - * State - Public Health Law (PHL) § 238-a(2)(b)
- * In-Office Ancillary Services Exception

Federal Efforts – Improve Quality and Control Cost

- * Medicare Improvements for Patient and Providers Act of 2008
 - * Requires accreditation
- * Deficit Reduction Act of 2005
 - * Caps technical component

Current New York State Regulations

- * Part 16 requires registration of all radiation producing equipment (all x-ray machines, fluoroscopy, CT and linear accelerators) and licensure of all radioactive materials (PET and some radiation therapies).
- * No statutory authority in New York State to regulate MRI

Proposed NYS Regulation

- * Amendment to Part 16 that will require facilities operating CT equipment to be accredited within 12 months of the passage of the amendment.

Advanced Imaging Services: Proposed Operating Certificate

**Hospital & Hospital
Extension Clinic**

**Diagnostic &
Treatment Centers,
Extension Clinics**

* CT Scan

* MRI

Advanced Imaging Services: Proposed Registration

Hospital & Hospital Extension Clinic

- * CT Scanner
- * Magnetic Resonance Imaging
- * PET Scanner
- * Nuclear Medicine*
- * Radiology - Diagnostic

Diagnostic and Treatment Centers

- * PET Scanner
- * Nuclear Medicine*
- * Radiology - Diagnostic

Advanced Imaging Services: Potential Options

Option	Risks to be Addressed	Additional Requirements
CON	<ul style="list-style-type: none"> * Excess supply * Supply-driven utilization and increased costs * Destabilization of essential providers (e.g. hospitals, FQHCs, that must serve all patients) 	<ul style="list-style-type: none"> * Require providing services to percentage of Medicaid and uninsured patients as a condition for approval of an Establishment CON
Registration	<ul style="list-style-type: none"> * Lack of information re: physician practice services 	<ul style="list-style-type: none"> * Data Collection re: practice size, services, payer mix, quality / safety data, other.

Advanced Imaging Services: States with CON

Regulated Services	No. of States	States, Districts & Commonwealth
Computer Tomography (CT) Scanners	13	AK, CT, HI, ME, MI, MO, NY, NC, RI, VT, VA, WV, DC
Magnetic Resonance Imaging (MRI) Scanners	19	AK, CT, HI, KY, ME, MA, MI, MS, MO, NH, NY, NC, RI, SC, TN, VT, VA, WV, DC
Mobile Hi Technology (CT / MRI / PET, etc)	16	AK, CT, HI, KY, ME, MI, MO, NH, NY, NC, RI, SC, VT, VA, WV, DC
Positron Emission Tomography (PET) Scanners	20	AK, CT, DE, GA, HI, KY, ME, MA, MI, MS, MO, NH, NC, RI, SC, TN, VT, VA, WV, DC
Ultrasound	4	HI, ME, VT, DC

Potential Options

Option	Risks to be Addressed	Additional Requirements
Strengthen Self-Referral Restrictions	<ul style="list-style-type: none"> * Excess utilization * Excess radiation exposure 	
Licensure (Operational oversight)	<ul style="list-style-type: none"> * Help guarantee health care standards * Patient safety * Destabilization of essential providers * Medicaid/uninsured access 	<ul style="list-style-type: none"> * Require providing services to percentage of Medicaid and uninsured patients as a condition for approval.

Potential Options

Option	Risks to be Addressed	Additional Requirements
Accreditation	<ul style="list-style-type: none"> * Help guarantee health care standards * Quality/Patient safety 	<ul style="list-style-type: none"> * Data Collection re: practice size, services, payer mix, quality/safety data, other. <p>Note: DOH Part 16 Regulations planned – CT only</p>
Require Evidence-Based Utilization Practices	<ul style="list-style-type: none"> * Excess utilization * Quality/Safety 	<ul style="list-style-type: none"> * American College of Radiology * American College of Cardiology
Reporting Dosage in EMR	<ul style="list-style-type: none"> * Quality/Safety 	