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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, September 15, 2009
9:00 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

RIN 0563–AC09

Common Crop Insurance Regulations; Grape Crop Insurance Provisions and Table Grape Crop Insurance Provisions; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule; correction.

SUMMARY: On July 7, 2009, the Federal Crop Insurance Corporation (FCIC) published amendments to the Common Crop Insurance Regulations, Grape Crop Insurance Provisions and Table Grape Crop Insurance Provisions. Due to an editing error, a definition was constructed with incorrect paragraph designations. This document corrects that error.

DATES: *Effective Date:* This correction is effective August 6, 2009.

FOR FURTHER INFORMATION CONTACT: Elizabeth Lopez, Risk Management Specialist, Product Management, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, P.O. Box 419205, Kansas City, MO 64141–6205, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION: In FR Rule Document No. 2009–15498, published July 7, 2009 (74 FR 32049), make the following correction:

■ On page 32057, in the center column, revise the definition of *USDA grade standard* to read as follows:

USDA grade standard. (1) United States standard used to determine the minimum quality grade will be:

(i) The United States Standards for Grades of Table Grapes (European or Vinifera Type);

(ii) The United States Standards for Grades of American (Eastern Type Bunch Grapes); and

(iii) The United States Standards for Grades of Muscadine (*Vitis rotundifolia*) Grapes.

(2) The quantity and number of samples required will be determined in accordance with procedure issued by FCIC or as provided on the Special Provisions of Insurance.

Signed in Washington, DC, on July 14, 2009.

William J. Murphy,

Manager, Federal Crop Insurance Corporation.

[FR Doc. E9–17183 Filed 7–17–09; 8:45 am]

BILLING CODE 3410–08–P

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R–1363]

Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendment.

SUMMARY: The Board of Governors (Board) is amending the routing number guide to next-day availability checks and local checks in Regulation CC to delete the reference to the head office of the Federal Reserve Bank of Chicago and to reassign the Federal Reserve routing symbols currently listed under that office to the head office of the Federal Reserve Bank of Cleveland. These amendments reflect the restructuring of check-processing operations within the Federal Reserve System.

DATES: The final rule will become effective on September 12, 2009.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. H. Yeganeh, Financial Services Manager (202/728–5801), or Joseph P. Baressi, Financial Services Project Leader (202/452–3959), Division of Reserve Bank Operations and Payment Systems; or Dena L. Milligan, Attorney (202/452–3900), Legal Division. For users of Telecommunications Devices for the Deaf (TDD) only, contact 202/263–4869.

SUPPLEMENTARY INFORMATION: Regulation CC establishes the maximum period a depositary bank may wait between receiving a deposit and making the deposited funds available for withdrawal.[1] A depositary bank generally must provide faster availability for funds deposited by a ''local check'' than by a ''nonlocal check.'' A check is considered local if it is payable by or at or through a bank located in the same Federal Reserve check-processing region as the depositary bank.

Appendix A to Regulation CC contains a routing number guide that assists banks in identifying local and nonlocal banks and thereby determining the maximum permissible hold periods for most deposited checks. The appendix includes a list of each Federal Reserve check-processing office and the first four digits of the routing number, known as the Federal Reserve routing symbol, of each bank that is served by that office for check-processing purposes. Banks whose Federal Reserve routing symbols are grouped under the same office are in the same check-processing region and thus are local to one another.

On September 12, 2009, the Reserve Banks will transfer the check-processing operations of the head office of the Federal Reserve Bank of Chicago to the head office of the Federal Reserve Bank of Cleveland. As a result of this change, some checks that are drawn on and deposited at banks located in the Chicago and Cleveland check-processing regions and that currently are nonlocal checks will become local checks subject to faster availability schedules. To assist banks in identifying local and nonlocal checks and making funds availability decisions, the Board is amending the lists of routing symbols in appendix A associated with the Federal Reserve Banks of Chicago and Cleveland to reflect the transfer of check-processing operations from the head office of the Federal Reserve Bank of Chicago to the head office of the Federal Reserve Bank of Cleveland. To coincide with the effective date of the underlying check-processing changes,

[1] For purposes of Regulation CC, the term ''bank'' refers to any depository institution, including commercial banks, savings institutions, and credit unions.

the amendments to appendix A are effective September 12, 2009. The Board is providing notice of the amendments at this time to give affected banks ample time to make any needed processing changes. Early notice also will enable affected banks to amend their availability schedules and related disclosures if necessary and provide their customers with notice of these changes.[2]

Administrative Procedure Act

The Board has not followed the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of the final rule. The revisions to appendix A are technical in nature and are required by the statutory and regulatory definitions of ''check-processing region.'' Because there is no substantive change on which to seek public input, the Board has determined that the § 553(b) notice and comment procedures are unnecessary. In addition, the underlying consolidation of Federal Reserve Bank check-processing offices involves a matter relating to agency management, which is exempt from notice and comment procedures.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board has reviewed the final rule under authority delegated to the Board by the Office of Management and Budget. The technical amendments to appendix A of Regulation CC will delete the reference to the head office of the Federal Reserve Bank of Chicago and reassign the routing symbols listed under that office to the head office of the Federal Reserve Bank of Cleveland. The depository institutions that are located in the affected check-processing regions and that include the routing numbers in their disclosure statements would be required to notify customers of the resulting change in availability under § 229.18(e). However, all paperwork collection procedures associated with Regulation CC already are in place, and the Board accordingly anticipates that no additional burden will be imposed as a result of this rulemaking.

[2] Section 229.18(e) of Regulation CC requires that banks notify account holders who are consumers within 30 days after implementing a change that improves the availability of funds.

List of Subjects in 12 CFR Part 229

Banks, Banking, Reporting and recordkeeping requirements.

Authority and Issuance

■ For the reasons set forth in the preamble, the Board is amending 12 CFR part 229 to read as follows:

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 12 U.S.C. 4001–4010, 12 U.S.C. 5001–5018.

■ 2. The Fourth and Seventh District routing symbol lists in appendix A are amended by removing the headings and listings for the Seventh Federal Reserve District and revising the listings for the Fourth Federal Reserve District to read as follows:

Appendix A to Part 229—Routing Number Guide to Next-Day Availability Checks and Local Checks

* * * * *

Fourth Federal Reserve District

[Federal Reserve Bank of Cleveland]

Head Office

0220	2220
0223	2223
0410	2410
0412	2412
0420	2420
0421	2421
0422	2422
0423	2423
0430	2430
0432	2432
0433	2433
0434	2434
0440	2440
0441	2441
0442	2442
0515	2515
0519	2519
0710	2710
0711	2711
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0839	2839
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* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, July 14, 2009.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E9–17103 Filed 7–17–09; 8:45 am]

BILLING CODE 6210–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 171

[NRC–2008–0620]

RIN 3150–AI52

Revision of Fee Schedules; Fee Recovery for FY 2009

Correction

In rule document E9–13425 beginning on page 27642 in the issue of Wednesday, June 10, 2009, make the following correction:

§171.16 [Corrected]

On page 27666, in §171.16(d), the table titled Schedule of Materials Annual Fees and Fees for Government Agencies Licensed by NRC is corrected in part to read as follows:

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC

[See footnotes at end of table]

Category of materials licenses	Annual fees[1 2 3]
* * * * * * *	
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities.	
* * * * * * *	

[FR Doc. Z9–13425 Filed 7–17–09; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0313; Directorate Identifier 2008–NM–144–AD; Amendment 39–15769; AD 2008–26–03]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–102, DHC–8–103, DHC–8–106, DHC–8–201, DHC–8–202, DHC–8–301, DHC–8–311, and DHC–8–315 Airplanes Equipped With a Cockpit Door Electronic Strike System Installed in Accordance With Supplemental Type Certificate (STC) ST02014NY

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an error in an existing airworthiness directive (AD) that was published in the **Federal Register** on April 7, 2009 (74 FR 15665). The error resulted in an incorrect product identification line in the regulatory portion of the AD. This AD applies to the transport category airplanes listed above. This AD requires modifying the electronic strike system of the cockpit door.

DATES: Effective April 13, 2009.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Fabio Buttitta, Aerospace Engineer, Systems and Flight Test Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7303; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION: On March 30, 2009, the FAA issued AD 2008–26–03, Amendment 39–15769 (74 FR 15665, April 7, 2009), for Bombardier Model DHC–8–102, DHC–8–103, DHC–8–106, DHC–8–201, DHC–8–202, DHC–8–301, DHC–8–311, and DHC–8–315 airplanes equipped with a cockpit door electronic strike system installed in accordance with supplemental type certificate (STC) ST02014NY. The AD requires modifying the electronic strike system of the cockpit door.

As published in the **Federal Register**, the AD identifies ''TTF Aerospace LLC'' in the product identification line of the AD; however, the name in the product identification line was changed to ''Bombardier, Inc.,'' in the version posted to the FAA Web site (*i.e.,* the Regulatory and Guidance Library (*http://rgl.faa.gov*)). All copies of ADs available to the public must be consistent; therefore, we are correcting the version of the AD published in the **Federal Register** to appropriately identify Bombardier, Inc., in the product identification line.

No other part of the regulatory information has been changed; therefore, the final rule is not republished in the **Federal Register**.

The effective date of this AD remains April 13, 2009.

§ 39.13 [Corrected]

■ In the **Federal Register** of April 7, 2009, on page 15666, in the first column, the paragraph that states ''2008–26–03 TTF Aerospace LLC:'' of AD 2008–26–03 is corrected to read as follows:

* * * * *

2008–26–03 Bombardier, Inc.:

* * * * *

Issued in Renton, Washington, on July 8, 2009.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E9–17116 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 121

[Public Notice 6695]

Amendment to the International Arms Traffic in Arms Regulations: The United States Munitions List; Correction

AGENCY: Department of State.

ACTION: Correcting amendment.

SUMMARY: The Department of State published a final rule in the **Federal Register** on September 9, 1994 (59 FR 46548), revising Category XII(c) of the United States Munitions List. The language in the note after paragraph (c) contains a typographical error by using the term ''hold'' instead of ''hole.'' A technical error in that rule resulted in the unintended removal of the note after Category XII paragraph (c). Consequently, a correction was published on April 24, 2009 (74 FR 18628) to restore the language in the note after Category XII paragraph (c). That correction used the term ''hold'' when the correct term is ''hole.'' This document corrects the typographical error dating from September 9, 1994 to utilize the correct term ''hole.''

DATES: *Effective Date:* Effective on July 20, 2009.

FOR FURTHER INFORMATION CONTACT: Director Charles B. Shotwell, Office of Defense Trade Controls Policy, Department of State, Telephone (202) 663–2792 or Fax (202) 261–8199; e-mail *DDTCResponseTeam@state.gov. Attn:* Regulatory Change, Category XII.

SUPPLEMENTARY INFORMATION: The Department of State published a final rule (Public Notice 4723) in the **Federal Register** of May 21, 2004, amending Category XII of the United States Munitions List. This document restores the language in the note after Category XII(c).

List of Subjects in 22 CFR Part 121

Arms and munitions, Exports, U.S. Munitions List.

■ Accordingly, 22 CFR part 121 is corrected by making the following correcting amendment:

PART 121—THE UNITED STATES MUNITIONS LIST

■ 1. The authority citation for part 121 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); E.O. 11958, 42 FR 4311; 3 CFR, 1977 Comp. p.79; 22 U.S.C. 2651a; Pub. L. 105–261, 112 Stat. 1920.

■ 2. In § 121.1(c), Category XII, revise the introductory text of the note after paragraph (c) to read as follows:

§ 121.1 General. The United States Munitions List.

* * * * *

(c) * * *

* * * * *

Category XII—Fire Control, Range Finder, Optical and Guidance and Control Equipment

(c) * * *

Note: *Special Definition.* For purposes of this subparagraph, *second and third generation image intensification tubes* are defined as having: A peak response within the 0.4 to 1.05 micron wavelength range and incorporating a microchannel plate for electron image amplification having a hole pitch (center-to-center spacing) of less than 25 microns and having either:

* * * * *

Dated: July 6, 2009.

Ellen O. Tauscher,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. E9–16798 Filed 7–17–09; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF JUSTICE

28 CFR Part 11

[A.G. Order No. 3089–2009]

Office of the Attorney General; Administration of Debt Collection; Salary and Administrative Offset; Treasury Offset Program

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends the regulations that govern administrative debt collection at the Department of Justice to bring the regulations into conformity with government-wide standards on salary offset procedures, to update or delete obsolete references and to make other clarifying or technical changes.

DATES: *Effective Date:* July 20, 2009.

FOR FURTHER INFORMATION CONTACT: Stuart Frisch, General Counsel, or Morton J. Posner, Attorney-Advisor, Justice Management Division, U.S. Department of Justice, Washington, DC 20530, (202) 514–3452.

SUPPLEMENTARY INFORMATION: This rule updates the Department's administrative debt collection regulations at 28 CFR Part 11, Subparts B and C, originally issued in 1992. This rule makes changes only to the Department's internal management and does not affect the rights or obligations of the general public. In particular, the rule makes four kinds of changes.

First, the rule updates or deletes obsolete references. Sections 11.4(a), (b)(4), 11.6(j), and 11.8(j) cite the Federal Claims Collection Standards (FCCS). Formerly in title 4, Code of Federal Regulations, the FCCS were substantially revised and reissued in 2000 at 31 CFR Parts 900–904. Those references are updated. References to the former Immigration and Naturalization Service in § 11.6(b), an outdated Department of Justice order in § 11.6(e), and an outdated notification requirement in § 11.8(a) are deleted. The title of Subpart C is revised with the updated name of the former IRS Tax Refund Offset Program.

Second, the rule revises the § 11.7 exemptions to the employee salary offset procedure in § 11.8. The revisions bring the rule into conformity with the government-wide standard set out in 5 CFR § 550.1104(c).

Third, the rule makes clarifying changes. In § 11.4(b)(3)(iii), the rule now more clearly states that the employee salary offset procedures of § 11.8 do not apply to recovery of travel advances and employee training expenses. In § 11.8(c)(4)(i) and (5), the rule is revised to clarify that the deadlines for hearing and decision of an employment-related debt review are triggered by the receipt of the hearing request by the hearing officer the Department designates. These clarifying changes are consistent with the Department's longstanding interpretation of the prior regulations.

Fourth, the rule makes technical corrections. In § 11.8(b)(2) and (3), the term ''salary offset coordination official'' is changed to ''salary offset coordination officer,'' a term already defined in § 11.6(r). The rule corrects typographical errors in the prior version of §§ 11.5(b) and 11.6(h)(1).

Administrative Procedure Act

This rule relates to agency management or personnel and, pursuant to 5 U.S.C. 553(a)(2), it is exempt from the usual requirements of 5 U.S.C. 553 pertaining to prior notice and comment and a 30-day delay in effective date.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains only to personnel and administrative matters affecting the Department. Further, a Regulatory Flexibility Analysis was not required to be prepared for this final rule because the Department was not required to publish a general notice of proposed rulemaking for this matter.

Executive Order 12866—Regulatory Planning and Review

This action has been drafted and reviewed in accordance with Executive Order 12866 Regulatory Planning and Review, § 1(b), Principles of Regulation. This rule is limited to agency organization, management, and personnel as described by Executive Order 12866 § 3(d)(3) and, therefore, is not a ''regulation'' as defined by that Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 13132—Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act of 1995

As noted above, this is not a rule for which a general notice of proposed rulemaking was required or published. In addition, this rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action pertains to agency organization and management, and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 11

Administrative practice and procedure, Claims, Debt collection, Government contracts, Government employees, Income taxes, Lawyers, Wages.

■ Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, part 11 of title 28 of the Code of Federal Regulations is amended as follows:

PART 11—DEBT COLLECTION

■ 1. The authority citation for part 11 is revised to read as follows:

Authority: 5 U.S.C. 301, 5514; 28 U.S.C. 509, 510; 31 U.S.C. 3711, 3718, 3720A.

■ 2. Amend § 11.4 by revising the last sentence of paragraph (a), and paragraphs (b)(3)(iii) and (b)(4) to read as follows:

§ 11.4 [Amended]

(a) * * * This subpart is consistent with the Office of Personnel Management (OPM) regulations on salary offset, codified at 5 CFR part 550, subpart K, and with regulations on administrative offset contained within the Federal Claims Collection Standards (FCCS), 31 CFR part 901.

(b) * * *

(3) * * *

(iii) In the case where collection of a debt is explicitly provided for or prohibited by another statute. The provisions of § 11.8 of this subpart do not apply to salary offset to recover travel advances under 5 U.S.C. 5705 or employee training expenses under 5 U.S.C. 4108.

(4) Nothing in this subpart precludes the compromise, suspension, or termination of collection actions where appropriate under the FCCS.

* * * * *

§ 11.5 [Amended]

■ 3. Amend § 11.5(b) by removing the number ''311'' and adding the number ''31'' in its place in the citation.

■ 4. Amend § 11.6 by removing the phrase ''the Immigration and Naturalization Service,'' from paragraph (b); and revising paragraphs (e), (h)(1), and (j) to read as follows:

§ 11.6 [Amended]

* * * * *

(e) *Compromise* means the forgiveness of a debt in accordance with 31 U.S.C. 3711(a)(2) and Departmental order.

* * * * *

(h) * * *

(1) Amounts withheld from benefits payable under title II of the Social Security Act where the withholding is required by law;

* * * * *

(j) *Federal Claims Collection Standards (FCCS)* means standards jointly published by the Secretary of the Treasury and the Attorney General at 31 CFR parts 900–904.

■ 5. Revise § 11.7 to read as follows:

§ 11.7 Salary adjustments.

The following debts shall not be subject to the salary offset procedures of § 11.8:

(a) Any adjustment to pay arising out of an employee's election of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay, if the amount to be recovered was accumulated over 4 pay periods or less;

(b) A routine intra-agency adjustment of pay that is made to correct an overpayment of pay attributable to clerical or administrative errors or delays in processing pay documents, if the overpayment occurred within the 4 pay periods preceding the adjustment and, at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and the amount of the adjustment and point of contact for contesting such adjustment; or

(c) Any adjustment to collect a debt amounting to $50 or less, if, at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustment.

■ 6. Amend § 11.8 by revising paragraphs (a) introductory text, (b)(2), and (b)(3), the second sentence of paragraph (c)(4)(i), the first sentence of paragraph (c)(5), and paragraph (j) to read as follows:

§ 11.8 [Amended]

(a) *Notice requirements before offset.* Deductions under the authority of 5 U.S.C. 5514 will not be made unless the creditor agency provides the employee with a written Notice of Intent to Offset a minimum of 30 calendar days before salary offset is initiated. The Notice of Intent shall state:

* * * * *

(b) * * *

(2) In response to a timely request submitted by the debtor, the designated salary offset coordination officer will notify the employee of the location and time when the employee may inspect and copy records related to the debt.

(3) If the employee is unable personally to inspect the records, due to geographical or other constraints, the salary offset coordination officer shall arrange to send copies of such records to the employee.

* * * * *

(c) * * *

(4) * * *

(i) * * * If the hearing will be oral, the notice shall set forth the date, time, and location of the hearing, which must occur no more than 30 days after the request is received by the hearing officer. * * *

* * * * *

(5) * * * The hearing officer shall issue a written opinion stating his or her decision, based upon all evidence and information developed at the hearing, as soon as practicable after the hearing, but not later than 60 days after the date on which the petition was received by the hearing officer, unless the hearing was delayed at the request of the employee, in which case the 60-day decision period shall be extended by the number of days by which the hearing was postponed. * * *

* * * * *

(j) *Interest, penalties, and administrative costs.* Where the Department is the creditor agency, it shall assess interest, penalties, and administrative costs pursuant to 31 U.S.C. 3717 and 31 CFR 901.9.

* * * * *

■ 7. Revise the heading of subpart C to read as follows:

Subpart C—Treasury Offset Program for Collection of Debts

Dated: July 13, 2009.

Eric H. Holder, Jr.,

Attorney General.

[FR Doc. E9–17036 Filed 7–17–09; 8:45 am]

BILLING CODE 4410–AR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2009–0448]

RIN 1625–AA08

Special Local Regulation; Summer Marine Events, Coastal Massachusetts

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing special local regulations during various swim and high speed race events to be held along the coast of Massachusetts, June through September 2009. These special local regulations are necessary to provide for the safety of life on navigable waters during the events. This action is intended to restrict vessel traffic before, during and after each event.

DATES: *Effective Dates:* This rule is effective from from June 21, 2009, through September 5, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2009–0448 and are available online by going to *http://www.regulations.gov,* selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0448 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. They are also available for inspection or copying at two locations: The Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Ensign Marie Haywood, Coast Guard Sector Boston, Waterways Management; telephone 617–223–5160, e-mail *michele.m.haywood@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations; telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive adequate notice from the events' sponsors to submit a notice of proposed rulemaking (NPRM) and any delay in the regulation's effective date could expose the public to unnecessary danger and therefore be contrary to the public's interest.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register,** for the reasons same late notice reasons described above.

Background and Purpose

This temporary rule establishes special local regulations concerning nine marine events. Several Massachusetts communities are holding marine events throughout the summer of 2009. These special local regulations will protect the maritime public from the dangers inherent in such events. The Captain of the Port does not anticipate any negative impact on vessel traffic due to implementation of these regulated areas. The regulation will protect the public by prohibiting entry into or movement within the proscribed portions of various coastal waterways during the marine events.

Marine traffic may transit outside of the area during the effective period. Public notifications will be made prior to and during the effective period of each area via Broadcast and Local Notice to Mariners.

Discussion of Rule

This rule is necessary to ensure the safety of vessels and people during annual swim and high speed races in the Captain of the Port Boston area of responsibility that may pose a hazard to the public. This rule establishes temporary regulations at 33 CFR part 100.35T–01–0448. The regulated areas will be enforced only immediately before, during, and after events that pose hazard to the public, and only upon notice by the Captain of the Port.

The Captain of the Port will inform the public about the details of each swim and high speed race covered by these special local regulations using a variety of means, including, but is not limited to, Broadcast Notices to Mariners and Local Notices to Mariners.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule would be in effect for a period of less than two hours to a maximum of eleven hours on days events are held, vessel traffic can navigate around the special local regulation area during the effected period, vessels may be permitted to pass through the area with the permission of the Captain of the Port, and advance notification via broadcast notice to mariners and Local Notice to Mariners will be made before and during the effective period.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 0023.1 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction. This rule involves special local regulation issued in conjunction with a marine event permit.

Under figure 2–1, paragraph (34)(h), of the Instruction, an environmental analysis checklist and a categorical exclusion determination will be in the docket for review.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 100.35–T01–0448 to read as follows:

§ 100.35–T01–0448 Summer Marine Events 2009, Coastal Massachusetts.

(a) *General.* Special Local Regulations are established for the marine events described in paragraphs (a)(1) through (a)(9) described herein:

(1) *Cohasset Triathlon, Sandy Beach, Cohasset, MA.* (i) All waters in the vicinity of Cohasset Harbor, from surface to bottom, within a 200-yard radius around Sandy Beach, approximate location 42°15′50″ N, 070°48′00″ W.

(ii) *Enforcement date.* This rule will be enforced from 7:45 a.m. through 9 a.m. on June 28, 2009.

(2) *Swim Across America, Boston, MA to Boston Light, MA.* (i) All waters of Boston Harbor, from surface to bottom, within a 100-yard radius around the swimmers swimming from Rowes Wharf to Boston Light.

(ii) *Enforcement date.* This rule will be enforced from 7 a.m. through 3 p.m. on July 17, 2009.

(3) *Swim Across America, Nantasket Beach, Hull, MA.* (i) All waters of Nantasket Beach, from surface to bottom, within a four hundred (400)

yard radius of approximate position 42°16′35″ N, 070°51′15″ W.

(ii) *Enforcement date.* This rule will be enforced from 9 a.m. through 11 a.m. on July 18, 2009.

(4) Charles River One Mile Swim, Charles River, Boston, MA. (i) All waters of Charles River, from surface to bottom, between the Longfellow Bridge and the Harvard Bridge.

(ii) *Enforcement date.* This rule will be enforced from 8 a.m. through 9 a.m. on June 21, 2009.

(5) Toyota/Sea Doo US Regional Championships, Salisbury Beach, Salisbury, MA. (i) The following area is a regulated area: All waters of the Atlantic Ocean near Salisbury Beach, Salisbury, MA, from surface to bottom, within a one hundred (100) yard radius of the race course site located at approximate position 42° 51′34″ N, 070° 48′34″ W.

(ii) *Enforcement date.* This rule will be enforced daily from 6:30 a.m. through 5 p.m. on June 27 through June 28, 2009.

(6) The Iron Distance Triathlon at Plymouth Rock, Plymouth Inner Harbor, Plymouth, MA. (i) All waters of Plymouth Inner Harbor, from surface to bottom, within a four hundred (400) yard radius of approximate position 41°57′50″ N, 070°39′42″ W.

(ii) *Enforcement date.* This rule will be enforced from 7 a.m. through 9:30 a.m. on September 6, 2009.

(7) *The Mayflower Triathlon at Plymouth Rock, Plymouth Inner Harbor, Plymouth, MA.* (i) All waters of Plymouth Inner Harbor, from surface to bottom, within a four hundred (400) yard radius of approximate position 41°57′50″ N, 070°39′42″ W.

(ii) *Enforcement date.* This rule will be enforced from 7:30 a.m. through 12:30 p.m. on August 31, 2008.

(8) *31st Annual Celebrate the Clean Harbor Swim, Gloucester Harbor, Gloucester, MA.* (i) All waters of Gloucester Harbor, from surface to bottom, within a four hundred (400) yard radius of approximate position 41°35′35″ N, 070°39′45″ W.

(ii) *Enforcement Date.* This rule will be enforced from 10 a.m. through 11 a.m. on September 5, 2009.

(9) *Gloucester Triathlon, Western Harbor, Gloucester, MA.* (i) All waters of Western Harbor, from surface to bottom, starting at the beach at position 42°36′34″ N, 070°40′02″ W, thence to 42°36′29″ N, 070°40′04″ W, thence to 42°36′28″ N, 070°40′00″ W, thence to the beach at position 42°36′33″ N, 070°39′58″ W.

(ii) *Enforcement Date.* This rule will be enforced from 10 a.m. through 11 a.m. on September 5, 2009.

(b) *Definition.* As used in this section, ''designated representative'' means any Coast Guard commissioned, warrant, or petty officer, or any federal, state, or local law enforcement officer authorized to enforce this regulation on behalf of the Coat Guard Captain of the Port (COTP).

(c) *Regulations.* (1) Entry into or remaining in the special local regulation area described in paragraph (a) of this section is prohibited unless authorized by the Coast Guard Captain of the Port (COTP) Boston, or the COTP's designated representative.

(2) Persons desiring to transit the area covered by the special local regulations may contact the Captain of the Port at telephone number 617–223–3201 or via on-scene patrol personnel on VHF channel 16 to seek permission to do so. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

Dated: June 18, 2009.

John N. Healey,

Captain, U.S. Coast Guard, Captain of the Port, Boston.

[FR Doc. E9–17106 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0565]

RIN 1625–AA00

Safety Zone; Atlantic Intracoastal Waterway, Oak Island, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Atlantic Intracoastal Waterway at Oak Island, North Carolina. The safety zone is necessary to provide for the safety of life on navigable waters during the installation of bridge girders at the new high-level fixed highway bridge at the second crossing to Oak Island, North Carolina.

DATES: This rule is effective from 7 a.m. on July 22, 2009 through 5:30 p.m. on August 12, 2009.

ADDRESSES: Comments and materials received from the public, as well as documents mentioned in this preamble as being available in the docket are part of docket USCG–2009–0565 and are available online by going to *http://www.regulations.gov*, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0565 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail CWO4 Stephen Lyons, Waterways Management Division Chief, Coast Guard Sector North Carolina; telephone (252) 247–4525, e-mail *Stephen.W.Lyons2@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is needed to protect the maritime public from the hazards associated with the installation of bridge girders, including the use of heavy equipment and falling debris. The necessary information to determine whether the installation project posed a threat to persons and vessels was not provided with sufficient time to publish an NPRM. For the safety concerns noted, it is in the public interest to have this regulation in place during the girder installation.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register.** Delaying the effective date would be contrary to public interest, since immediate action is needed to ensure the public's safety from the hazards noted above.

Background and Purpose

The State of North Carolina Department of Transportation awarded a contract to Lee Construction Company of the Carolinas, Inc. of Charlotte, North Carolina, to perform bridge girder installation at the new high-level fixed highway bridge at the second crossing to Oak Island, North Carolina. The contract provides for the installation of 8 bridge girders. The center bridge girder installation is scheduled to begin on July 22, 2009 through July 29, 2009 between the hours of 7 a.m. to 5:30 p.m. each day. The contractor will be utilizing a deck barge with a 55′ beam, a 450 ton ringer crane on a stationary barge with an 85′ beam, and assist tug to conduct the girder installation. This operation presents a potential hazard to mariners from falling debris and the use of heavy equipment and machinery. To provide for the safety of the public, the Coast Guard will temporarily restrict access to this section of the Atlantic Intracoastal Waterway during girder installation.

Discussion of Rule

The Coast Guard is establishing a temporary safety zone to encompass the waters of the Atlantic Intracoastal Waterway extending 250 yards in all directions from the main construction site. All vessels are prohibited from transiting this section of the waterway while the safety zone is in effect. Entry into the zone will not be permitted except as specifically authorized by the Captain of the Port or a designated representative. To seek permission to transit the area, mariners can contact Sector North Carolina at telephone number (252) 247–4570. This zone will be enforced from 7 a.m. to 5:30 p.m. each day, from July 22, 2009 through August 12, 2009. The enforcement period is scheduled to run longer than the planned operation to account for any delays in construction. The Captain of the Port may cancel enforcement of the safety zone if construction is completed before August 12.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

Although this regulation will restrict access to the area, the effect of this rule will not be significant because: (i) The safety zone will be in effect for a limited duration of time, (ii) the Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and (iii) vessels may be granted permission to transit the area by the Captain of the Port or a designated representative.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will effect the following entities, some of which may be small entities: the owners or operators of tug and barge, recreational, and fishing vessels intending to transit the specified portion of the Atlantic Intracoastal Waterway from 7 a.m. to 5:30 p.m. beginning July 22, 2009 through August 12, 2009.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be in effect for only a limited time each day. Although the safety zone will apply to the entire width of the Atlantic Intracoastal Waterway, vessel traffic can use alternate waterways to transit safely around the safety zone. Before the effective period, the Coast Guard will issue maritime advisories widely available to the users of the waterway.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule establishes a temporary safety zone to protect the public from bridge construction operations. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—SAFETY ZONES

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05–0565 to read as follows:

§ 165.T05–0565 Safety Zone; Atlantic Intracoastal Waterway, Oak Island, NC.

(a) *Definitions*. For the purposes of this section, Captain of the Port means the Commander, Sector North Carolina. *Representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location*. The following area is a safety zone: This zone includes the waters of the Atlantic Intracoastal Waterway extending 250 yards in all directions from the main construction site at the new high-level fixed highway bridge at the second crossing to Oak Island, North Carolina.

(c) *Regulations*. (1) The general regulations contained in § 165.23 of this part apply to the area described in paragraph (b) of this section.

(2) Persons or vessels requiring entry into or passage through any portion of the safety zone must first request authorization from the Captain of the Port, or a designated representative, unless the Captain of the Port previously announced via Marine Safety Radio Broadcast on VHF Marine Band Radio channel 22 (157.1 MHz) that this regulation will not be enforced in that portion of the safety zone. The Captain of the Port can be contacted at telephone number (252) 247–4570 or by radio on VHF Marine Band Radio, channels 13 and 16.

(d) *Enforcement*. The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Enforcement period*. This section will be enforced from 7 a.m. to 5:30 p.m. each day from July 22, 2009 through August 12, 2009, unless cancelled earlier by the Captain of the Port.

Dated: June 24, 2009.

J.E. Ryan,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. E9–17097 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0274]

RIN 1625–AA00

Safety Zone; Norfolk Tides Post-Game Fireworks Displays, Elizabeth River, Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Elizabeth River in the vicinity of Harbor Park, Norfolk, VA in support of the post-game fireworks displays over the Elizabeth River. This action will protect the maritime public on the Elizabeth River from the hazards associated with fireworks displays.

DATES: This rule is effective from 9 p.m. on July 2, 2009 until 10:30 p.m. on September 4, 2009.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2009–0274 and are available online by going to *http://www.regulations.gov,* selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2009–0274 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column. This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary

rule, call or e-mail LT Tiffany Duffy, Chief Waterways Management Division, Sector Hampton Roads, Coast Guard; telephone 757–668–5580, e-mail *tiffany.a.duffy@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On May 1, 2009, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Norfolk Tides Post-Game Fireworks Displays, Elizabeth River, Norfolk, VA in the **Federal Register** (74 FR 083). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

Coast Guard Sector Hampton Roads has been notified that fireworks displays are scheduled to occur after certain Norfolk Tides home baseball games. Although these displays are fired from land, a portion of the fallout zone is over the Elizabeth River. 33 CFR part 165 subpart C describes a safety zone ''as a water area, shore area, or water and shore area to which for safety or environmental purposes, access is limited to authorized persons, vehicles or vessels.'' Due to the need to protect mariners and spectators from the hazards associated with fireworks displays, the Coast Guard is establishing a safety zone limiting access to the Elizabeth River within a 210-foot radius of the fireworks launching area.

Discussion of Rule

The Coast Guard is establishing a safety zone on the specified waters of the Elizabeth River in the vicinity of Harbor Park, Norfolk, VA. This safety zone will encompass all navigable waters within a 210-foot radius of the fireworks launch site, located on land, directly behind the stadium at approximate position 36°50′30″ N/076°16′42″ W (NAD 1983). This regulated area is being established in the interest of public safety during the fireworks display and would be enforced on July 2, July 3, August 21, September 3, and September 4, 2009, for ten consecutive minutes immediately following the conclusion of the baseball games, between 9 p.m. and 10:30 p.m. Access to the safety zone will be restricted during the specified dates and times. Except for participants and vessels authorized by the Captain of the Port or his Representative, no person or vessel may enter or remain in the regulated area.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this regulation would restrict access to the safety zone, the effect of this rule would not be significant because: (i) The safety zone would be in effect for a limited duration; (ii) the zone would be of limited size; and (iii) the Coast Guard will make notifications via maritime advisories so mariners can adjust their plans accordingly. For the above reasons, the Coast Guard does not anticipate any significant economic impact.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: owners and operators of vessels intending to transit or anchor in that portion of the Elizabeth River from 9 p.m. until 10:30 p.m. on July 2, July 3, August 21, September 3, and September 4, 2009. The safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. The safety zone will only be in place for a limited duration. The safety zone will be of limited size. Maritime advisories will be issued allowing the mariners to adjust their plans accordingly. Furthermore, the safety zone will apply to only a small portion of the Elizabeth River; there will be adequate space for mariners to safely transit around the zone.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and

Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves establishing a safety zone around a fireworks display. Under figure 2–1, paragraph (34)(g), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0274 to read as follows:

§ 165.T05–0274 Safety Zone; Norfolk Tides Post-Game Fireworks Displays, Elizabeth River, Norfolk, VA.

(a) *Regulated area.* The following area is a safety zone: specified waters of the Elizabeth River located within a 210-foot radius of the fireworks launching site located at approximate position 36°50′30″ N/076°16′42″ W (NAD 1983), directly behind Harbor Park Stadium in the vicinity of Norfolk, VA.

(b) *Definition.* For the purposes of this part, *Captain of the Port Representative* means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone Number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65Mhz) and channel 16 (156.8 Mhz).

(d) *Effective period.* This regulation will be in effect on July 2, July 3, August 21, September 3, and September 4, 2009 from 9 p.m. until 10:30 p.m.

Dated: June 30, 2009.

M.S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. E9–17104 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0632]

Safety Zones: Annual Events Requiring Safety Zones in the Captain of the Port Detroit Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement.

SUMMARY: The Coast Guard will enforce the safety zones for annual fireworks events in the Captain of the Port Detroit zone from 9 p.m. on July 3, 2009 through 11 p.m. on July 25, 2009. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after fireworks events. This rule will establish restrictions upon, and control movement of, vessels in a specified area immediately prior to,

during, and immediately after fireworks events. During the enforcement period, no person or vessel may enter the safety zone without permission of the Captain of the Port.

DATES: The regulations in 33 CFR part 165 will be enforced as listed below under the subject heading **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: CDR Joseph Snowden, Prevention, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit, MI 48207; (313)–568–9580, e-mail *Joseph.H.Snowden@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the following safety zones which were published in the August 8, 2008 issue of the **Federal Register.** (73 FR 46194):

Section 165.941(a)(22) Catawba Island Club Fireworks, Catawba Island, OH. This regulation is effective and will be enforced from 9 p.m. until 10 p.m. on July 3, 2009.

Section 165.941(a)(43) Lexington Independence Festival Fireworks, Lexington, MI. This regulation will be effective from 9:30 p.m. on July 3, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 3, 2009. In the event of inclement weather, this regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 5, 2009.

Section 165.941(a)(31) Safety zone; Lake Erie Metropark Fireworks, Gibraltar, MI. This regulation is effective and will be enforced from 10 p.m. to 11 p.m. on July 3, 2009.

Section 165.941(a)(37) Safety zone; Caseville Fireworks, Caseville, MI. This regulation is effective from 10 p.m. on July 3, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 3, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

Section 165.941(a)(32) Safety zone; City of St. Clair Fireworks, St. Clair, MI. This regulation will be effective from 10 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

Section 165.941(a)(5) Alpena Fireworks, Alpena, MI. This regulation is effective from 10 p.m. on July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

Section 165.941(a)(47) Safety zone; Belle Maer Harbor 4th of July Fireworks, Harrison Township, MI. This regulation will be effective from 10 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

Section 165.941(a)(42) Safety zone; Grosse Pointe Yacht Club 4th of July Fireworks, Grosse Pointe Shores, MI. This regulation will be effective from 10 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 10:30 p.m. on July 5, 2009.

Section 165.941(a)(34) Safety zone; Port Austin Fireworks, Port Austin, MI. This regulation will be effective from 10 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 10:30 p.m. on July 5, 2009.

Section 165.941(a)(8) Safety zone; Harrisville Fireworks, Harrisville, MI. This regulation will be effective from 10 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

Section 165.941(a)(38) Safety zone; Algonac Pickerel Tournament Fireworks, Algonac, MI. This regulation will be effective from 10 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 10:30 p.m. on July 5, 2009.

Section 165.941(a)(36) Safety zone; Grosse Pointe Farms Fireworks, Grosse Pointe Farms, MI. This regulation will be effective from 10 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 10:30 p.m. on July 5, 2009.

Section 165.941(a)(23) Safety zone; Red, White and Blues Bang Fireworks, Huron, OH. This regulation is effective and will be enforced from 10 p.m. until 11 p.m. on July 4, 2009.

Section 165.941(a)(46) Safety zone; Trenton Fireworks, Trenton, MI. This regulation will be effective from 10 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

Section 165.941(a)(45) Safety zone; Grosse Isle Yacht Club Fireworks, Grosse Isle, MI. This regulation will be effective from 9 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 9 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 9 p.m. until 11 p.m. on July 5, 2009.

Section 165.941(a)(3) Safety zone; Au Gres City Fireworks, Au Gres, MI. This regulation is effective and will be enforced from 10 p.m. until 11 p.m. on July 4, 2009.

Section 165.941(a)(21) Safety zone; Lakeside July 4th Fireworks, Lakeside, OH. This regulation will be effective from 9:30 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 5, 2009.

Section 165.941(a)(6) Safety zone; Put-in-Bay Fourth of July Fireworks, Put-in-Bay, OH. This regulation will be effective from 10 p.m. July 4, 2009 to 11 p.m. on July 5, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 5, 2009.

Section 165.941(a)(17) Safety zone; Luna Pier Fireworks, Luna Pier, MI. This regulation is effective and will be enforced from 10 p.m. until 11 p.m. on July 4, 2009.

Section 165.941(a)(48) Safety zone; Tawas City 4th of July Fireworks, Tawas, MI. This regulation will be effective from 9:30 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 5, 2009.

Section 165.941(a)(24) Safety zone; Ecorse Water Festival Fireworks, Ecorse, MI. This regulation will be effective from 9:30 p.m. July 4, 2009 to 10:30 p.m. on July 5, 2009. This regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 4, 2009. In the event of inclement weather, this regulation will be enforced from 9:30 p.m. until 10:30 p.m. on July 5, 2009.

Section 165.941(a)(24) Safety zone; Huron Riverfest Fireworks, Huron, OH. This regulation will be effective from 10 p.m. July 10, 2009 to 11 p.m. on July 11, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 10,

2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 11, 2009.

Section 165.941(a)(9) Safety zone; Harbor Beach Fireworks, Harbor Beach, MI. This regulation will be effective from 10 p.m. July 11, 2009 to 11 p.m. on July 12, 2009. This regulation will be enforced from 10 p.m. until 11 p.m. on July 11, 2009. In the event of inclement weather, this regulation will be enforced from 10 p.m. until 11 p.m. on July 12, 2009.

Section 165.941(a)(10) Safety zone; Trenton Rotary Roar on the River Fireworks, Trenton, MI. This regulation is effective and will be enforced from 10 p.m. until 11 p.m. on July 25, 2009.

Under the provisions of 33 CFR 165.20, entry into, transiting, or anchoring within these safety zones is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Detroit. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF–FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

This notice is issued under authority of 33 CFR 165.20 and 5 U.S.C. 552(a). If the District Commander, Captain of the Port, or other official authorized to do so, determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone.

Dated: July 1, 2009.

F.M. Midgette,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. E9–17100 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2009–0466; FRL–8932–5]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct final notice of deletion of the Central Wood Preserving Company Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) region 6 is publishing a direct final notice of deletion of the Central Wood Preserving Company Superfund Site (Site), located in East Feliciana Parish, Louisiana, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of Louisiana; through the Louisiana Department of Environmental Quality because EPA has determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This direct final deletion will be effective September 18, 2009 unless EPA receives adverse comments by August 19, 2009. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–2009–0466, by one of the following methods:

- *http://www.regulations.gov.* Follow on-line instructions for submitting comments.
- *E-mail: stankosky.laura@epa.gov.*
- *Fax:* (214) 665–6660.
- *Mail:* Laura Stankosky, Remedial Project Manager (RPM) (6SF–RL), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7525.
- *Hand delivery:* U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–SFUND–2009–0466. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket

All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statue. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at:

U.S. EPA, Region 6, by appointment in the 7th Floor Reception Area, 1445 Ross Ave. Dallas, TX 75202–2722, (214) 665–7525, Monday through Friday 9 a.m. to 4 p.m; Audubon Regional Library Clinton Branch, 12220 Woodville Street, Clinton, LA 70722 (225) 683–8753 Monday through Thursday 9 a.m. to 5 p.m, Friday 9 a.m. to 3 p.m, and Saturday 9 a.m. to 1 p.m; Louisiana Department of Environmental Quality, Galvez Building, 602 North Fifth Street, Baton Rouge, LA 70802, (225) 219–5337 Monday through Friday 8 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Laura Stankosky, Remedial Project Manager (RPM) (6SF–RL), (*stankosky.laura@epa.gov*) U.S. Environmental Protection Agency,

Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7525 or toll-free (800) 533–3508.

SUPPLEMENTARY INFORMATION:

Table of Contents:

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

EPA Region 6 is publishing this direct final notice of deletion of the Central Wood Preserving Company Superfund Site (Site) from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300, which is the Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

Because EPA considers this action to be noncontroversial and routine, this action will be effective *September 18, 2009* unless EPA receives adverse comments by *August 19, 2009.* Along with this direct final Notice of Deletion, EPA is co-publishing a Notice of Intent to Delete in the ''Proposed Rules'' section of the **Federal Register**. If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely withdrawal of this direct final Notice of Deletion before the effective date of the deletion, and the deletion will not take effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses Central Wood Preserving Company Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate. Pursuant to CERCLA section 121 (c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) EPA consulted with the State of Louisiana prior to developing this direct final notice of deletion and the notice of intent to delete co-published today in the ''Proposed Rules'' section of the **Federal Register**.

(2) EPA has provided the state 30 working days for review of this notice and the parallel Notice of Intent to Delete prior to their publication today, and the state, through the [Enter state agency], has concurred on the deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final notice of deletion, a notice of the availability of the parallel notice of intent to delete is being published in a major local newspaper, [Enter major local newspaper of general circulation]. The newspaper notice announces the 30-day public comment period concerning the notice of intent to delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this document, EPA will publish a timely notice of withdrawal of this direct final notice of deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Location

The Central Wood Preserving Company Superfund Site, EPA ID LAD008187940, is located in an unincorporated area in the southern portion of East Feliciana Parish, Louisiana, approximately 25 miles north of Baton Rouge. The site is situated north and south of State Highway (SH) 959, about one mile east of Highway 67. The site consists of two distinct properties. The property on the north side of SH 959 (''North Property'') was used as the main wood treatment process area, and the property on the south side of SH 959 (''South Property'') was operated as a raw lumber saw mill. The combined acreage of the North Property (10.03 acres) and South Property (7.05 acres) is approximately 17.08 acres. A creek (historically and herein referred to as ''Unnamed Creek'') is located along the east-southeast side of both properties. This creek is intermittent near the site; when it has water, it flows south-southwest to intersect with Little Sandy Creek

approximately 1.5 miles south of SH 959.

Site History

The facility operated from the 1950s to January 1, 1973, as Central Creosoting Company, Incorporated. During that time creosote was used exclusively as the wood preservative.

On January 3, 1973, the facility was sold and began operating under the name Central Wood Preserving Company, Inc., and the use of creosote was discontinued. Wood preserving from that time onward was accomplished with Wolmanac, a solution of copper oxide, chromic acid, and arsenic acid (chromated copper arsenate, known as CCA). Throughout the facility's history, treated wood was distributed throughout the property for drying. The source of contamination is the result of spillage of creosote and Wolmanac on the site property over a period of 40 years. The site is currently owned by the East Feliciana Parish. While the parish had originally planned to redevelop the property as a public park with recreational facilities, funding for development did not become available. The site is currently being used to stage hurricane wood and brush debris for Hurricane Katrina. This material is removed as disposal space is located.

In November 1983, the Site was confirmed as a Resource, Conservation, and Recovery Act (RCRA) small quantity generator of hazardous waste consisting of CCA. Since that time, regulatory activities have included involvement by the Louisiana Department of Environmental Quality (LDEQ) and EPA. In 1992, following a request by LDEQ, the EPA Technical Assistance Team (TAT) conducted a Preliminary Site Assessment. This assessment and subsequent more detailed site assessments and inspections conducted through 1995 indicated elevated levels of arsenic and chromium in soil and sediment, and asbestos fibers in insulation samples.

An EPA Action Memorandum was issued on April 3, 1995. This memorandum provided for a Time-Critical Removal Action to address source control at the site. The EPA TAT initiated the Time-Critical Removal Action on April 12, 1995. During the removal action, several site structures, tank contents, and an area of contaminated surface soil near the main facility operations area (about 1,250 cubic yards [CY]) were removed from the site. The containment basin contents were also removed and the basin sandblasted and backfilled with soil. From July to December 1995, the EPA TAT conducted an Expanded Site Inspection (ESI) to gather data for Hazard Ranking System (HRS) documentation.

In May 1999, the site was added to the National Priorities List (NPL) (May 10, 1999 (64 FR 24949)).

Remedial Investigation and Feasibility Study (RI/FS)

EPA initiated a Remedial Investigation/Feasibility Study (RI/FS) in 1999. The RI and FS were completed in September and November 2000, respectively. Soil samples were collected during the RI and during site assessment/site inspections from both the North and the South Properties. Results of the analyses conducted during the course of the various investigations, including the RI, indicated that the most significant contamination was from arsenic, chromium, copper, and polynuclear aromatic hydrocarbons (PAHs) in soil and sediment. Analysis of the distribution and concentrations of chromium and copper indicated that the occurrence of these compounds corresponded well with the occurrence of arsenic. The highest concentration of PAH contamination was observed in the vicinity of the former process area and drainage way leading to the Unnamed Creek. On the South Property, creosote was limited to the drainage along the eastern property border. In the Unnamed Creek, both sediment and surface water were sampled. Arsenic contamination was found in sediment up to a depth of 1.5 feet in various discrete hot spots. Some creosote-related constituents were also detected.

Ground water evaluation performed during the RI indicated the shallow 10 feet bgs ground water zone is not laterally continuous beyond the former process area and drainage way, and does not demonstrate significant volumes of water (one of three wells installed in this zone did not generate enough water to sample). No site contamination was found in the ground water encountered at 55 to 65 feet bgs, additionally this ground water demonstrates capacities that are borderline at best for meeting Louisiana Department of Environmental Quality's (LDEQ's) 2B classification for potentially potable ground water, and ground water is not used from within this or any other zone in the vicinity of the site.

A baseline risk assessment, including an ecological assessment, was completed in September 2000, which estimated the probability and magnitude of potential adverse human health and environmental effects from exposure to contaminants associated with the site assuming no remedial action was taken.

As outlined in the ROD, Risk Characterization results were as follows:

For the North Property, Cancer risk for trespassers, future adult residents and future construction workers were above acceptable levels and non-cancer risks for trespassers, future adult and child were above the acceptable levels

For the South Property, Cancer risk for future adult residents and future construction workers were above acceptable levels and non-cancer risks for future construction workers and future adult and child were above acceptable levels

For sediment/soil in Segment 1 of the Unnamed Creek, Both the cancer risk and non-cancer risk for the recreational youth was above acceptable levels. The downstream segments of the unnamed creek did not have risk above acceptable levels

Ecological Risk Assessment. Contaminants of Concern (COCs) were arsenic, copper, and chromium. The results of the baseline ecological risk assessment on the North and South properties and the Unnamed Creek indicated that: (1) There was minimal risk to the terrestrial and riparian wildlife target receptors, and (2) there was risk to the benthic receptors. A 14-day *Hyallela azteca* bioassay, benthic surveys and sediment chemistry, indicated that the observed mortality in the bioassays is not attributable to site related contamination, and the low diversity of benthic organisms in the Unnamed Creek may be a result of limited physical habitat. Therefore, the final conclusion by the Agency is that by addressing the arsenic levels as per the human health risk assessment, the copper will be also addressed, thereby addressing the ecological risk.

Selected Remedy

The Record of Decision (ROD), signed April 5, 2001, set forth the selected remedy for the site soils and sediments as removal and Low Temperature Thermal Desorption (LTTD) on-site, with off-site stabilization and disposal of removed soils, institutional controls and ground water monitoring.

The ROD also established Remedial Action Objectives (RAOs) for the North and South Properties and the Unnamed Creek. The RAOs for the North and South Properties are to prevent human ingestion of, dermal contact with, or inhalation of soil and sediments and human contact with structure/debris containing/contaminated with COCs at concentrations which pose an excess lifetime cancer risk (ELCR) greater than 1×10^{-6} or which have a HI of greater

than 1 (based on a residential use scenario). The RAOs for the Unnamed Creek are to prevent human ingestion of, dermal contact with, or inhalation of sediment contaminated with chemicals of concern at concentration levels which pose an ELCR greater than 1×10^{-6}, or which have a HI of 1 or greater (based on a recreational use scenario). In addition, both the North and South properties and Unnamed Creek have RAOs for ground water to prevent human ingestion of water which contains COCs exceeding non-zero maximum contaminant level goals (MCLGs) or maximum contaminant levels (MCLs) where the corresponding MCL is zero in ground water at the 60 foot aquifer.

Prior to remedy implementation the site required activities including: Grubbing; staging for contaminated soils; asbestos abatement; building demolition and disposal of materials; and removal and disposal of debris piles.

The four major components of the selected remedy for soils/sediments included:

- Excavation of surface and near-surface soil/sediment that exceeded remediation goals
- Thermal desorption of excavated soil/sediment that exceeds Land Disposal Restriction
- Disposal of excavated soil/sediment
- Backfilling and revegetation

In addition to these components for soils remediation, the site would also require:

- Inspection
- Ground water Monitoring
- Institutional Controls/Deed Restrictions

The purpose of the response actions conducted at the Site was to protect public health and welfare and the environment from releases or threatened releases of hazardous substances from the site. Potential exposure to affected soil, ground water, surface water and sediment was determined to be associated with human health risks higher than the acceptable range. The primary threats that the Site posed to public health and safety were direct contact with on-site waste material and/or the transport of these materials and/or potential hazardous constituents and/or air emissions to nearby populated areas by surface runoff, severe flooding, or disruption of waste areas. This threat was minimized with the Time-Critical Removal Action which only addressed source control (i.e., removal of on-site tanks/vessels containing hazardous substances and the removal of the soil surrounding these tanks). Contaminated soil and sediment outside the main process area were not addressed during the removal action.

Response Actions

A Remedial Design (RD) to define the implementation of the remedy for the Site was completed by EPA in May 2002. The RD described in detail the components of the selected remedy identified in the ROD.

EPA began the Remedial Action (RA) in November 2003 with excavation and LTTD completion in September 2004. Soil and sediment were excavated from arsenic-only and arsenic-PAH areas and stockpiled separately. Arsenic-only soil/sediment was excavated, staged in 300 cubic yard stockpiles, sampled to verify compliance with land-disposal regulations (LDRs), and transported off-site for disposal. Arsenic-PAH contaminated soil/sediment was excavated, stockpiled for drying and/or mixed with lime, treated in LTTD unit, staged in approximately 300 CY stockpiles, sampled for PAHs and Toxicity Characteristic Leaching Procedure (TCLP) arsenic and chromium to verify compliance with applicable LDRs, and transported off-site for disposal. Arsenic concentrations from post excavation sampling ranged from 3.2 milligrams per kilogram (mg/kg) to 6.3 mg/kg, all well below the remediation goal (RG) of 20 mg/kg.

Benzo(a)anthracene was selected in the Remedial Investigation (RI) to illustrate the extent of PAH contamination as it was the organic constituent most frequently detected above the state screening criteria in use that time. Benzo(a)anthracene sampling results ranged from 0.08 mg/kg to 210 mg/kg with an average of 29.0 mg/kg. While the comparison showed exceedances for contaminants of potential concern (as identified in the RI) at eight of the 19 locations sampled, these exceedances were found in a limited area along a drainage pathway on the north property, north of SH 959.

A subsequent investigation in response to Hurricanes Katrina and Rita was performed by EPA in October 2005, to determine if the impact of the hurricanes affected the integrity of the remedy. This resulted in additional excavation and removal of approximately 980 cubic yards of soils that was performed in May 2006.

As part of the selected remedy identified in the ROD, Institutional Controls were implemented in areas where contaminants were left in place in the subsurface at concentrations above the Remediation Goals. A Conveyance Notification was filed with the Clerk of Court on September 30, 2005, in accordance with CERCLA guidelines, which allows for unrestricted access in the upper three feet of soils, but provides restrictions under State law on disturbing or moving deeper soils (greater than five feet). Another component of the selected remedy was the implementation of a ground water monitoring system to monitor contaminant levels in the ground water. This component of the selected remedy has ceased. Ground water was to be monitored to ensure that wastes left in place do not affect the ground water because soils with organic contamination would be left in place in the subsurface (greater than 5 feet below ground surface [bgs]). The ROD required that ground water samples would be collected on an annual basis, but the sampling frequency may be modified if there are statistically significant changes in ground water sample concentrations.

Nine ground water monitoring wells were installed during the RI. The only ground water encountered during the RI was that observed in shallow soil under the drainage pathway (-10 ft bgs), and that observed in the -65 ft bgs aquifer. Three wells were installed at 10 ft bgs along the drainage pathway to check for free-phase creosote migration; these wells accumulated some water (only two accumulated enough for sampling). The only exceedances of chemicals of potential concern were found in the monitoring wells installed in the shallow ground water 10 feet bgs beneath the drainage pathway where most of the surficial creosote-related contamination remained. Non-aqueous phase liquids were not found in the onsite wells during the RI. However, approximately 0.2 feet of a dense nonaqueous phase liquid (DNAPL) was detected in shallow site monitoring well, MW–S3E2, and a trace was detected in shallow monitoring well, MW–S2E2, during RD data collection activities in November 2001.

Ground water evaluation performed during both the RI and RA indicated the shallow 10 feet bgs ground water zone is not laterally continuous beyond the drainage pathway, and does not demonstrate significant volumes of water (one of three wells installed in this zone did not generate enough water to sample). The ground water encountered at 55 to 65 feet bgs demonstrates capacities that are borderline at best for meeting LDEQ's 2B classification for potentially potable ground water, and ground water is not used from within this or any other zone in the vicinity of the site. Monitoring well abandonment began in late February 2004 and was completed in early March 2004, concurrent with the RA Site Preparation stage of the work.

The deepest site excavations for LTTD treatment took place in the area where chemicals of potential concern were found in the monitoring wells installed in the shallow ground water 10 feet bgs beneath the drainage pathway. Excavation likely removed the small amounts of DNAPL found during RD data collection. Existing monitoring well MW–S2E5 was left in place as originally planned, but the number of new monitoring wells was reduced from eight to one (MW–1 was installed in January 2005) based on the expectation that two monitoring wells would be sufficient for evaluation of potential migration to ground water based on the limited area of potential ground water contamination observed during site cleanup. A total of 8 (eight) of the monitoring wells installed during the RI were properly plugged and abandoned.

After one year of ground water monitoring showing no screening level exceedances, these two remaining monitoring wells were removed by EPA (properly plugged and abandoned) at the request of LDEQ. EPA believes that limited ground water contamination is not likely to exceed screening levels. A Final Close-Out Report for the site was signed June 29, 2006.

Cleanup Goals

As noted in the ROD, the RGs were calculated for surface soil/sediment on the North and South Properties based on 1×10^{-6} carcinogenic risk using adult and child resident and construction worker exposure scenarios. To be protective of both residents and construction workers, the lowest of the risk based concentrations was selected as the RG. The resulting arsenic RG for surface soil/sediment (0 to 3.0 feet bgs) was calculated as 0.03 parts per million (ppm). Since this concentration was lower than the background concentration, and could not be met, the arsenic RG was set at the background concentration of 20 ppm. This corresponds to a residential risk level of 1×10^{-4}. The RGs calculated for the 3–5 feet bgs interval for the North Property were based on 1×10^{-5} carcinogenic risk using a future utility worker scenario. The resulting arsenic RG for surface soil/sediment as calculated as 300 ppm. As noted in the ROD, the 1×10^{-5} carcinogenic risk was chosen because: (1) The area that requires action is a hot spot (hot spot is defined as a small area), and; (2) the probability that utility lines will be located in this exact hot spot is unlikely since the hot spot is located near the Unnamed reek.

The RGs calculated for the Unnamed Creek were based on 1×10^{-5} carcinogenic risk using a recreational youth and adult hunter scenario. As noted in the ROD, since the creek is located on several individual residents' property, recreational youth and adult hunter access to the creek are limited. Therefore, 1×10^{-5} was used. The resulting arsenic RG was calculated as 160 ppm.

Operation and Maintenance

Because ground water monitoring wells are no longer present on-site, Operation and Maintenance (O&M) of a ground water monitoring network is no longer required. The O&M operations now required are maintaining the site such that soils greater than three feet bgs are not exposed. The parish ensures that site fencing is maintained while the site is being used for hurricane debris staging.

Five-Year Review

The First Five-Year Review of the Site was completed in April 21, 2009. Based on the information available during this first Five-Year Review, the selected remedy is performing as intended. The selected remedy is currently protective of human health and the environment in the short term. This determination is based on the results from treated waste and soil sampling and shallow ground water sampling. It is also based on the fact that wastes and contaminated soils have been removed from the site or treated through LTTD, and those wastes remaining, greater than five feet in depth, have been addressed with the implementation of institutional controls. For the remedy to remain protective in the long-term the site should not be used for staging of household waste/debris or treated wood timbers, the security fencing around the site should be maintained to prevent illegal disposal, the conveyance notice should be maintained, and contamination remaining below five feet must remain unexposed. The site security fencing is being maintained and the parish continues work to address issues of limited illegal dumping on the site.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the deletion from the NPL are available to the public in the information repositories.

Determination That the Site Meets the Criteria for Deletion in the NCP

The NCP (40 CFR 300.425(e)) states that a site may be deleted from the NPL when no further response action is appropriate. EPA, in consultation with the State of Louisiana, has determined that all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate.

V. Deletion Action

The EPA, with concurrence of the State of Louisiana, through the Louisiana Department of Environmental Quality, has determined that all appropriate responses under CERCLA, other than maintenance of institutional controls and five-year reviews, have been completed. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective September 18, 2009 unless EPA receives adverse comments by August 19, 2009. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 10, 2009.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.

Appendix B to Part 300 [Amended]

■ 2. Table 1 of Appendix B to Part 300 is amended under Louisiana by removing ''Central Wood Preserving Co'', ''Slaughter, LA''.

[FR Doc. E9–17169 Filed 7–17–09; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 209 and 211

[Docket No. FRA–2009–0006; Notice No. 2]

RIN 2130–AC02

Miscellaneous Revisions to the Procedures for Handling Petitions for Emergency Waiver of Safety Regulations and the Procedures for Disqualifying Individuals From Performing Safety-Sensitive Functions

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On May 19, 2009, FRA published a direct final rule in the **Federal Register** which made miscellaneous revisions to the procedures for obtaining waivers from a safety rule, regulation, or standard during an emergency situation or an emergency event, and the procedures for disqualifying individuals from performing safety-sensitive functions. FRA did not receive any comments or requests for an oral hearing on the direct final rule. Therefore, FRA is issuing this document to confirm that the direct final rule will take effect on July 20, 2009, the date specified in the rule.

DATES: The direct final rule published at 74 FR 23329, May 19, 2009, is confirmed effective on July 20, 2009.

FOR FURTHER INFORMATION CONTACT: Grady C. Cothen, Jr., Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1200 New Jersey Ave., SE., RRS–2, Mail Stop 25, Washington, DC 20590 (Telephone 202–493–6302), or Zeb Schorr, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Ave., SE., Mail Stop 10, Washington, DC 20590 (Telephone 202–493–6072).

SUPPLEMENTARY INFORMATION: Pursuant to FRA's direct final rulemaking procedures set forth at 49 CFR 211.33, FRA is issuing this document to inform the public that it has not received any comments or requests for an oral hearing on the direct final rule that was published in the **Federal Register** on May 19, 2009 (74 FR 23329). The direct final rule made miscellaneous revisions to the procedures for obtaining waivers from a safety rule, regulation, or standard during an emergency situation or an emergency event, and the procedures for disqualifying individuals from performing safety-sensitive functions. As no comments or requests for an oral hearing were received by FRA, this document informs the public that the effective date of the direct final rule is July 20, 2009, the date specified in the rule.

Privacy Act Information

Interested parties should be aware that anyone is able to search the electronic form of all comments received into any agency docket by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.regulations.gov.*

Issued in Washington, DC, on July 15, 2009.

Karen J. Rae,

Deputy Administrator, Federal Railroad Administration.

[FR Doc. E9–17187 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571

[Docket No. NHTSA–2009–0116]

RIN 2127–AK35

Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule, response to petitions for reconsideration.

SUMMARY: This final rule delays the compliance date of the sliding door provisions of a February 6, 2007 final rule, from September 1, 2009 to September 1, 2010. The February 6, 2007, final rule amended the Federal motor vehicle safety standard on door locks and door retention components to add and update requirements and test procedures and to harmonize with the world's first global technical regulation for motor vehicles. NHTSA received four petitions for reconsideration of that final rule, including two that requested a delay in the effective date of the sliding door provisions of the rule, and others which raised concerns about some of the new test requirements and procedures. To accommodate manufacturers' design and production cycles while allowing the agency more time to analyze the petitions in regards to other issues, the agency is delaying the compliance date of the sliding door provisions of S4.2.2 until September 1, 2010.

DATES: This final rule is effective September 1, 2009. Any petitions for reconsideration of today's final rule must be received by NHTSA not later than September 3, 2009.

ADDRESSES: Any petitions for reconsideration should refer to the docket number of this document and be submitted to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building, Washington, DC 20590. Note that all documents received will be posted without change to the docket, including any personal information provided. Please see the Privacy Act discussion under the Rulemaking Analyses and Notices section below.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, contact Ms. Shashi Kuppa, Office of Crashworthiness Standards, by telephone at (202) 366–4909, or by fax at (202) 366–2990. For legal issues, contact Ms. Sarah Alves, Office of the Chief Counsel, by telephone at (202) 366–2992, or by fax at (202) 366–3820.

Both persons may be reached by mail at the following address: National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

On November 18, 2004, the Executive Committee of the United Nations Economic Commission for Europe (UNECE) approved the world's first global technical regulation (GTR) for motor vehicles, a GTR on door locks and door retention components which addressed inadvertent door openings in crashes.[1] With the establishment of a

[1] World Forum for Harmonization of Vehicle Regulations (WP.29), *Global Technical Regulation No. 1 Door Locks and Door Retention Components,* U.N. Doc. ECE/TRANS/180/Add.1 (Nov. 18, 2004),

Continued

GTR and having voted in favor of it, the U.S., as a contracting party to the 1998 Agreement,[2] initiated rulemaking to adopt the provisions of the global standard.[3] On December 15, 2004, NHTSA issued a notice of proposed rulemaking (NPRM) proposing to update Federal Motor Vehicle Safety Standard (FMVSS) No. 206, *Door locks and door retention components,* and provide consistency with the GTR (69 FR 75021; Docket No. NHTSA–2004–19840–1). The NPRM comment period closed on February 14, 2005 and 11 commenters provided responses.

Following the NPRM, on February 6, 2007, NHTSA published a final rule amending FMVSS No. 206.[4] Consistent with the GTR and the NPRM, the final rule added test requirements and test procedures for sliding doors, added secondary latched position requirements for doors other than hinged side doors and back doors, provided a new optional test procedure for assessing inertial forces, and extended the application of FMVSS No. 206 to buses with a gross vehicle weight rating of less than 4,536 kilograms (10,000 pounds), including 12–15 passenger vans. The final rule also eliminated an exclusion from the requirements of the standard for doors equipped with wheelchair platform lifts.

After considering the comments, the agency decided on an effective date of September 1, 2009 for the amendments established by the February 2007 final rule. Optional early compliance was permitted. NHTSA stated in the February 2007 final rule that the agency believed this effective date provided manufacturers adequate time to make the necessary design changes. NHTSA also believed that the majority of vehicles already comply with the upgrades of the rulemaking, and that those not currently complying should not need significant changes to come into compliance. In addition, the agency stated that we did not believe it was necessary or appropriate to tie the effective date for the February 2007 final rule with that of a then-pending upgrade of FMVSS No. 214, *Side impact protection,* since that would result in unnecessary delay in obtaining the benefits from the February 2007 final rule.

II. Overview of Petitions for Reconsideration and Agency Response

In response to the February 2007 final rule, NHTSA received petitions for reconsideration from: the Alliance of Automobile Manufacturers (Alliance), the Ford Motor Company (Ford), Advocates for Highway Safety, and Thomas Built Buses, Inc. The petitions addressed a wide range of FMVSS No. 206 issues, including technical issues and requests to change the effective date of the final rule. The Alliance petitioned to make changes to the requirements and test procedures for sliding doors and either to phase in the entire final rule with full implementation in 2012 or to delay the effective date of just the sliding door test requirements until 2012. Ford petitioned to extend the effective date of the entire final rule or at a minimum change the date as it pertained to sliding doors.

The petitions for reconsideration have asked the agency to reconsider many technical aspects of that rulemaking relating to specifics of test procedures, which were for the most part not significant issues. However, NHTSA's response to the petitions is not yet complete, and given the approach of the September 1, 2009 effective date, the agency wishes to respond to the issues of the petitions in parts, with a response today to the effective date issue. Today's final rule delays the compliance date of the sliding door provisions of S4.2.2 of the February 2007 final rule until September 1, 2010, while retaining the original effective date of September 1, 2009 for all other provisions of the final rule. Other issues raised in the petitions for reconsideration will be addressed by the agency in a subsequent document.

III. Discussion

In the February 2007 final rule, after considering the comments and other information, the agency decided on an effective date of September 1, 2009 for the new FMVSS No. 206 requirements. NHTSA believed this effective date provided manufacturers adequate time to make the necessary design changes. Both the Alliance and Ford petitioned NHTSA to extend the effective date of the February 2007 final rule until 2012. Several reasons were suggested by the petitioners.

The first related to the technical basis for the agency's decision. In the final rule, the agency determined that the effective date of September 1, 2009 was reasonable based on tests conducted by NHTSA's Vehicle Research & Test Center (VRTC) and by Transport Canada indicating that the vehicles tested would meet the requirements under consideration. In its petition for reconsideration, Ford stated that the sample evaluation of vehicles tested by VRTC was not all inclusive and did not reflect the complete status of today's fleet. In its March 23, 2007 petition for reconsideration, and in an April 4, 2007 meeting with NHTSA to discuss its petition for reconsideration,[5] Ford expressed concern with its inability to meet the new requirements for sliding doors for large vans by the effective date specified in the February 2007 final rule (September 1, 2009).[6] Ford presented test data demonstrating its position that not all large vans are equipped with two latch systems on their sliding doors and that these vans do not comply with the sliding door test requirements. Based on the test data, Ford contends that significant redesign efforts will be needed to comply with the new sliding door specifications in the February 2007 final rule. In addition, in its petition for reconsideration the Alliance stated that its member companies have not yet tested or certified their sliding door-equipped vehicles to the new test procedure and needed more time to evaluate their vehicles.

Second, both the Alliance and Ford believed that NHTSA should align the February 2007 final rule effective date with that of the new pole test for FMVSS No. 214, *Side Impact Protection,*[7] because the same area of the vehicle must be modified to meet the requirements for both FMVSS Nos. 206 and 214. This is a view that the Alliance had expressed in its comment to the NPRM, to which the agency had responded in the final rule. In its petition for reconsideration, the

available at http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29registry/gtr1.html.

[2] The 1998 UNECE Agreement Concerning the Establishment of Global and Technical Regulations for Wheeled Vehicles, Equipment and Parts Which Can Be Fitted And/Or Be Used On Wheeled Vehicles (1998 Agreement) was concluded under the auspices of the United Nations and provides for the establishment of globally harmonized vehicle regulations. This 1998 Agreement, whose conclusion was spearheaded by the United States, entered into force in 2000 and is administered by the UNECE's World Forum for the Harmonization of Vehicle Regulations (WP.29). *See http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29glob.html.*

[3] While the 1998 Agreement obligates such Contracting Parties to begin their processes, it leaves the ultimate decision of whether to adopt the GTR into their domestic law to the parties themselves.

[4] Docket No. NHTSA–2006–23882; 72 FR 5385 (Feb. 6, 2007).

[5] *See* Docket No. NHTSA–2006–23882–0011 (Apr. 22, 2007).

[6] In its petitions for reconsideration, Ford requested confidential treatment for certain pages labeled ''Confidential'' Or ''Entire Page Confidential.'' The agency granted confidentiality to these pages through a letter dated April 4, 2007 from the Office of Chief Counsel.

[7] NHTSA amended FMVSS No. 214 by incorporating a dynamic pole test into the standard (among other updates), which will require vehicle manufacturers to assure head and improved chest protection in side crashes, by installing new technologies such as side curtain air bags and torso side air bags. *See* 72 FR 51908 (Sept. 11, 2007); response to petitions for reconsideration, 73 FR 32473 (June 9, 2008).

Alliance stated that all current vehicles with a sliding door having a single latching system design will require major structural modifications to the B-pillar(s) and door(s) to accommodate a two-latch design. The petitioner believed that, since both standard upgrades require major structural modifications on the same areas of the vehicle, it would be most efficient to coordinate these changes to meet both requirements simultaneously.[8]

Third, the petitioners believed that the effective date as is pertains to sliding doors should be postponed until 2012, to coincide with the implementation of the door locks and door retention components GTR in Europe. Ford believed that the February 2007 final rule is primarily intended to harmonize requirements internationally and does not add to real world safety benefits, so therefore an implementation date consistent with GTR implementation timing in Europe is reasonable and warranted.

Agency Response

The petitioners are correct that the agency's determination of an effective date of September 1, 2009 was based on tests of only smaller vans. Table 1 below, ''Transport Canada and VRTC Sliding Door Evaluation Test Results,'' provides a summary of Transport Canada's and VRTC's tests used to develop the February 2007 final rule. The table identifies the makes and models of the vehicles tested, the number of sliding door latches, and whether the vehicle passed the required load and allowable door separation requirements.

TABLE 1—TRANSPORT CANADA AND VRTC SLIDING DOOR EVALUATION TEST RESULTS

Model year	Make	Model	Number of latches	Pass/fail load and 4″ gap proposal
Transport Canada Test Results				
1995	Dodge	Caravan	1	Fail.
1998	Dodge	Caravan	1	Fail.
2000	Mazda	MPV	1	Fail.
1999	Honda	Odyssey	1	Fail.
1997	Chevy	Venture	2	Pass.
2000	Pontiac	Transport	2	Pass.
1998	Ford	Windstar	2	Pass.
1999	Ford	Windstar	2	Pass.
VRTC Test Results				
1993	Dodge	Caravan	1	Fail.
2001	Dodge	Caravan	1	Fail.
1992	Chevy	Lumina	1	Fail.
2002	Honda	Odyssey	1	Fail.
2001	Ford	Windstar	2	Pass.

Table 1 shows that evaluation testing was only conducted on mini-vans. Table 1 also indicates that all the vehicles that passed the 100 millimeter (mm) limit of door separation specified in the sliding door test requirement were equipped with two latch systems while all those that failed were equipped with one latch system.[9] As shown in Table 1, large vans were excluded from evaluation testing. The agency did not test large vans sliding doors because it believed at the time that these doors were equipped with two latching systems.

The agency has reconsidered the Transport Canada and VRTC test data in light of the information from Ford. We continue to believe that the majority of the current fleet already complies with the sliding door test. Most sliding doors in the fleet have two latching systems, with a latching system on the front and the rear edges of the door, and are capable of meeting the sliding door requirements in the final rule without design modifications. However, we recognize that vehicles with one latching system are generally unable to meet the force load requirement or the allowable door separation limitation and that information from Ford indicates that many large van sliding doors currently have only one latch. Thus, many large vehicles will need to have an additional latch installed on the sliding doors. While this design change to vehicles with one latching system is not significant, an additional year to meet S4.2.2 of the 2007 final rule will better enable manufacturers to assess their vehicles and accommodate needed changes within design and production cycles. Accordingly, we are delaying the compliance date of the sliding door provisions of S4.2.2 of the February 2007 final rule until September 1, 2010, to provide manufacturers another year of lead time.

However, we are retaining the original effective date of September 1, 2009 for all other provisions of the final rule. We do not agree that significant design changes will be needed to comply with the requirements of FMVSS No. 206. Ford stated that vehicles not meeting the upgraded standard experienced deformation and damage to the sheet metal of the B and C-Pillar, the door sliding track, and the latch. We also observed similar sheet metal and track damage as that reported by Ford in the minivans with a single latching system that failed the sliding door test requirements. However, vehicles with sliding doors equipped with two latch systems were able to meet the sliding door test requirements in the standard without extensive damage to the sheet metal, door track or latch. Thus, NHTSA

[8] The Alliance's revised petition for reconsideration (based on its projections about the then-pending FMVSS No. 214 final rule) requested a change in the effective date schedule as follows: September 1, 2011—20%; September 1, 2012—50%; September 1, 2013—100%. NHTSA published the FMVSS No. 214 final rule and response to petitions for reconsideration after submission of the petition. Under these final rules, the phase in schedule for FMVSS No. 214 begins September 1, 2010 and ends for vehicles made in one stage September 1, 2015. 73 FR 32473, *supra.*

[9] The table indicates that generally, all early model minivans are equipped with one sliding door latching systems while newer minivans have two latching systems.

believes that it is likely that if Ford's large van sliding door were equipped with two latch systems, the vehicle would pass the requirements without a significant redesign of the surrounding structure.

We reiterate our conclusion in the February 2007 final rule that aligning the effective date of the FMVSS No. 206 final rule with that of the FMVSS No. 214 upgrade is unwarranted.[10] The door lock and door retention components requirements do not affect the same vehicle structural components that may require modification to meet the FMVSS No. 214 upgrade requirements. The tests for the two rulemakings are very different, and the test for this rule is not a dynamic crash test. Since vehicles with two latch systems were able to meet the standard's requirements without extensive damage to the sheet metal, door track, or other components, we believe that the sheet metal damage cited by Ford is not determinative for complying with the FMVSS No. 206 requirements. As such, we do not believe it would be appropriate to tie the effective date for this rule with that of the side impact upgrade, since that would result in unnecessary delay in obtaining the benefits from this rule.

As for the arguments to align the effective date to the implementation of the GTR in Europe, NHTSA is not obligated by the 1998 Agreement to harmonize effective dates of GTRs with other countries. The GTR process allows each country to develop its own implementation schedule of the rule. Therefore, we reject Ford's assertion that ''an effective date consistent with GTR implementation timing in Europe is reasonable and warranted.'' Extending the compliance date of the sliding door provisions until September 1, 2010 gives sufficient time for necessary modifications to comply with the new test requirements while ensuring that the benefits from the rule will be achieved in the U.S. as quickly as possible. Therefore, we are retaining the final rule effective date of September 1, 2009, with the exception of extending the effective date of the sliding door provisions of S4.2.2 to September 1, 2010 to accommodate manufacturers' design and production cycles.

IV. Effective Date of This Document

Because September 1, 2009 (the original effective date for the February 2007 final rule) is fast approaching, NHTSA finds for good cause that this action delaying the compliance date should take effect immediately. Today's final rule makes no substantive changes to FMVSS No. 206, but delays the compliance date of the sliding door provisions of S4.2.2 of the February 6, 2007 final rule until September 1, 2010 while the agency responds to the petitions for reconsideration of the rule.

V. Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866. It is not considered to be significant under E.O. 12866 or the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Although the February 6, 2007 final rule was significant due to public interest in the issues, this postponement of the compliance date of the sliding door provisions of S4.2.2 of the February 6, 2007 final rule until September 1, 2010 is not significant. This final rule does not impose any requirements on any manufacturer. The minimal impacts of today's amendment do not warrant preparation of a regulatory evaluation.

Executive Order 13132 (Federalism)

NHTSA has examined today's final rule pursuant to Executive Order 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments or their representatives is mandated beyond the rulemaking process. The agency has concluded that the rule does not have federalism implications because the rule does not have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Further, no consultation is needed to discuss the preemptive effect of today's rule. NHTSA rules can have preemptive effect in at least two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemptive provision: ''When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter.'' 49 U.S.C. 30103(b)(1). It is this statutory command that preempts State law, not today's rulemaking, so consultation would be unnecessary.

Second, the Supreme Court has recognized the possibility of implied preemption. State requirements imposed on motor vehicle manufacturers, including sanctions imposed by State tort law, can stand as an obstacle to the accomplishment and execution of a NHTSA safety standard. When such a conflict is discerned, the Supremacy Clause of the Constitution makes the State requirements unenforceable. *See Geier* v. *American Honda Motor Co.,* 529 U.S. 861 (2000). NHTSA has considered today's final rule and does not currently foresee any potential State requirements that might conflict with it. Without any conflict, there could not be any implied preemption.

Executive Order 13045

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rulemaking that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This rulemaking is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866.

Executive Order 12988 (Civil Justice Reform)

With respect to the review of the promulgation of a new regulation, section 3(b) of Executive Order 12988, ''Civil Justice Reform'' (61 FR 4729, February 7, 1996) requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. This document is consistent with that requirement.

Pursuant to this Order, NHTSA notes as follows. The preemptive effect of this rule is discussed above. NHTSA notes further that there is no requirement that individuals submit a petition for reconsideration or pursue other

[10] 72 FR at 5396.

administrative proceeding before they may file suit in court.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule would not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

I certify that this final rule does not have a significant economic impact on a substantial number of small entities. This rule affects motor vehicle manufacturers, multistage manufacturers and alterers, but the entities that qualify as small businesses will not be significantly affected by this rulemaking. This final rule does not establish new requirements, but instead only adjusts an effective date of one of the provisions of the February 2007 final rule.

National Environmental Policy Act

We have analyzed this final rule for the purposes of the National Environmental Policy Act and determined that it does not have any significant impact on the quality of the human environment.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. The final rule does not contain any new information collection requirements.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272) directs us to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

No voluntary consensus standards were used in developing today's final rule because this final rule only adjusts an effective date of one of the provisions of the standard. There are no voluntary standards that address the subject of this rulemaking.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year (adjusted for inflation with base year of 1995). Before promulgating a NHTSA rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if we publish with the final rule an explanation why that alternative was not adopted.

The final rule will not impose any unfunded mandates under the Unfunded Mandates Reform Act of 1995. This rulemaking does not meet the definition of a Federal mandate because it would not result in costs of $100 million (adjusted annually for inflation with a base year of 1995 or 116 million in 2003 dollars) or more to either State, local, or tribal governments, in the aggregate, or to the private sector. Thus, this rulemaking is not subject to the requirements of sections 202 and 205 of the UMRA.

Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

List of Subjects in 49 CFR Part 571

Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

■ In consideration of the foregoing, NHTSA amends 49 CFR 571.206 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for Part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

■ 2. Section 571.206 is amended by adding S4.2.2.3, to read as follows:

§ 571.206 Standard 206; Door locks and door retention components.

* * * * *

S4.2.2.3 This S4.2.2.3 applies to vehicle manufactured on or after September 1, 2010.

* * * * *

Issued on: July 14, 2009.

Ronald L. Medford,

Acting Deputy Administrator.

[FR Doc. E9–17078 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 217

[Docket No. 090206146–91055–02]

RIN 0648–AX32

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Port of Anchorage Marine Terminal Redevelopment Project, Anchorage, Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS, upon application from the Port of Anchorage (POA) and the U.S. Department of Transportation Maritime Administration (MARAD), has issued regulations to govern the unintentional taking of marine mammals, by harassment, incidental to Phase II of the POA's Marine Terminal Redevelopment Project (MTRP) for the period July 2009 through July 2014. These regulations, which allow for the issuance of annual ''Letters of Authorization'' (LOAs) for the incidental take of marine mammals during the described activities and specified time frames, prescribe the permissible methods of taking and other means of effecting the least adverse impact practicable on marine mammal species and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking.

DATES: Effective July 15, 2009 and is applicable to the POA and MARAD on July 15, 2009 through July 14, 2014, upon signature of this final rule.

ADDRESSES: A copy of the POA/MARAD's application, NMFS' Final Environmental Assessment (EA), Supplemental EA (SEA) and Findings of No Significant Impact (FONSIs) may be obtained by writing to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resource, National Marine Fisheries Service, 1315 East–West Highway, Silver Spring, MD 20910–3225, by telephoning the contact listed under FOR FURTHER INFORMATION CONTACT, or on the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications*. Documents cited in this final rule may also be viewed, by appointment, during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jaclyn Daly, Office of Protected Resources, NMFS, (301) 713–2289, ext. 151.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review. Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as:

> any act of pursuit, torment, or annoyance which (I) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Authorization for incidental takings may be granted for up to 5 years if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as: ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Summary of Request

On November 20, 2008, NMFS received an application from the POA/MARAD requesting regulations to take, by Level B harassment only, marine mammals incidental to certain construction activities associated with the MTRP. On January 9, 2009, the POA/MARAD also submitted a Demolition Plan which describes options of dock demolition and impacts to marine mammals from each option. As described in the application marine mammals may be harassed by noise from in–water pile driving. This final rule authorizes the take, by Level B harassment only, of the following marine mammals which could be present within the action area: Cook Inlet beluga whales (*Delphinapterus leucas*), harbor seals (*Phoca vitulina*), harbor porpoises (*Phocoena phocoena*), and killer whales (*Orcinus orca*).

The proposed rule for this action listed in–water chipping, which would occur under Option 1 in the Demolition Plan, as an additional source of potential harassment; however, NMFS misunderstood specifics of the chipper hammer (i.e., the energy required to operate the hammer) and, upon clarification from the POA/MARAD, has now determined that dock demolition will not result in harassment to marine mammals given the implementation of the required mitigation measures (see Change in Rule Relative to the Proposed Rule).

Description of the Specified Activity

According to the application, the MTRP is designed to upgrade and expand the existing POA facilities by removing and replacing aging and obsolete structures and providing additional dock and backland areas, without disruption of maritime service during construction. The POA serves 85 percent of the population within the State of Alaska by providing 90 percent of all consumer goods and is an economic engine for the State of Alaska.

Located within the Municipality of Anchorage on Knik Arm in upper Cook Inlet, the existing 129–acre POA facility is currently operating at or above sustainable practicable capacity for the various types of cargo handled at the facility. In addition, the existing infrastructure and support facilities are substantially past their design life, have degraded to levels of marginal safety, and are in many cases functionally obsolete. The MTRP will replace, upgrade, and expand the current POA facility to address existing needs and projected future needs, allowing the POA to adequately support the economic growth of Anchorage and the State of Alaska through 2025 and beyond. Upon completion, the phased MTRP will add 135 acres of usable land to the current 129 acre POA (total area of 264 acres). The completed marine terminal at the POA will include: seven modern dedicated ship berths; two dedicated barge berths; rail access and intertie to the Alaskan railbelt; roadway improvements; security and lighting improvements; slope stability improvements; drainage improvements; modern shore–side docking facilities; equipment to accommodate cruise passengers, bulk, break–bulk, roll on/roll off (RO–RO) and load on/load off

(LO–LO) cargo, general cargo short–term storage, military queuing and staging, and petroleum, oils, and lubricants (POL) transfer and storage; and additional land area to support expanding military and commercial operations.

In–water construction activities, specifically in–water pile driving, have the potential to harass marine mammals if they are exposed to sound levels at or above certain threshold levels. NMFS considered harassment from other activities (e.g., construction of dikes, discharge, settlement and compaction of fill material, installation of utilities, and paving within a 27–acre intertidal area) during Phase I of the MTRP and during the IHA issuance process and has determined that these activities would not result in take of marine mammals if certain operational procedures and mitigation measures were implemented by the POA. NMFS also considered noise impacts during dock demolition. NMFS concludes that in–water pile driving is the only activity which warrant an MMPA authorization. A complete description of the specified activities and affected environment can be found in the proposed rule **Federal Register** document for this action (74 FR 18493, April 23, 2009).

Change in Rule Relative to the Proposed Rule

During review of the Demolition Plan, NMFS analyzed three proposed methods presented by the POA/MARAD, including use of a chipping hammer and explosives. Because dock demolition will not occur for over one year, the POA/MARAD needs to retain a reasonable amount of variation in demolition methods to practicably submit bid contracts. NMFS now understands that its interpretation of the energy needed to operate the chipping hammer was inaccurate. The POA/MARAD provided information that the chipping hammer operates at ''19 percent of the energy required for a vibratory pile driving hammer.'' NMFS took this to mean 19 percent less energy (e..g, if the vibratory hammer works at 100 horsepower, the chipping hammer works at 81 horsepower). Based on that interpretation, and given the lack of empirical sound source verification, NMFS implemented monitoring measures identical to vibratory pile driving (i.e., 1,300 m Level B harassment zone isopleth and 200 m safety zone). In fact, the chipping hammer operates at 19 percent of what is required for the vibratory hammer (e.g., using the 100 horsepower example above, the chipper hammer works at 19 horsepower). Given that the chipping hammers requires 81 percent less energy than the vibratory hammer, NMFS has determined that monitoring the 1,300 m harassment isopleth during in–water chipping (if chosen as the method for demolition) is not necessary, as the 120 dB isopleth from this activity would not extend this far out into Knik Arm. However, NMFS has conservatively retained a 200 m safety zone for this activity. Therefore, given the required shut down mitigation, NMFS does not anticipate takes of marine mammals will occur from this activity. All analysis and proposed mitigation for Options 2 and 3 of the Demolition Plan, as described in the proposed rule, remain accurate.

Comments and Responses

On April 23, 2009, NMFS published a notice of proposed rulemaking (74 FR 18493) in the **Federal Register** on the POA/MARAD's request to take marine mammals incidental to the MTRP and requested comments, information, and suggestions concerning the request. NMFS also made a Draft SEA available for public comment. While no comments were received specific to the Draft SEA, one commentor provided comments on the original EA and FONSI issued by NMFS on July 14, 2008. While public comment was sought on the draft version of the SEA, NMFS found this set of comments to be directly relevant to the SEA, in that they primarily raised issues related to the effects of the underlying activity on the distinct population segment (DPS) of Cook Inlet beluga whales which are listed under the ESA. While comments on the prior FONSI are not relevant, as the agency would reach a new finding based on the analysis in this SEA, we summarize the relevant issues raised both on the prior EA and FONSI in the Final SEA as they relate to the scope and content of the analyses under consideration by NMFS.

During the 30-day public comment period, The Humane Society of the United States (HSUS), the Center for Biological Diversity (CBD), and the Marine Mammal Commission (Commission) submitted comments on the proposed regulations. HSUS requests NMFS deny the permit and the Commission recommends that NMFS withdraw the proposed rule and refrain from authorizing the taking of Cook Inlet beluga whales at this time. For the reasons set forth in the proposed rule and this preamble, NMFS believes issuance of the authorization is appropriate. Following are the comments from the Commission and HSUS and NMFS' responses.

Comment 1: The Commission disagrees with NMFS' finding that the MTRP will have a negligible impact on Cook Inlet beluga whales given that it will, in summary, result in increased noise and other types of disturbance, habitat degradation and destruction, and various other environmental concerns such as disturbance to potentially harmful bottom sediments from dredging, increased pollution, discharge of ballast water and other impacts associated with increased vessel traffic from an expanded port. In support of its comment, the Commission cites NMFS' final rule listing Cook Inlet beluga whales as endangered, which identifies continued development along upper Cook Inlet and its cumulative impacts on important beluga whale habitat as one of several possible causes for the observed population trends. The Commission suggests that NMFS' population viability analysis in the final rule listing the species indicates the status quo is already jeopardizing the continued existence of the species and says the population will continue to decline, eventually to extinction, if nothing is done to reverse the recent trends. Accordingly, the Commission recommends NMFS refrain from authorizing take of Cook Inlet beluga whales until the Agency has conducted more research to identify the factor(s) contributing to the decline and/or lack of recovery of the population, can discount the factors associated with port construction and use as significant contributors, and determine that, once mitigated, the MTRP will not have more than a negligible impact on beluga whales.

Response: Section 4(a) of the ESA requires the Secretary of Commerce (Secretary), after receipt of a petition, to list a specified species, to determine whether any species is endangered or threatened based on any of five specific factors. NMFS' final rule to list Cook Inlet beluga whales as endangered identified, among others, ''the present or threatened destruction, modification, or curtailment of its habitat or range'' as a factor contributing to the species endangered status. Specifically, NMFS cited oil and gas exploration, development, and production; and industrial activities that discharge or accidentally spill pollutants. NMFS therefore agrees that coastal development projects in Cook Inlet should be closely assessed with respect to beluga whale conservation and recovery.

For this project, NMFS looked at the intensity of habitat destruction and modification and whether this, combined with all aspects of the project,

would have more than a negligible impact on Cook Inlet beluga whales. The thorough assessment of habitat loss and degradation from the MTRP can be found in Chapter 4 of the 2008 EA, which has been incorporated by reference into the 2009 SEA; habitat impacts were also addressed in the **Federal Register** notification of proposed rulemaking for this action. NMFS assessed not only the permanent loss of the proposed 135 acres of filled intertidal and sub–tidal habitat with respect to beluga whale prey, but also hydrodynamic shifts from expanded port completion, and habitat degradation from noise, dredging, and pollution.

As NMFS' 2008 *Conservation Plan for the Cook Inlet Beluga Whale (Delphinapterus leucas)* (herein after ''Conservation Plan'') states, the primary concern relating to coastal development in Upper Cook Inlet is that it may restrict passage of beluga whales along Knik Arm to important feeding areas. The MTRP footprint is restricted to the eastern side of Knik Arm, with the new dock extending approximately 400 m seaward of the current dock. Sound propagation beyond NMFS Level B harassment thresholds (160dB for impact pile driving and 125 dB for vibratory pile driving) is not expected to extend beyond 300 and 1,300 m, respectively, while that area of Knik Arm extends approximately 4.17 km across and should allow for beluga passage to the primary feeding hotspots (15–17 miles north of the POA), as identified in the Conservation Plan. NMFS considered all available studies investigating behavioral and TTS data on beluga whales, including data from monitoring reports under the POA/MARAD's current IHA, baseline environmental conditions (e.g., ambient sound levels, exposure to anthropogenic activities), and mitigation measures when analyzing the impacts on Cook Inlet beluga whales. Based on captive and field acoustic studies, it is possible that beluga whales may alter their behavior in response to noise from the MTRP; however, to date, the monitoring reports do not indicate short or long term change in behavior or habitat use. Surveys conducted before port construction began indicated that 79 percent of all beluga whales entering Knik Arm utilized waters within the MTRP footprint (Markowitz *et al.* 2005). These surveys are ongoing, and after 5 months of pile driving (July to November), there is no indication of a change in habitat use or restriction of beluga whale passage. Finally, over 90 percent of Knik Arm remains undeveloped, and where development is prevalent, it is relatively confined to the lower portion of Knik Arm, away from primary beluga whale foraging hotspots.

NMFS began working with the POA/MARAD before the MTRP began and is requiring monitoring and mitigation measures beyond those previously recommended during the USACE's scoping process for issuance of its 404 Permit. In addition, the POA/MARAD has undertaken and continues dedicated fish and marine mammal monitoring studies and is developing an acoustic plan to further investigate beluga whale vocalization patterns in response to construction.

Based on NMFS' analysis of all impacts from the MTRP, as described in the **Federal Register** notices for this project, the 2008 EA, and the 2009 SEA, including analysis of the project design (e.g., limited to one side of Knik Arm), numerous fish surveys, habitat classification and hydrodynamic modeling studies, sediment analysis and beluga health assessments (with respect to contaminants), noise surveys conducted at and around the POA, and the incorporation of mitigation measures contained in these regulations and the POA/MARAD's USACE 404 Permit, NMFS has determined that the MTRP is not reasonably likely to adversely affect Cook Inlet beluga whales through effects on annual rates of recruitment or survival (i.e., negligible impact) and will not have an unmitigable adverse impact on the availability of Cook Inlet beluga whales for taking for subsistence uses should the current moratorium on harvest be lifted. Further, NMFS' SEA and EA, which consider cumulative impacts, resulted in a FONSI for this action.

Although there is some uncertainty with respect to Cook Inlet beluga population trends and causes, it does not prevent NMFS from making decisions based on the best information available. The MMPA directs NMFS to issue permits allowing incidental, but not intentional, taking, provided certain findings can be made, and the best available information indicates that the activity under consideration satisfies those conditions.

NMFS thoroughly assessed the best available information, including monitoring reports collected under the IHA, and determined it sufficient to make an informed judgment about the effects of the MTRP on Cook Inlet belugas and the means to mitigate those effects. Nevertheless, there are efforts to improve understanding of the factors affecting recovery. Separating out what may very well be confounding factors can be extremely difficult. In Cook Inlet, NMFS conducts annual beluga whale aerial abundance surveys and investigates live stranding events and carcasses. Analysis of carcasses, including gross anatomy examinations; skin, tissue, blubber, blood, and organ sampling; and analysis of loads of contaminants, disease, and parasitism, will aid in determining the health of the environment beluga whales utilize and, possibly, the underlying causes of strandings. These and other efforts will continue to allow NMFS a better understanding of the factors limiting Cook Inlet beluga whale recovery.

Specific to the MTRP, the POA/MARAD have overseen extensive pre–construction and present day research in the form of marine mammal surveys and monitoring in order to assess both short term and long term impacts to beluga whales, as described in the proposed rule (73 FR 18493, April 23, 2009). In addition, the POA/MARAD are preparing, with recommendations from NMFS, an acoustic plan to determine a sighting rate correction factor by comparing detection of vocal beluga whales from passive acoustic monitoring (PAM) to the rate of visual observations. In addition, this PAM study will continue to characterize sound levels around the POA during and in the absence of all construction activities. Further, independent acoustic studies have been proposed by Alaska Pacific University and scientists from other organizations to investigate beluga whale vocalizations in response to anthropogenic noise (these studies are independent of the MTRP and are not affiliated with the POA/MARAD). NMFS has determined that the research being conducted by the POA/MARAD is appropriate to determine levels of impacts specific to this project, and will continue to use data from other research to assess beluga whale stressors.

Finally, NMFS disagrees that the status quo is jeopardizing the continued existence of the species. NMFS is mindful of the endangered status of the whales and is committed to promoting their conservation and recovery. In that regard, NMFS conducted its ESA consultation with the POA/MARAD and concluded, based on the best available information, that the MTRP is not likely to jeopardize the continued existence of Cook Inlet beluga whales. The associated incidental take statement contains reasonable and prudent measures to minimize the impact of the incidental take from the MTRP as well as terms and conditions to implement those measures.

Comment 2: HSUS commented that it is not clear if marine mammal observers

(which are required under the POA's IHA) noticed subtle startle responses which could be an indication of stress.

Response: During all pile driving operations, the POA/MARAD are required to have NMFS approved marine mammal observers on site to inform construction workers of the presence of beluga whales around the POA, implement shut down procedures should a marine mammal enter into designated safety zones, and observe any responses, including subtle ones, of beluga whales when entering the waters around the POA. In addition, an independent marine mammal monitoring team is stationed atop Cairn Point to characterize beluga whale abundance and habitat use around the POA. This independent monitoring team currently consists of Alaska Pacific University graduate students with expertise in marine mammal science, including behavior. All marine mammal monitoring reports, from both teams, have reported zero reactions from beluga whales to POA expansion with the exception of three groups splitting when they approached a barge. These reports also indicate that beluga whales continue to use the waters around the POA for travel and foraging similar to use before construction (monitoring has been occurring since 2004). A summary of these reports can be found in the proposed rule **Federal Register** notice and the SEA prepared for this action.

Quantifying marine mammal stress response is not possible without direct measurements such as those obtained from the collection of blood or feces; however, presence of observable reactions could be one indication that an animal is stressed. Further, NMFS acknowledged in its proposed rule for the proposed action that a stress response which is not associated with an observable reaction may occur. Monitoring reports indicate that beluga whales are not observably reacting to construction activities, including pile driving. While a stress response may be occurring, it is unlikely the degree of stress is one which is prohibiting recovery (i.e., the whales are not fleeing/abandoning high quality habitat).

NMFS has also considered the cumulative impact of multiple past, present, and foreseeable actions in its NEPA documents and has determined that any additional stress from these actions and the proposed action are not likely to result in an impact which could be considered significant due to mitigation measures (e.g., low tide impact pile driving restriction, shut down zones) and the nature of operations (e.g., the intermittent nature of pile driving, pile driving occurs at one side of Knik Arm which allows for a zone of passage where sound levels are below NMFS harassment threshold levels, etc).

Comment 3: The CBD provided comments on the proposed rule which were identical to those submitted during the 30-day comment period on the proposed IHA in 2008. NMFS addressed these comments in the Notice of Issuance for that IHA (73 FR 41318, July 18, 2008). In addition to those responses, NMFS notes that marine mammal monitoring reports collected under the IHA, as described in this document and the proposed rulemaking **Federal Register** notice, suggest that beluga whales are not behaviorally reacting to noise from pile driving nor are longer term changes in habitat use or use frequency obvious. These direct observations of beluga whale reactions to pile driving, and not inference from reactions to icebreaker ships or seismic surveys, support NMFS' determination that the impacts from the MTRP to this species is negligible. NMFS will continue to review POA/MARAD monitoring reports and new literature and reports on the recovery status of Cook Inlet beluga whales in general.

Potential Effects of Specified Activities on Marine Mammals

The potential effects of the specified activity were fully described in NMFS' Notice of Proposed Rulemaking (74 FR 18493, April 23, 2009) and are summarized here. Noise generated from in–water pile has the potential to result in harassment of the aforementioned species if a marine mammal is present within specified distances during such activities. The specified activities will result in two types of noise: pulsed noise from impact pile driving and non–pulsed noise from vibratory pile driving. Again, NMFS has determined that in–water chipping associated with demolition of the dock will not result in harassment because the chipping hammer works at significantly reduced energy than a vibratory hammer (81 percent less) and the POA/MARAD will continue to shut down if marine mammals enter the 200m safety zone during in–water chipping.

The available scientific literature suggest that introduction of pile driving into the marine environment could result in short term behavioral and/or physiological marine mammal impacts such as: altered headings; increased swimming rates; changes in dive, surfacing, respiration, feeding, and vocalization patterns; masking, and hormonal stress production (Southall *et al.*, 2007); however some field studies also suggest marine mammals do not observably respond to construction type sounds such as drilling (e.g., Richardson *et al.*, 1990, 1991; Moulton *et al.*, 2005). Observation data on marine mammal responses to pile driving, as required under the POA/MARAD's current IHA, for these activities is summarized in the POA/MARAD's application and NMFS' proposed rulemaking. The potential effects described in the proposed rule are the same as those that would occur under this final rule. In summary, beluga whales are not noticeably reacting to MTRP construction activities and are not utilizing the habitat differently than when compared to pre in–water pile driving activity. NMFS anticipates that the total taking of marine mammals from the specified activities will have a negligible impact on the affected species or stock of marine mammals, and that the total taking will not have an unmitigable adverse impact on the availability of species or stocks of marine mammals for taking for subsistence uses.

Numbers of Marine Mammals Estimated to be Taken by Harassment

The marine mammal species authorized to be taken by Level B harassment incidental to the MTRP are Cook Inlet beluga whales, harbor seals, harbor porpoises, and killer whales. The number of Cook Inlet beluga whales authorized to be harassed each year, under annual LOAs, may vary slightly according to NMFS' annual population estimates (generated from yearly aerial surveys) but will remain within numbers considered small relative to the population size. NMFS anticipates that take numbers will remain around take authorized in the 2008 IHA; 34 whales per year. Take of harbor seals, harbor porpoise, and killer whales are likely to remain constant at 20, 20, and 5 takes per year, all of which are considered small relative to the population sizes for each stock, as described in the proposed rule.

Potential Effects on Marine Mammal Habitat

The potential effects of the specified activity on marine mammal habitat were also fully described in NMFS' Notice of Proposed Rulemaking (74 FR 18493, April 23, 2009) and are summarized here. Impacts on marine mammal habitat are part of the consideration in making a finding of negligible impact on the species and stocks of marine mammals. Habitat includes, but is not limited to, rookeries, mating grounds, feeding areas, and areas of similar significance. Upon completion, the MTRP will create an additional 135 acres of useable land by filling intertidal

and subtidal habitat, some of which has already been completed. The area to be filled is considered rearing and nursery habitat for numerous marine mammal prey species and NMFS considered the permanent loss and degradation of this habitat in this regard when analyzing for a negligible impact determination. Based on scientific fish and habitat studies conducted around the POA, the design plan of the new port, marine mammal monitoring reports (and NMFS scientists observations of beluga whales feeding around the newly filled backlands area), and the POA/MARAD's U.S. Army Corps of Engineer's 404/10 Permit habitat mitigation, conservation, and restoration requirements, NMFS has determined that marine mammal prey abundance will not be affected to a level which would negatively impact marine mammal food resources.

Potential Effects of Specified Activities on Subsistence Needs

The potential effects of the specified activity on subsistence needs were also fully described in NMFS' Notice of Proposed Rulemaking (74 FR 18493, April 23, 2009) and are summarized here. Currently, no subsistence hunting of beluga whales is occurring. Traditionally, no subsistence hunting took place within the action area and given the urbanization of Anchorage and the presence of commercial and recreational use of waters near the POA, it is unlikely hunting would actually occur here in the future. Therefore, the MTRP will not have a direct impact on actual hunting location should the hunt occur in the future. In addition, no indirect impacts (i.e., availability of beluga whales reduced due to the MTRP) are anticipated. NMFS, through its project analysis, has determined that any harassment from the MTRP to marine mammals, including Cook Inlet beluga whales, will be short–term and limited to changes in behavior and stress responses. NMFS does not anticipate that the authorized taking of affected species or stocks will result in changes in reproduction, survival, or longevity rates which could decrease population levels, impact habitat or prey abundance to a level which could negatively impact population growth, or result in changes in distribution, as indicated by the first year of monitoring reports under the POA/MARAD's IHA. Therefore, NMFS has determined that the issuance of these regulations will not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence uses.

Mitigation

To minimize impacts on marine mammals present within the action area, the POA/MARAD, in collaboration with NMFS, has prepared the following mitigation measures, which are incorporated into these regulations.

Scheduling of Construction Activities During Low Use Period of Beluga Whales Around the POA–Tidal Restrictions

Tides have been shown to be an important physical characteristic in determining beluga movement within Knik Arm. Most beluga whales are expected to be foraging well north of the POA during the flood and high tide. However, these northern areas are exposed during the ebb and low tide; therefore, animals move south toward Eagle Bay and sometimes as far south as the Knik Arm entrance to avoid being stranded on mudflats. Based on the beluga whale monitoring studies conducted at the POA since 2005, beluga whale sightings often varied significantly with tide height at and around the POA (Funk *et al.*, 2005, Ramos *et al.*, 2005, Markowitz and McGuire, 2007). Beluga whales were most often sighted during the period around low tide and, as the tide flooded, they typically moved into the upper reaches of the Arm. Opportunistic sighting data also support that highest beluga whale use near the POA is around low tide (NMFS, unpubl. data).

Due to this tidally influenced habitat use, impact pile driving, excluding work when the entire pile is out of the water due to shoreline elevation or tidal stage, shall not occur within two hours of either side of each low tide (i.e., from two hours before low tide until two hours after low tide). For example, if low tide is at 1 p.m., impact pile driving will not occur from 11 a.m. to 3 p.m. Vibratory pile driving will be allowed to commence/continue during this time because its characteristics (non–pulse sound type and lower source level) are expected to elicit less overt behavioral reactions.

Establishment of Pile Driving Safety Zones and Shut–down Requirements

NMFS acknowledges that shut–down of reduced energy vibratory pile driving during the ''stabbing'' phase of sheet pile installation may not be practicable due to concerns that the sheet pile may break free and result in a safety and navigational hazard. Therefore, the following shut–down requirements apply to all pile driving except during the ''stabbing'' phase of the installation process.

Safety Zones

In 2007 and 2008, the POA/MARAD conducted sound studies to obtain reliable estimates of distances for 190 (pinniped Level A (injury) threshold), 180 (cetacean Level A threshold), 160 (impact pile driving Level B harassment threshold) 120 dB (in 2008) and 125 dB (in 2009) (vibratory pile driving Level B harassment threshold) isopleths. There was some discretion between these two studies; therefore, NMFS extrapolated the more conservative isopleths from each study to identify Level B harassment radii. Therefore, based on NMFS' analysis of the acoustic data, the Level A and Level B harassment isopleth distances are 10 m (190 dB); 20 m (180 dB); 350 m (160 dB); and 1,300 m (125dB). Although the 190 and 180 dB isopleths are within 20 m for both types of pile driving, NMFS has established a conservative 200 m mandatory shut–down safety zone which would require the POA to shut–down in–water pile driving or chipping any time a marine mammal enters this zone.

Shut–down for Large Groups

To reduce the chance of the POA reaching or exceeding authorized take and to minimize harassment to beluga whales, if a group of more than five beluga whales is sighted within the relevant Level B harassment isopleth, shut–down is required.

Shut–down for Calves

Marine mammal calves could be more susceptible to loud anthropogenic noise than juveniles or adults; therefore, the presence of calves within any harassment isopleth will require shut–down. If a calf is sighted approaching or within any harassment zone, pile driving will cease and not be resumed until the calf is confirmed to be out of the harassment zone and on a path away from such zone. If a calf or the group with a calf is not re–sighted within 15 minutes, pile driving may resume.

Heavy Machinery Shut–downs

For other in–water heavy machinery operations other than pile driving, if a marine mammal comes within 50 m of operations, they will cease and vessels will slow to a reduced speed while still maintaining control of the vessel and safe working conditions. Such operations include port operated dredges, water based dump–scows (barges capable of discharging material through the bottom), standard barges, tug boats to position and move barges, barge mounted hydraulic excavators or clamshell equipment used to place or remove material.

In–water Pile Driving and Chipping Weather Delays

Adequate visibility is essential to beluga whale monitoring and determining take numbers. In–water pile driving will not occur when weather conditions restrict clear, visible detection of all waters within the Level B harassment zones or 200 m safety zone. Such conditions that can impair sightibility and require in–water pile driving delays include, but are not limited to, fog and a rough sea state.

Exceedence of Take

If maximum authorized take is reached or exceeded for the year for any marine mammal species, any marine mammal of that species entering into the Level B harassment isopleths will trigger mandatory shut–down.

Use of Impact Pile Driving Hammers

In–water piles will be driven with a vibratory hammer to the maximum extent possible (i.e., until a desired depth is achieved or to refusal) prior to using an impact hammer.

Soft Start to Pile Driving Activities

A ''soft start'' technique will be used at the beginning of each pile installation to allow any marine mammal that may be in the immediate area to leave before pile driving reaches full energy. The soft start requires contractors to initiate noise from vibratory hammers for 15 seconds at reduced energy followed by 1-minute waiting period. The procedure will be repeated two additional times. If an impact hammer is used, contractors will be required to provide an initial set of three strikes from the impact hammer at 40 percent energy, followed by a one minute waiting period, then two subsequent 3 strike sets (NMFS, 2003). If any marine mammal is sighted within the 200 m safety zone prior to pile–driving, or during the soft start, the hammer operator (or other authorized individual) will delay pile–driving until the animal has moved outside the 200 m safety zone. Furthermore, if any marine mammal is sighted within or approaching a Level B harassment zone prior to beginning pile driving, operations will be delayed until the animals move outside the zone in order to minimize harassment. Pile–driving will resume only after a qualified observer determines that the marine mammal has moved outside the 200m safety or Level B harassment zone, or after 15 minutes have elapsed since the last sighting of the marine mammal within the safety zone.

Demolition Mitigation

Table 7–1 in the Demolition Plan outlines all mitigation measures for each proposed option as described in the Specified Activities section of this document. Should chipping in–water be the chosen method for demolition (i.e., Option 1), the POA will abide by the safety shut down zone (200 m) established for pile driving. Other mitigation including poor weather delays, large group shut–downs, and calf shut–downs will also be implemented for in–water chipping should animals enter within 200 m of the operating chipping hammer. Marine mammal observers will begin searching for animals 30 minutes prior to the start of all in–water chipping operations.

If Option 2 is chosen, no blasting will occur if a marine mammal is located anywhere within any visible area around the POA. Blasting will be delayed if weather does not allow for adequate sighting conditions. Starting one–half hour prior to each out–of–water blasting event, MMOs at the MTRP site will systematically scan the waters around the port as far as the eye can see, by unaided eyed and high–powered binoculars, for signs of marine mammals. If marine mammals are observed, blasting will be suspended and will not resume until the animal has left the view area or has not been re–sighted for 15 minutes.

For in–water heavy–machinery operations, including dike construction, in–water fill placement, crushing, shearing, marine vessel operation, and steel recovery, a safety zone of 50 m is established. That is, if a marine mammal comes within 50 m of the machinery, operations cease and vessels slow to a reduced speed while still maintaining control of the vessel and safe working conditions to avoid physical injury.

Notification of Commencement and Marine Mammal Sightings

The POA/MARAD shall formally notify the NMFS Permits Division and AKR prior to the seasonal commencement of pile driving and shall provide monthly monitoring reports of all marine mammal sightings once pile driving begins. The POA/MARAD shall continue the formalized marine–mammal sighting and notification procedure for all POA users, visitors, tenants, or contractors prior to and after construction activities. The notification procedure shall clearly identify roles and responsibilities for reporting all marine mammal sightings. The POA/MARAD will forward documentation of all reported marine mammal sightings to the NMFS.

Public Outreach

The POA/MARAD shall maintain whale–notification signage in the waterfront viewing areas near the Ship Creek public boat launch and within the secured port entrance that is visible to all POA users. This signage shall continue to provide information on the beluga whale notification procedures for reporting beluga whale sightings to the NMFS.

Marine Mammal Monitoring

The POA/MARAD will conduct marine mammal monitoring similar to that conducted during the effective dates of their IHA, set to expire July 14, 2009, to assess short–term impacts and ensure long–term, non–neglible impacts are not occurring from the MTRP. The monitoring plan is described, in detail, in their application and in the proposed rulemaking **Federal Register** notice. In summary, the POA/MARAD will conduct the following monitoring under the regulations.

Visual Monitoring

Monitoring for marine mammals will take place concurrent with all pile driving activities and 30 minutes prior to pile driving commencement. One to two trained observer(s) will be placed at the POA at the best vantage point(s) practicable to monitor for marine mammals and will implement shut–down/delay procedures when applicable by calling for shut–down to the hammer operator. The observer(s) will have no other construction related tasks while conducting monitoring. Each observer will be properly trained in marine mammal species detection, identification and distance estimation and will be equipped with binoculars. At the time of each sighting, the pile hammer operator must be immediately notified that there are beluga whales in the area, their location and direction of travel, and if shut–down is necessary.

Prior to the start of seasonal pile driving activities, the POA will require construction supervisors and crews, the marine mammal monitoring team, the acoustical monitoring team (described below), and all MTRP managers to attend a briefing on responsibilities of each party, defining chains of command, discussing communication procedures, providing overview of monitoring purposes, and reviewing operational procedures regarding beluga whales.

In addition to the POA's trained marine mammal observers responsible for monitoring the harassment zones and implementing mitigation measures, an independent beluga whale

monitoring team, consisting of one to two land based observers, shall report on (1) the frequency at which beluga whales are present in the project footprint; (2) habitat use, behavior, and group composition near the POA, and will correlate those data with construction activities; and (3) observed reactions of beluga whales in terms of behavior and movement during each sighting. It is likely that these observers will monitor for beluga whales 8 hours per day/4 days per week but scheduling may change. These observers will work in collaboration with the POA to immediately communicate any presence of beluga whales or other marine mammals in the area prior to or during pile driving. The POA/MARAD will keep this monitoring team informed of all schedules for that day and any changes throughout the day.

Acoustic Monitoring

The POA/MARAD shall install hydrophones (or employ other effective methodologies to the maximum extent possible) necessary to detect and localize passing whales and to determine the proportion of beluga whales missed from visual surveys. It will also further characterize the acoustical environment around the POA during and in absence of pile driving. This study will be coordinated with NMFS and the independent beluga whale monitoring program to correlate construction and operationally generated noise exposures with beluga whale presence, absence, and any altered behavior observed during construction and operations.

Reporting

The POA/MARAD are responsible for submitting monthly marine mammal monitoring reports by the 10th of the following month that include all marine mammal sightings sheets from the previous month and as summary of pile driving hours, by type, take numbers, and marine mammal reactions, if any. The sighting sheets have been approved by NMFS and require the following details, if able to be determined: group size, group composition (i.e., adult, juvenile, calf); behavior, location at time of first sighting and last sighting; time of day first sighted, time last sighted; approach distance to pile driving hammer; and note if shut–down/delay occurred and for how long. An annual report, as required in 50 CFR 217.205, must be submitted to NMFS at the time of application of renewal of annual LOAs. This report shall summarize all monitoring and taking for that year. A final report must be submitted to NMFS upon application for future authorization or, if no future authorizations are requested, no later than 90 days post expiration of these regulations. This report must summarize the findings made in all previous reports and assess any short and/or long term impacts to marine mammals at the POA.

ESA

On October 22, 2008, NMFS published a final rule listing Cook Inlet beluga whales as endangered under the ESA (73 FR 62919). The POA and MARAD, in collaboration with the USACE, have prepared a Biological Assessment and requested Section 7 consultation initiation, as required under the ESA, to continue with the MTRP. Because NMFS' action of issuance of regulations and subsequent LOAs authorizing harassment to marine mammals is a separate federal action, on March 24, 2009, NMFS requested consultation under Section 7 of the ESA. Consultation was initiated on May 11, 2009. On July 13, 2009, NMFS issued a Biological Opinion which concluded that, after review of the current status of the Cook Inlet beluga whale, the environmental baseline for the action area, the biological and physical impacts of the MTRP, and cumulative effects, the MTRP is not likely to jeopardize the continued existence of the Cook Inlet beluga whale.

NEPA

NMFS has, through NOAA Administrative Order (NAO) 216–6, established agency procedures for complying with NEPA and the implementing regulations issued by the Council on Environmental Quality. In 2008, NMFS prepared an EA on its issuance of incidental take authorizations for the duration of the MTRP. In 2009, NMFS prepared and solicited public comments on a draft SEA for its issuance of such authorizations, including these regulations. NMFS finalized this SEA on July 14, 2009 and has therefore complied with NEPA and its implementing regulations.

Determinations

Based on the information provided in the POA/MARAD application, NMFS' EA and SEA, this document, the public comments submitted on the application and proposed rule, and the POA/MARAD's comprehensive monitoring reports of the activities through 2009, NMFS has determined that the MTRP, specifically pile driving and dock demolition, will result in no more than Level B harassment of small numbers of Cook Inlet beluga whales, harbor seals, harbor porpoises, and killer whales. NMFS has determined that the impacts associated with the MTRP will be limited to short term and localized changes in behavior and possibly TTS, masking, and stress hormone production. However, the manner and number of taking will have no more than a negligible impact on the affected species and stocks. No take by serious injury and/or death is anticipated, and the potential for permanent hearing impairment is unlikely. The level of harassment will be at the lowest practicable due to incorporation of the mitigation measures mentioned previously in this document. NMFS' regulations for this project prescribe the means of effecting the least practicable adverse impact on marine mammals and their habitat and set forth requirements pertaining to the monitoring and reporting of that taking. Additionally, the taking of any marine mammal, including Cook Inlet beluga whales, will not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence use due to the reasons described in this document and the proposed rule.

Classification

The Office of Management and Budget has determined that this final rule is not significant for purposes of Executive Order 12866.

Good cause exists to waive the 30-day delay in effectiveness for this final rule pursuant to 5 U.S.C. 553. The MTRP is an ongoing project under construction by the federal government through the USDOT Maritime Administration, with both federal and state/local funding and is currently operating under an IHA and USACE 404 permits. The MARAD and POA have ongoing and extensive mitigation measures in place to protect marine mammals (as required by the current permits) and no time is necessary to develop or initiate the measures required under regulations as final regulations do not constitute substantial changes to the IHA requirements. The construction season in Anchorage is very short and limited by frozen soils, ice in Knik Arm, and lack of daylight in the winter months. A 30-day delay is a significant percentage of the available window to complete in–water projects. The POA and MARAD have indicated that a delay of 30 days would result in immediate and direct costs at minimum of $65,000 per day and one time sum of $285,000. In addition, delay costs will accumulate through the rest of the program due to increasing construction costs for follow–on work (e.g., installation of utilities,

installation of dock cap, and paving) that would be rescheduled due to delay in completion of the basic waterfront structure, and, as one of 19 U.S. strategic ports, delay in continuing the 2009 construction at the waterfront negatively impacts military deployment logistics capabilities and costs to and from five Alaskan installations and remote training grounds: Elmendorf AFB, Fort Richardson, Eielson AFB and Ft. Greely. Therefore, delay in operations would also result in direct impacts to military readiness activities. In summary, any delay in the implementation of these regulations would result in both economic loss and national security implication; therefore, these measures will become effective upon signature of the final rule. NMFS could not undertake this action sooner because the applicants did not provide information regarding the MTRP until May 8, 2009; therefore, NMFS was unable to initiate Section 7 consultation until May 11, 2009. NMFS issued the Biological Opinion on July 13, 2009.

At the proposed rule stage, the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities since it would have no effect, directly or indirectly, on small businesses. Because of this certification, a regulatory flexibility analysis is not required, and none has been prepared.

List of Subjects in 50 CFR Part 217

Exports, Fish, Imports, Indians, Labeling, Marine mammals, Penalties, Reporting and recordkeeping requirements, Seafood, Transportation.

Dated: July 14, 2009.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For reasons set forth in the preamble, NMFS amends 50 CFR chapter II by adding part 217 to read as follows:

PART 217—REGULATIONS GOVERNING THE TAKE OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

Subparts A–T [Reserved]

Subpart U—Taking Of Marine Mammals Incidental To The Port of Anchorage Marine Terminal Redevelopment Project

Sec.

217.200 Specified activities and specified geographical region.
217.201 Effective dates.
217.202 Permissible methods of taking.
217.203 Prohibitions.
217.204 Mitigation.
217.205 Requirements for monitoring and reporting.
217.206 Applications for Letters of Authorization.
217.207 Letters of Authorization.
217.208 Renewal of Letters of Authorization.
217.209 Modifications of Letters of Authorization.

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

Subparts A through T [Reserved]

Subpart U—Taking Of Marine Mammals Incidental To The Port of Anchorage Marine Terminal Redevelopment Project

§ 217.200 Specified activities and specified geographical region.

(a) Regulations in this subpart apply only to the incidental taking of those marine mammals specified in § 217.202(b) by the Port of Anchorage and the U.S. Department of Transportation Maritime Administration (MARAD), and those persons it authorizes to engage in construction activities associated with the Port of Anchorage Marine Terminal Redevelopment Project, specifically in–water pile driving, at the Port of Anchorage, Alaska.

(b) [Reserved]

§ 217.201 Effective dates.

Regulations in this subpart are effective from July 15, 2009, through July 14, 2014.

§ 217.202 Permissible methods of taking.

(a) Under Letters of Authorization issued pursuant to § 216.106 of this chapter and § 217.207, the Port of Anchorage and MARAD, and persons under their authority, may incidentally, but not intentionally, take marine mammals by harassment, within the area described in § 217.200, provided the activity is in compliance with all terms, conditions, and requirements of these regulations and the appropriate Letter of Authorization.

(b) The taking of marine mammals under a Letter of Authorization is limited to the incidental take, by Level B harassment only, of the following species under the activities identified in § 217.200(a): Cook Inlet beluga whales (Delphinapterus leucas), harbor seals (Phoca vitulina), harbor porpoises (Phocoena phocoena), and killer whales (Orcinus orca).

(c) The taking by injury or death of the species listed in paragraph (b) of this section or the taking by Level B harassment, injury or death of any other marine mammal species is prohibited and may result in the modification, suspension, or revocation of a Letter of Authorization.

§ 217.203 Prohibitions.

Notwithstanding takings contemplated in § 217.202(b) and authorized by a Letter of Authorization issued under § 216.106 of this chapter and § 217.207, no person in connection with the activities described in § 217.200 may:

(a) Take any marine mammal not specified in § 217.202(b);

(b) Take any marine mammal specified in § 217.202(b) other than by incidental, unintentional Level B harassment;

(c) Take a marine mammal specified in § 217.202(b) if such taking results in more than a negligible impact on the species or stocks of such marine mammal; or

(d) Violate, or fail to comply with, the terms, conditions, and requirements of this subpart or a Letter of Authorization issued under § 216.106 of this chapter and § 217.207.

§ 217.204 Mitigation.

(a) When conducting operations identified in § 217.200(a), the mitigation measures contained in the Letter of Authorization, issued under § 216.106 of this chapter and § 217.207, must be implemented. These mitigation measures are:

(1) Through monitoring described under § 217.205, the Holder of a Letter of Authorization will ensure that no marine mammal is subjected to a sound pressure levels of 190 or 180 dB re: 1 microPa or greater for pinnipeds and cetaceans, respectively. If a marine mammal is detected within or approaching a distance 200 m from in–water pile driving or in–water chipping, operations shall be immediately delayed or suspended until the marine mammal moves outside these designated zones or the animal is not detected within 15 minutes of the last sighting.

(2) If a marine mammal is detected within or approaching the Level B harassment zone designated for impact pile driving (350 m) prior to in–water impact pile driving, operations shall not commence until the animal moves outside this zone or it is not detected within 15 minutes of the last sighting.

(3) If a marine mammal is detected within or approaching the Level B harassment zone designated for vibratory pile driving (1,300 m) prior to in–water vibratory pile driving, operations shall not commence until the marine mammal moves outside this

zone or it is not detected within 15 minutes of the last sighting.

(4) A ''soft start'' technique shall be used at the beginning of each day's in–water pile driving activities or if pile driving has ceased for more than one hour to allow any marine mammal that may be in the immediate area to leave before piling driving reaches full energy. For vibratory hammers, the soft start requires the holder of the Letter of Authorization to initiate noise from the hammers for 15 seconds at reduced energy followed by 1-minute waiting period and repeat the procedure two additional times. If an impact hammer is used, the soft start requires an initial set of three strikes from the impact hammer at 40 percent energy, followed by a one minute waiting period, then two subsequent 3 strike sets.

(5) In–water pile driving or chipping shall not occur when conditions restrict clear, visible detection of all waters within the appropriate harassment zones or the 200 m safety zone. Such conditions that can impair sightibility include, but are not limited to, fog and rough sea state.

(6) In–water piles will be driven with a vibratory hammer to the maximum extent possible (i.e., until a desired depth is achieved or to refusal) prior to using an impact hammer.

(7) In–water impact pile driving shall not occur during the period from two hours before low tide until two hours after low tide.

(8) The following measures apply to all in–water pile driving, except during the ''stabbing'' phase, and all in–water chipping associated with demolition of the existing dock:

(i) No in–water pile driving (impact or vibratory) or chipping shall occur if any marine mammal is located within 200m of the hammer in any direction. If any marine mammal is sighted within or approaching this 200m safety zone, pile–driving or chipping must be suspended until the animal has moved outside the 200m safety zone or the animal is not resighted within 15 minutes.

(ii) If a group of more than 5 beluga whales is sighted within the Level B harassment isopleths, in–water pile driving shall be suspended. If the group is not re–sighted within 15 minutes, pile driving may resume.

(iii) If a beluga whale calf or group with a calf is sighted within or approaching a harassment zone, in–water pile driving shall cease and shall not be resumed until the calf or group is confirmed to be outside of the harassment zone and moving along a trajectory away from such zone. If the calf or group with a calf is not re–sighted within 15 minutes, pile driving may resume.

(9) If maximum authorized take is reached or exceeded for a particular species, any marine mammal of that species entering into the harassment or safety isopleths will trigger mandatory in–water pile driving shut down.

(10) For Port of Anchorage operated in–water heavy machinery work other than pile driving or chipping (i.e., dredging, dump scowles, tug boats used to move barges, barge mounted hydraulic excavators, or clamshell equipment used to place or remove material), if a marine mammal comes within 50 m, those operations will cease and vessels will reduce to the slowest speed practicable while still maintaining control of the vessel and safe working conditions.

(11) In the event the Port of Anchorage conducts out–of–water blasting, detonation of charges will be delayed if a marine mammal is detected anywhere within a visible distance from the detonation site.

(12) Additional mitigation measures as contained in a Letter of Authorization.

(b) [Reserved]

§ 217.205 Requirements for monitoring and reporting.

(a) The Holder of a Letter of Authorization issued pursuant to § 216.106 of this chapter and § 217.207, for activities described in § 217.200(a) is required to cooperate with NMFS, and any other Federal, state or local agency with authority to monitor the impacts of the activity on marine mammals. Unless specified otherwise in the Letter of Authorization, the Holder of the Letter of Authorization must notify the Administrator, Alaska Region, NMFS, by letter, e–mail, or telephone, at least 2 weeks prior to commencement of seasonal activities and dock demolition possibly involving the taking of marine mammals. If the activity identified in § 217.200(a) is thought to have resulted in the mortality or injury of any marine mammals or in any take of marine mammals not identified in § 217.202(b), the Holder of the Letter of Authorization must notify the Director, Office of Protected Resources, NMFS, or designee, by e–mail or telephone (301–713–2289), within 24 hours of the discovery of the injured or dead animal.

(b) The Holder of a Letters of Authorization must designate qualified, on–site marine mammal observers (MMOs), approved in advance by NMFS, as specified in the Letter of Authorization, to:

(1) Conduct visual marine mammal monitoring at the Port of Anchorage beginning 30 minutes prior to and during all in–water pile driving or chipping and out–of–water blasting.

(2) Record the following information on NMFS–approved marine mammal sighting sheets whenever a marine mammal is detected:

(i) Date and time of initial sighting to end of sighting, tidal stage, and weather conditions (including Beaufort Sea State);

(ii) Species, number, group composition, initial and closest distance to pile driving hammer, and behavior (e.g., activity, group cohesiveness, direction and speed of travel, etc.) of animals throughout duration of sighting;

(iii) Any discrete behavioral reactions to in–water work;

(iv) The number (by species) of marine mammals that have been taken;

(v) Pile driving, chipping, or out of water blasting activities occurring at the time of sighting and if and why shut down was or was not implemented.

(3) Employ a scientific marine mammal monitoring team separate from the on–site MMOs to characterize beluga whale abundance, movements, behavior, and habitat use around the Port of Anchorage and observe, analyze, and document potential changes in behavior in response to in–water construction work. This monitoring team is not required to be present during all in–water pile driving operations but will continue monitoring one-year post in–water construction. The on–site MMOs and this marine mammal monitoring team shall remain in contact to alert each other to marine mammal presence when both teams are working.

(c) The Holder of a Letter of Authorization must conduct additional monitoring as required under an annual Letter of Authorization.

(d) The Holder of a Letter of Authorization shall submit a monthly report to NMFS' Headquarters Permits, Education and Conservation Division and the Alaska Region, Anchorage for all months in–water pile driving or chipping takes place. This report must contain the information listed in paragraph (b)(2) of this section.

(e) An annual report must be submitted at the time of application for renewal of a Letter of Authorization. This report will summarize all in–water construction activities and marine mammal monitoring from January 1–December 31, annually, and any discernable short or long term impacts from the Marine Terminal Expansion Project.

(f) A final report must be submitted to NMFS upon application for a subsequent incidental take

authorization or, if no future authorization is requested, no later than 90 days post expiration of these regulations. This report will:

(1) Summarize the activities undertaken and the results reported in all previous reports;

(2) Assess the impacts to marine mammals from the port expansion project; and

(3) Assess the cumulative impacts on marine mammals.

§ 217.206 Applications for Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, the U.S. citizen (as defined by § 216.103 of this chapter) conducting the activity identified in § 217.200(a) (the Port of Anchorage and MARAD) must apply for and obtain either an initial Letter of Authorization in accordance with § 217.207 or a renewal under § 217.208.

(b) The application must be submitted to NMFS at least 60 days before the expiration of the initial or current Letter of Authorization.

(c) Applications for a Letter of Authorization and for renewals of Letters of Authorization must include the following:

(1) Name of the U.S. citizen requesting the authorization,

(2) The date(s), duration, and the specified geographic region where the activities specified in § 217.200 will occur; and

(3) The most current population estimate of Cook Inlet beluga whales and the estimated percentage of marine mammal populations potentially affected for the 12-month period of effectiveness of the Letter of Authorization;

(4) A summary of take levels, monitoring efforts and findings at the Port of Anchorage to date.

(d) The National Marine Fisheries Service will review an application for a Letter of Authorization in accordance with this section and, if adequate and complete, issue a Letter of Authorization.

§ 217.207 Letters of Authorization.

(a) A Letter of Authorization, unless suspended or revoked, will be valid for a period of time not to exceed the period of validity of this subpart, but must be renewed annually subject to annual renewal conditions in § 217.208.

(b) Each Letter of Authorization will set forth:

(1) Permissible methods of incidental taking; and

(2) Requirements for mitigation, monitoring and reporting, including, but not limited to, means of effecting the least practicable adverse impact on the species, its habitat, and on the availability of the species for subsistence uses.

(c) Issuance of a Letter of Authorization will be based on the determination that the number of marine mammals taken during the period the Letter of Authorization is valid will be small, that the total taking of marine mammals by the activities specified in § 217.200(a) will have no more than a negligible impact on the species or stock of affected marine mammal(s), and that the total taking will not have an unmitigable adverse impact on the availability of species or stocks of marine mammals for subsistence uses.

(d) Notice of issuance or denial of an application for a Letter of Authorization will be published in the **Federal Register** within 30 days of a determination.

§ 217.208 Renewal of Letters of Authorization.

(a) A Letter of Authorization issued under § 216.106 of this chapter and § 217.207 for the activity identified in § 217.200(a) will be renewed annually upon:

(1) Notification to NMFS that the activity described in the application submitted under § 217.206 will be undertaken and that there will not be a substantial modification to the described work, mitigation or monitoring undertaken during the upcoming 12 months;

(2) Timely receipt of the monitoring reports required under § 217.205(d) and (e), and the Letter of Authorization issued under § 217.207, which has been reviewed and accepted by NMFS; and

(3) A determination by NMFS that the mitigation, monitoring and reporting measures required under §§ 217.204 and 217.205 and the Letter of Authorization issued under § 216.106 of this chapter and § 217.207, were undertaken and will be undertaken during the upcoming annual period of validity of a renewed Letter of Authorization; and

(4) A determination by NMFS that the number of marine mammals taken during the period of the Letter of Authorization will be small, that the total taking of marine mammals by the activities specified in § 217.200(a) will have no more than a negligible impact on the species or stock of affected marine mammal(s), and that the total taking will not have an unmitigable adverse impact on the availability of species or stocks of marine mammals for subsistence uses.

(b) If a request for a renewal of a Letter of Authorization issued under § 216.106 of this chapter and this section indicates that a substantial modification to the described work, mitigation or monitoring undertaken during the upcoming season will occur, NMFS will provide the public a period of 30 days for review and comment on the request.

(c) Notice of issuance or denial of a renewal of a Letter of Authorization will be published in the **Federal Register** within 30 days of a determination.

§ 217.209 Modifications of Letters of Authorization.

(a) Except as provided in paragraph (b) of this section, no substantive modification (including withdrawal or suspension) to the Letter of Authorization by NMFS, issued pursuant to § 216.106 of this chapter and § 217.207 and subject to the provisions of this subpart, shall be made until after notification and an opportunity for public comment has been provided. For purposes of this paragraph, a renewal of a Letter of Authorization under § 217.208, without modification (except for the period of validity), is not considered a substantive modification.

(b) If the Assistant Administrator determines that an emergency exists that poses a significant risk to the well–being of the species or stocks of marine mammals specified in § 217.202(b), a Letter of Authorization issued pursuant to § 216.106 of this chapter and § 217.207 may be substantively modified without prior notification and an opportunity for public comment. Notification will be published in the **Federal Register** within 30 days subsequent to the action.

[FR Doc. E9–17185 Filed 7–15–09; 4:15 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 74, No. 137
Monday, July 20, 2009

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2009–0004; Notice No. 97]

RIN 1513–AB64

Proposed Establishment of the Sierra Pelona Valley Viticultural Area (2008R–176P)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau proposes to establish the 9.7-square mile ''Sierra Pelona Valley'' American viticultural area in southern California. We designate viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. We invite comments on this proposed addition to our regulations.

DATES: We must receive written comments on or before September 18, 2009.

ADDRESSES: You may send comments on this notice to one of the following addresses:

- *http://www.regulations.gov* (via the online comment form for this notice as posted within Docket No. TTB–2009–0004 at ''Regulations.gov,'' the Federal e-rulemaking portal);
- Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044–4412; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Suite 200–E, Washington, DC 20005.

See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing.

You may view copies of this notice, selected supporting materials, and any comments we receive about this proposal at *http://www.regulations.gov* within Docket No. TTB–2009–0004. A direct link to this docket is posted on the TTB Web site at *http://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 97. You also may view copies of this notice, all related petitions, maps or other supporting materials, and any comments we receive about this proposal by appointment at the TTB Information Resource Center, 1310 G Street, NW., Washington, DC 20220. Please call 202–927–2400 to make an appointment.

FOR FURTHER INFORMATION CONTACT: N.A. Sutton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 925 Lakeville St., No. 158, Petaluma, CA 94952; telephone 415–271–1254.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act requires that these regulations, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the regulations promulgated under the FAA Act.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) contains the list of approved viticultural areas.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been recognized and defined in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of viticultural areas allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of a viticultural area is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an American viticultural area and provides that any interested party may petition TTB to establish a grape-growing region as a viticultural area. Section 9.3(b) of the TTB regulations requires the petition to include—

- Evidence that the proposed viticultural area is locally and/or nationally known by the name specified in the petition;
- Historical or current evidence that supports setting the boundary of the proposed viticultural area as the petition specifies;
- Evidence relating to the geographic features, such as climate, soils, elevation, and physical features, that distinguish the proposed viticultural area from surrounding areas;
- A description of the specific boundary of the proposed viticultural area, based on features found on United States Geological Survey (USGS) maps; and
- A copy of the appropriate USGS map(s) with the proposed viticultural area's boundary prominently marked.

Sierra Pelona Valley Petition

Mr. Ralph Jens Carter submitted a petition proposing the establishment of the Sierra Pelona Valley viticultural area on behalf of local grape growers. The proposed viticultural area covers 9.7 square miles and contains 96 acres of commercial vineyards. The proposed viticultural area lies 30 miles north of the City of Los Angeles, 35 miles east of the Pacific Ocean, and 20 miles southwest of the Mojave Desert. TTB notes that the proposed viticultural area is not within any established American viticultural area, and that the boundary line of the proposed viticultural area neither overlaps nor runs along any other proposed or established viticultural area boundary line. The evidence submitted in support of the petition is summarized below.

Name Evidence

The USGS Sleepy Valley and Agua Dulce maps identify the Sierra Pelona Valley as a landform within Los Angeles County. The USGS Ritter Ridge, Sleepy Valley, and Agua Dulce maps identify Sierra Pelona as a mountain range to the immediate north of the proposed Sierra Pelona Valley viticultural area.

According to the petition, the Sierra Pelona Valley is located north of California State Highway 14, between the towns of Santa Clarita and Palmdale (Los Angeles Region map, California Regional Series, Automobile Club of Southern California, 2006 edition). The proposed viticultural area, including the expansive Sierra Pelona Valley region, is adjacent to the southern foothills of the Sierra Pelona range (DeLorme Southern and Central California Atlas and Gazetteer, Seventh Edition, 2005, page 79).

The petition explains that the large Sierra Pelona Valley region, oriented northeast-to-southwest, comprises Hauser Canyon, upper Agua Dulce Canyon, and Mint Canyon, including Sleepy Valley. The petition states that in local usage ''Sierra Pelona'' applies to the expansive valley, as well as the mountain range to the immediate north of the valley. The Sierra Pelona Valley is the name that best describes the proposed viticultural area, according to the petitioner.

Boundary Evidence

The petition provides historical, physiological, and geographical data to define the boundary of the proposed viticultural area.

Viticulture in the proposed Sierra Pelona Valley viticultural area started in 1995, according to the petition. By 2008, the region had 96 acres of commercial vineyards.

The petition states that the boundary encompasses the alluvial valley fill and the gently sloping foothills just to the steep inclines. The foothills extend outward for as much as 1 mile.

The geology of the proposed viticultural area includes mostly consolidated alluvium between 23 and 37 million years old, but also includes some more recent alluvium, between 1.5 and 2 million years old, according to the petition. Further uniformity in the area is provided by a granitic intrusion, ranging from 195 to 225 million years old, that spans the Sierra Pelona Valley. In contrast to the valley alluvium and the granitic intrusion, the surrounding mountains, ranging from 195 million to 4.5 billion years old, consist mainly of very different rocks.

The petition states that elevations of the proposed viticultural area vary from 2,400 to 3,400 feet. Those of the mountains to the west and of the mountain ridges to the north, east, and south vary from 3,401 to 5,187 feet. Elevations of a canyon in the Santa Clarita area, about 5 miles southwest of the proposed boundary line, drop to approximately 1,600 feet.

Distinguishing Features

The petition asserts that the distinguishing features of the proposed Sierra Pelona Valley viticultural area include climate, geology, soils, topography, and elevation. The inland location of the Sierra Pelona Valley both influences its distinguishing features and contributes to the success of its viticulture.

Climate

The petition, citing *http://www.wunderground.com* and the ''Soil Survey of the Antelope Valley Area'' (issued by the U. S. Department of Agriculture, Soil Conservation Service, 1970), states that precipitation in the proposed viticultural area averages between 9 and 12 inches per year and occurs mainly in winter. Citing ''Daymet'' (a database designed by Peter Thornton, National Center for Atmospheric Research, Climate and Global Dynamic Division, University of Colorado at Boulder), the petition states that in the Sierra Pelona Valley daily growing season temperatures can vary by 40 to 50 degrees F, with summer daytime temperatures reaching 102 degrees F, and summer nighttime temperatures frequently dropping to 50 to 60 degrees F.

To contrast the climate in the proposed viticultural area with that in the surrounding areas, the petition gives climate data for several locations outside the proposed area (''Soil Survey of Antelope County, California''). Sandberg is at an elevation of 4,517 feet in the high mountains northwest of the proposed viticultural area, and although it has a total annual average precipitation of 12.1 inches, about the same as the upper-end precipitation in the proposed viticultural area, Sandberg has average daily growing season maximum and minimum temperatures of 77 and 54 degrees F. San Fernando, at an elevation of 977 feet in a low-lying area to the southwest of the proposed viticultural area, has a total average monthly precipitation of 16.9 inches and average daily growing season maximum and minimum temperatures of 85 and 52 degrees F. Palmdale, at an elevation of 2,665 feet in the desert due east of the proposed viticultural area, has an total average monthly precipitation of 8.9 inches and average daily growing season maximum and minimum temperatures of 87 and 55 degrees F.

Air drainage from surrounding higher elevations to the Sierra Pelona Valley floor, the petition explains, reduces the hazard of frost damage in spring. In addition, air movement across the slopes reduces the threat of leaf fungus and the need for heavy spraying of pesticides. Wind direction, according to Don McAdam, a valley resident, is frequently shifted and redirected by hills, knolls, and valleys.

The petition states that the climate of the mountainous surrounding areas does not support viticulture due to an excessively short growing season, cooler summers, and vine-killing, cold winters.

Geology

The petition states that the ''Geological Map of California'' (Department of Conservation, Division of Mines and Geology, compilation of Charles W. Jennings, 1977) shows that deposits of alluvium, mostly nonmarine and unconsolidated, cover most of the Sierra Pelona Valley floor. The petition further states that deposits of semiconsolidated Quaternary nonmarine alluvium cover the rest of the valley. The deposits of alluvium in the Sierra Pelona Valley have a sedimentary geology; that is, they are both sand and gravel in origin. They contrast sharply with the rocks in the areas surrounding the Sierra Pelona Valley.

The petition notes that soils on alluvial fans and terraces, like those in the proposed Sierra Pelona Valley viticultural area, are renowned throughout the world for wine grape growing (''Viticulture and the Environment,'' by John Gladstones, Winetitles, 1992).

The petition states that the alluvium that dominates the valley floor of the proposed viticultural area is significantly younger than the rocks in the surrounding regions. According to the petition, the alluvium dates from the Tertiary and Quaternary Periods of the Cenozoic Era, 37 million years old to present (''McGraw-Hill Concise Encyclopedia of Earth Science,'' 2005, and the ''Geological Map of California''). The rocks on mountains to the north of the proposed viticultural area include Permian or Triassic Period schist, 195 to 280 million years old, and some Precambrian rocks, 570 million to 4.5 billion years old. The mountains to the south include Precambrian conglomerate, shale, gneiss, and sandstone.

According to the petition, the Sierra Pelona Valley is on a formation of

Mesozoic granitic and metamorphic rocks, mostly gneiss and other metamorphic rocks with granitic intrusions. The petition notes that these mineral-rich rocks are particularly well suited to producing several varieties of wine, especially Syrah. To the north of the proposed viticultural area, the rocks consist of varying metasedimentary schist types of Precambrian age, but mostly of Paleozoic or Mesozoic age. A minor fault line lying along the north edge of the Sierra Pelona Valley is at the contact line between the alluvium in the Sierra Pelona Valley on the south side of the fault and the schist on the north, upland side of the fault. The south side of the fault is subsiding in places.

To the south of the proposed viticultural area, the dominant rocks are marine sedimentary and metasedimentary conglomerate, shale, sandstone, limestone, dolomite, marble, gneiss, hornfelds, and quartzitet. To the south and east, in the Vasquez Rocks County Park of Los Angeles County, basaltic rocks are on a major portion of the lower Vasquez Formation. The basaltic rocks separate the alluvium of the proposed viticultural area from the surrounding regions to the south.

Soils

According to the petition, climate, especially rainfall and heat, influences soils through the growth of plant types, the decomposition rate of organic matter, and the weathering of minerals (''Soil Survey of the Antelope Valley Area, California''). Rainfall in the proposed viticultural area makes it a transitional zone between desert and forest.

The soils on the valley floor in the proposed viticultural area have significant differences compared to those on the surrounding mountains. On the valley floor and on foot slopes at the edges of the valley floor, the soils are very deep and moderately drained (General Soil Map, ''Soil Survey of the Antelope Valley Area, California'').

The slope-wash soils on the foot slopes are poor, and have rock fragments on the surface in many areas. However, these rock fragments diffuse and reflect sunlight to lower leaves shaded by canopy, help keep the soil warm, and increase soil moisture, all of which benefits viticulture (''Terroir, The Role of Geology, Climate, and Culture in the Making of French Wines,'' by James E. Wilson, University of California Press, 1998).

And although the poor soils reduce the growth rate of the vines, the wines made from the grapes of those vines have more natural balance, according to the petition. The petition explains further that the soils of the area benefit the classic grape varieties, which generally produce well only in poor sandy soils (''Terroir, The Role of Geology, Climate, and Culture in the Making of French Wines''). The reduced vine growth rate decreases the need for summer pruning, irrigation, and use of farm equipment. On the other hand, these soils have multi-directional sun exposures, which allow for the planting of a variety of grapes.

In the proposed viticultural area soil depth is 60 inches or more. The petition states that soil depth is important for vine growth because most vine roots grow to a depth of 39 inches (''The University Wine Course: A Wine Appreciation Text & Self Tutorial,'' by Marianne W. Baldy, The Wine Appreciation Guild, 1998). Such deep roots are important because vines can extract 1 or 2 inches of moisture for each foot of rooting depth.

In contrast, the soils on the surrounding mountains are shallow, excessively drained, and infertile. They are dominantly on steep slopes, and are subject to erosion. These soils are suited to recreation, range, and wildlife, and to use as a watershed.

Topography

The petition explains that the large Sierra Pelona Valley region, oriented northeast-to-southwest, comprises Hauser Canyon, upper Agua Dulce Canyon, and Mint Canyon, including Sleepy Valley. The USGS Agua Dulce and Sleepy Valley maps show that the long, narrow, gentle side slopes of the Sierra Pelona Valley are surrounded by projecting mountain ridges to the north, east, and south and by a mountain and a chord of radiating canyons to the west. The petition states that the valley floor itself has many isolated knolls but that most of the valley is on gentle slopes suited to viticulture.

The USGS Agua Dulce and Sleepy Valley maps also show that intermittent tributaries in the Sierra Pelona Valley flow into Agua Dulce Canyon and create a single, south-flowing stream that eventually joins the Santa Clara River. The petition explains that the alluvium derived from rocks at higher elevations is carried downstream by these tributaries. This pattern of alluvium deposition contributes to the unique mix of mineral and chemical soil properties in the proposed viticultural area.

The petition states that fine quality wine grapes are universally associated with soils on midslopes where outwash accumulates and deeper soils form (''Terroir, The Role of Geology, Climate, and Culture in the Making of French Wines''). These midslopes, the petition notes, are sometimes called viticulture ''bellies,'' because they hold the sediment washed from the weathered rocks above and create vineyards. In most of the proposed viticultural area, wine grapes are grown on gentle midslopes.

The petition states that the proposed viticultural area has other features besides gentle slopes favorable for viticulture. Good water and air drainage and soils with low fertility and a high mineral content produce grapevines with reduced vigor but with more natural balance.

Elevation

According to the USGS maps of the region and the petition, elevations in the proposed viticultural area vary from 2,400 to 3,400 feet. Elevations also gradually decline approximately 1,000 feet over the 5 miles from the east side to the west side of the proposed boundary line. At the town of Agua Dulce and the Agua Dulce Air Park in the Sierra Pelona Valley floor, elevations range from 2,500 to 2,600 feet.

The petition states that elevations outside of the proposed viticultural area are generally higher than those in the valley. Some close-in peaks in the Sierra Pelona Range are 5,187-foot Mount McDill to the north, and west of Mount McDill, a 4,973-foot promontory at Bear Springs and a 4,859-foot peak at Willow Springs. According to the petition and the USGS Sleepy Valley map, southeast of Sierra Pelona Valley, Windy Mountain stands at 3,785 feet and two unnamed peaks reach elevations of 3,791 and 3,706 feet, all within ¼ to ½ mile of the 3,200-foot proposed boundary line.

TTB Determination

TTB concludes that this petition to establish the 9.7-square mile Sierra Pelona Valley American viticultural area merits consideration and public comment, as invited in this notice.

Boundary Description

See the narrative boundary description of the petitioned-for viticultural area in the proposed regulatory text published at the end of this notice.

Maps

The petitioner provided the required maps, and we list them below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that

indicates or implies an origin other than the wine's true place of origin. If we establish this proposed viticultural area, its name, ''Sierra Pelona Valley,'' will be recognized as a name of viticultural significance under 27 CFR 4.39(i)(3). The text of the proposed regulation clarifies this point.

In addition, if we establish the ''Sierra Pelona Valley'' viticultural area under the terms of the proposed rule, the name ''Sierra Pelona'' standing alone also will be considered a term of viticultural significance because, we believe, consumers and vintners could reasonably attribute the quality, reputation, or other characteristic of wine made from grapes grown in the proposed ''Sierra Pelona Valley'' viticultural area to the name ''Sierra Pelona.'' *See* 27 CFR 4.39(i)(3), which also provides that a name has viticultural significance when so determined by the appropriate TTB officer.

Therefore, the proposed part 9 regulatory text set forth in this document specifies ''Sierra Pelona Valley'' and ''Sierra Pelona'' as terms of viticultural significance for purposes of part 4 of the TTB regulations. If this proposed regulatory text is adopted as a final rule, wine bottlers using ''Sierra Pelona Valley'' or ''Sierra Pelona'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use ''Sierra Pelona Valley'' as an appellation of origin.

For a wine to be labeled with a viticultural area name or with a brand name that includes a viticultural area name or other term identified as being viticulturally significant in part 9 of the TTB regulations, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name or other term, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with the viticultural area name or other viticulturally significant term and that name or term appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the viticultural area name or other term of viticultural significance appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Accordingly, if a previously approved label uses the name ''Sierra Pelona Valley'' or ''Sierra Pelona'' for a wine that does not meet the 85 percent standard, the previously approved label will be subject to revocation upon the effective date of the approval of the Sierra Pelona Valley viticultural area.

Different rules apply if a wine has a brand name containing a viticultural area name or other viticulturally significant term that was used as a brand name on a label approved before July 7, 1986. *See* 27 CFR 4.39(i)(2) for details.

Public Participation

Comments Invited

We invite comments from interested members of the public on whether we should establish the proposed Sierra Pelona Valley viticultural area. We are interested in receiving comments on the sufficiency and accuracy of the name, climate, soils, and other required information submitted in support of the petition. We especially are interested in comments concerning the inclusion, within the proposed boundary line, of the valleys and canyons to the west and north that surround the Sierra Pelona Valley landform, as shown on the USGS Sleepy Valley map. We also are interested in receiving comments on the proposal to identify ''Sierra Pelona'' as a term of viticultural significance. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Sierra Pelona Valley viticultural area on wine labels that include the terms ''Sierra Pelona Valley'' or ''Sierra Pelona'' as discussed above under Impact on Current Wine Labels, we are particularly interested in comments regarding whether there will be a conflict between either of these terms and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any negative economic impact that approval of the proposed viticultural area will have on an existing viticultural enterprise. We are also interested in receiving suggestions for ways to avoid any conflicts, for example, by adopting a modified or different name for the viticultural area.

Submitting Comments

You may submit comments on this notice by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice in Docket No. TTB–2009–004 on ''Regulations.gov,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 97 on the TTB Web site at *http://www.ttb.gov/wine/wine_rulemaking.shtml.* Supplemental files may be attached to comments submitted via Regulations.gov. For complete instructions on how to use Regulations.gov, visit the site and click on ''User Guide'' under ''How to Use this Site.''
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044–4412.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Suite 200–E, Washington, DC 20005.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice No. 97 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. We do not acknowledge receipt of comments, and we consider all comments as originals.

If you are commenting on behalf of an association, business, or other entity, your comment must include the entity's name as well as your name and position title. If you comment via *http://www.regulations.gov,* please enter the entity's name in the ''Organization'' blank of the comment form. If you comment via mail, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

On the Federal e-rulemaking portal, Regulations.gov, we will post, and you may view, copies of this notice, selected supporting materials, and any electronic or mailed comments we receive about this proposal. A direct link to the Regulations.gov docket containing this notice and the posted comments received on it is available on the TTB Web site at *http://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 97. You may also reach the docket

containing this notice and the posted comments received on it through the Regulations.gov search page at *http://www.regulations.gov.*

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including e-mail addresses. We may omit voluminous attachments or material that we consider unsuitable for posting.

You also may view copies of this notice, all related petitions, maps and other supporting materials, and any electronic or mailed comments we receive about this proposal by appointment at the TTB Information Resource Center, 1310 G Street, NW., Washington, DC 20220. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Contact our information specialist at the above address or by telephone at 202–927–2400 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

We certify that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

This proposed rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, it requires no regulatory assessment.

Drafting Information

N.A. Sutton of the Regulations and Rulings Division drafted this notice.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, we propose to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

2. Subpart C is amended by adding § 9.____ to read as follows:

§ 9. Sierra Pelona Valley.

(a) *Name.* The name of the viticultural area described in this section is ''Sierra Pelona Valley''. For purposes of part 4 of this chapter, ''Sierra Pelona Valley'', and ''Sierra Pelona'' are terms of viticultural significance.

(b) *Approved maps.* The three United States Geological Survey 1:24,000 scale topographic maps used to determine the boundary of the Sierra Pelona Valley viticultural area are titled:

(1) Agua Dulce, CA, 1995;

(2) Sleepy Valley, CA, 1995; and

(3) Ritter Ridge, Calif., 1958, Photorevised 1974.

(c) *Boundary.* The Sierra Pelona Valley viticultural area is located in Los Angeles County, California. The boundary of the Sierra Pelona Valley viticultural area is as described below:

(1) The beginning point is on the Agua Dulce map at the intersection of the section 26 east boundary line, the pipeline, and Escondido Canyon Road, a secondary highway, T5N, R14W. From the beginning point, proceed in a straight line south 0.3 mile to the line's intersection with the northeast corner of the Vasquez Rocks County Park, T5N, R14W; then

(2) Proceed southwest through section 26 along the straight lines and 90-degree turns of the county park boundary line to the line's intersection with the southeast corner of section 27, T5N, R14W; then

(3) Proceed southwest in a straight line 0.4 mile to the line's intersection with BM 2258, section 34, T5N, R14W; then

(4) Proceed west-northwest in a straight line 0.15 mile, crossing over the Agua Dulce Road, to the line's intersection with the 2,400-foot elevation line and an unimproved dirt road, section 34, T5N, R14W; then

(5) Proceed generally west along the meandering 2,400-foot elevation line to the line's intersection with the section 34 west boundary line, T5N, R14W; then

(6) Proceed north along the section 34 west boundary line 1 mile to the line's intersection with the 2,800-foot elevation line and the section 27 west boundary line; then

(7) Proceed along the 2,800-foot elevation line first generally northeast, then northwest around Saddleback Mountain, and then north across a trail and an unimproved dirt road, to the line's intersection with the section 21 south boundary line, T5N, R14W; then

(8) Proceed straight east along the section 21 south boundary line 0.25 mile to the southeast corner of section 21, T5N, R14W; then

(9) Proceed north along the section 21 south boundary line onto the Sleepy Valley map 0.6 mile to the line's intersection with the 2,800-foot elevation line and the section 22 west boundary line, T5N, R14W; then

(10) Proceed along the 2,800-foot elevation line generally northeast around the 3,166-foot and 3,036-foot pinnacles, then continue southwest to the line's intersection with the section 22 north boundary line, T5N, R14W; then

(11) Proceed west along the section 22 north boundary line 0.2 mile to the line's intersection with the 2,600-foot elevation line, T5N, R14W; then

(12) Proceed generally west-southwest along the 2,600-foot elevation line to the line's intersection with the section 21 west boundary line, T5N, R14W; then

(13) Proceed north along the section 21 west boundary line 0.2 mile to the line's intersection with the 2,400-foot elevation line and the section 20 east boundary line, T5N, R14W; then

(14) Proceed generally southwest along the 2,400-foot elevation line to the line's intersection with an unimproved dirt road in section 20, T5N, R14W; then

(15) Proceed northwest along the unimproved dirt road 0.15 mile to its intersection with the Sierra Highway, a secondary highway, section 20, T5N, R14W; then

(16) Proceed southwest along the Sierra Highway 0.15 mile to its intersection with an unnamed stream, section 20, T5N, R14W; then

(17) Proceed in a straight line north-northwest approximately 0.3 mile to the line's intersection with the Angeles National Forest boundary line, an unnamed stream running through Rowher Canyon, and the section 17 south boundary line, T5N, R14W; then

(18) Proceed straight east, north, and east, making 90-degree turns, along the Angeles National Forest boundary line to the line's intersection with the section 7 southwest corner, T5N, R13W; then

(19) Proceed straight north along the Angeles National Forest boundary line and the section 7 west boundary line 0.5 mile to the line's intersection with the 3,400-foot elevation line, T5N, R13W; then

(20) Proceed along the 3,400-foot elevation line generally east, north, then west to the line's intersection with the section 6 west boundary line, T5N, R13W; then

(21) Proceed north along the section 6 west boundary line 0.4 mile to the line's

intersection with the 3,400-foot elevation line, T5N, R13W; then

(22) Proceed generally southeast along the 3,400-foot elevation line, crossing over Latteau, Willow Springs, and Hauser Canyons and continuing onto the Ritter Ridge map, to the line's intersection with an unimproved dirt road at Summit, section 16, T5N, R13W; then

(23) Proceed south along the unnamed dirt road less than 0.1 mile, crossing the Sierra Highway, to its intersection with the 3,400-foot elevation line, section 16, T5N, R13W; then

(24) Proceed generally southwest along the 3,400-foot elevation line, meandering between the Sleepy Valley and Ritter Ridge maps and then returning to the Sleepy Valley map, to the line's intersection with the section 20 north boundary line, T5N, R13W; then

(25) Proceed in a straight line west along the section 20 north boundary line 0.2 mile to the line's intersection with the 3,200-foot elevation line, section 20, T5N, R13W; then

(26) Proceed generally southwest along the 3,200-foot elevation line to the line's intersection with the section 19 west boundary line, T5N, R13W; then

(27) Proceed in a straight line north along the section 19 west boundary line 0.15 mile to the line's intersection with a pipeline, T5N, R13W; and then

(28) Proceed southwest onto the Agua Dulce map 1.25 miles along the pipeline, returning to the beginning point.

Signed: July 7, 2009.

John J. Manfreda,

Administrator.

[FR Doc. E9–17179 Filed 7–17–09; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2009–0529]

RIN 1625–AA00

Safety Zone; Cape Charles Tomato Festival Fireworks Event, Chesapeake Bay, Cape Charles, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes establishing a 280-foot radius safety zone on the Chesapeake Bay in the vicinity of the Cape Charles Town Harbor, Cape Charles, VA in support of the Cape Charles Tomato Festival Fireworks event. This action is intended to protect mariners from the hazards associated with fireworks displays by restricting vessel traffic movement in the vicinity of the event.

DATES: Comments and related material must be received by the Coast Guard on or before August 19, 2009.

ADDRESSES: You may submit comments identified by docket number USCG–2009–0529 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail LT Tiffany Duffy, United States Coast Guard Sector Hampton Roads Waterways Management Division; telephone 757–668–5580, e-mail *Tiffany.A.Duffy@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2009–0529), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand delivery, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* select the Advanced Docket Search option on the right side of the screen, insert ''USCG–2009–0529'' in the Docket ID box, press Enter, and then click on the balloon shape in the Actions column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* select the Advanced Docket Search option on the right side of the screen, insert USCG–2009–0529 in the Docket ID box, press Enter, and then click on the item in the Docket ID column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy

Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On September 26, 2009, the Cape Charles Renewal Project will sponsor a fireworks display on the Chesapeake Bay shoreline centered on position 37°15′46″ N/076°01′30″ W (NAD 1983). Due to the need to protect mariners and spectators from the hazards associated with the fireworks display, the United States Coast Guard proposes restricting access within 280 feet of the fireworks launch site.

Discussion of Proposed Rule

The Coast Guard proposes establishing a safety zone on the navigable waters of the Chesapeake Bay within 280 feet of position 37°15′46″ N/076°01′30″ W (NAD 1983). This safety zone would be established in the vicinity of the Cape Charles Town Harbor, Cape Charles, VA on September 26, 2009. In the interest of public safety, access to the safety zone would be restricted from 8 p.m. to 8:30 p.m. on September 26, 2009. Except for participants and vessels authorized by the Coast Guard Captain of the Port or his representative, no person or vessel would be authorized to enter or remain in the regulated area.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Although this regulation restricts access to the safety zone, the effect of this rule would not be significant because: (i) The safety zone will be in effect for a limited duration; (ii) the zone would be of limited size; and (iii) the Coast Guard would make notifications via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor within the specified zone during the enforcement periods.

The safety zone would not have a significant economic impact on a substantial number of small entities because the zone would only be enforced for a limited time and is of limited size. Additionally, vessel traffic can pass safely around the zone. Before the effective period, maritime advisories would be issued and made widely available to waterway users.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LT Tiffany Duffy. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship

between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**. This proposed rule involves establishing a safety zone around a fireworks display. The fireworks will be launched from a land area, however some fallout may enter the water within a 280 foot radius of the launching site. This zone is designed to protect mariners from the hazards associated with fireworks displays. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add temporary § 165.T05–0529, to read as follows:

§ 165.T05–0529 Safety Zone: Cape Charles Tomato Festival Fireworks Event, Chesapeake Bay, Cape Charles, VA.

(a) *Regulated area.* The following area is a safety zone: All navigable waters within 280 feet of position 37°15′46″ N/076°01′30″ W (NAD 1983), in the vicinity of the Cape Charles Town Harbor in Cape Charles, VA.

(b) *Definitions.* As used in this section, Captain of the Port Representative means any U.S. Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Hampton Roads, Virginia to act on his behalf.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, Hampton Roads and the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia can be contacted at telephone number (757) 668–5555.

(4) The Captain of the Port Representative enforcing the safety zone can be contacted on VHF–FM marine band radio, channel 13 (156.65Mhz) and channel 16 (156.8Mhz).

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Enforcement period.* This rule is effective on September 26, 2009 from 8 p.m. to 8:30 p.m.

Dated: June 30, 2009.

M.S. Ogle,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. E9–17101 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2009–0466; FRL–8932–6]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Central Wood Preserving Company Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 is issuing a notice of intent to delete Central Wood Preserving Company Superfund Site (Site) located in East Feliciana Parish, Louisiana, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Louisiana, through the Louisiana Department of Environmental Quality, have determined that all appropriate response actions under CERCLA, other than operation and maintenance and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by August 19, 2009.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–2009–0466, by one of the following methods:

- *http://www.regulations.gov.* Follow on-line instructions for submitting comments.
- *E-mail: gold.david@epa.gov.*
- *Fax:* (214) 665–6660.
- *Mail:* David Gold, Community Involvement Coordinator (6SF–VO), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7118 toll-free (800) 533–3508.
- *Hand delivery:* U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–2009–0466. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket

All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statue. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at:

U.S. EPA, Region 6, by appointment in the 7th Floor Reception Area, 1445 Ross Ave. Dallas, TX 75202–2722, (214) 665–7525, Monday through Friday 9 a.m. to 4 p.m; Audubon Regional Library Clinton Branch, 12220 Woodville Street, Clinton, LA 70722 (225) 683–8753 Monday through Thursday 9 a.m. to 5 p.m, Friday 9 a.m. to 3 p.m, and Saturday 9 a.m. to 1 p.m;

Louisiana Department of Environmental Quality, Galvez Building, 602 North Fifth Street, Baton Rouge, LA 70802, (225) 219–5337 Monday through Friday 8 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Laura Stankosky, Remedial Project Manager (RPM) (6SF–RL), (*stankosky.laura@epa.gov*) U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7525 or toll-free (800) 533–3508.

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' Section of today's **Federal Register**, we are publishing a direct final Notice of Deletion of the Central Wood Preserving Superfund Site Superfund Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. We will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final Notice of Deletion which is located in the *Rules* section of this **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: July 10, 2009.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. E9–17172 Filed 7–17–09; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 74, No. 137
Monday, July 20, 2009

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 14, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: Request for Approval to Sell Capital Assets.

OMB Control Number: 0572–0020.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture (USDA). It makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. In addition to providing loans and loan guarantees, one of RUS' main objectives is to safeguard loan security until the loan is repaid. Accordingly, RUS manages loan programs in accordance with the Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.,* as amended, (RE ACT) and as prescribed by Office of Management and Budget (OMB) Circular A–129, Policies for Federal Credit Programs and Non-Tax Receivables, which states that agencies must, based on a review of a loan application, determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance.

Need and Use of the Information: RUS borrower will use form 369, *Request for Approval to sell capital assets,* to seek agency permission to sell some of its assets. The form is used to collect detailed information regarding the proposed sale of a portion of the borrower's systems. RUS will collect information to determine whether or not the agency should approve a sale and also to keep track of what property exists to secure the loan. If the information in Form 369 is not collected when capital assets are sold, the capital assets securing the Government's loans could be liquidated and the Government's security either eliminated entirely or diluted to an undesirable level.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 5.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 15.

Rural Utilities Service

Title: Certification of Authority.

OMB Control Number: 0572–0074.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture (USDA). It makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq,* as amended, (RE ACT) and as prescribed by Office of Management and Budget (OMB) Circular A–129, Policies for Federal Credit Programs and Non-Tax Receivables, which states that agencies must, based on a review of a loan application, determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance. A major factor in managing loan programs is controlling the advancement of funds. RUS Form 675 allows this control to be achieved by providing a list of authorized signatures against which signatures requesting funds are compared.

Need and Use of the Information: RUS will collect information to ensure that only authorized representatives of the borrower sign the lending requisition form. Without the information RUS would not know if the request for a loan advance was legitimate or not and so the potential for waste, loss, unauthorized use, and misappropriation would be increased.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 250.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 25.

Rural Utilities Service

Title: 7 CFR 1717 subpart D, Mergers and Consolidations of Electric Borrowers.

OMB Control Number: 0572–0114.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture. It makes mortgage loans and loan guarantees to finance electric, telecommunications, water and waste and water facilities in rural areas. Loan programs are managed in accordance with the Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.,* as amended and as prescribed by the Office of Management and Budget (OMB) Circular A–129, Policies for Federal Credit Programs and Non-tax Receivables, which states that agencies

must, based on a review of a loan application, determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance.

Need and Use of the Information: RUS will collect information to streamline procedures and allow borrowers the flexibility to meet new business challenges and opportunities. The information is necessary for RUS to conduct business with successor entity while protecting the security of Government loans and avoiding defaults and to grant merger approval when required.

Description of Respondents: Business or other for-profit.

Number of Respondents: 12.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 170.

Rural Utility Service

Title: 7 CFR part 1755, Telecommunications Standards and Specifications.

OMB Control Number: 0572–0132.

Summary of Collection: 7 CFR part 1755 establishes Agency policy that materials and equipment purchased by telecommunications borrowers or accepted as contractor-furnished material must conform to performance specifications where they have been established and, if included in IP 344–02, ''List of Materials Acceptable for Use on Telecommunications Systems of RUS Borrowers'', must be selected from that list or must have received technical acceptance from the Rural Utility Service (RUS). To protect the security of loans and to ensure that the telecommunications services provided to rural Americans are comparable to those offered in urban and suburban areas, RUS establishes the minimum acceptable performance criteria for materials and equipment to be employed on telecommunications system financed by the Telecommunications Program. Manufacturers, wishing to sell their products to Telecommunications borrowers, request consideration for acceptance of their products and submit data demonstrating their products' compliance with—Telecommunications performance specifications or—selected industry specifications.

Need and Use of the Information: RUS will evaluate the data to determine that the quality of the products is acceptable and that their use will not jeopardize loan security. The information is closely reviewed to be certain that test data, product dimensions and product material compositions fully comply with RUS performance specifications or that have been established for the particular product.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 47.

Frequency of Response: Reporting: On occasion.

Total Burden Hours: 1,700.

Rural Utility Service

Title: Telecommunications Field Trials.

OMB Control Number: 0572–0133.

Summary of Collection: Title 7 CFR part 1755.3 prescribes the conditions and provision of a field trial. Field trials are contractual obligations that a manufacturer and Rural Utility Service (RUS) telecommunications borrower enter into. They consist of limited field installation of a qualifying product in closely monitored situations designed to determine, to RUS' satisfaction, the products' effectiveness under actual field conditions. RUS will use field trials as a means for determining the operational effectiveness of a new or revised product where such experience does not already exist. Field trial process allows: Manufacturers a means of immediate access to the RUS borrower market, RUS borrowers opportunity to immediately utilize advance products, and provides for RUS a means to safely obtain necessary information on technically advanced products which will address the products' suitability for use in the harsh environment of rural America.

Need and Use of the Information: RUS will use various forms to enter into contractual obligations, to establish an agreement by RUS, the manufacturer and a borrower, or identify the product(s) that are under field trial. Telecommunication borrowers who participate in field trials do so on a voluntary basis. The information is closely reviewed to determine that the products comply with the established RUS standards and specifications and that the products are otherwise acceptable for use on rural telecommunications systems. Without this information, RUS has no means of determining the acceptability of advanced technology in a manner that is timely enough for RUS borrowers to take advantage of the improved benefits and promise that such products may provide for rural America.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondent: 14.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 378.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–17114 Filed 7–17–09; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 15, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Regulations Governing Inspection, Certification, and Standards for Fresh Fruit, Vegetables and Other Products—Audit Services.

OMB Control Number: 0581–NEW.

Summary of Collection: The Agricultural Marketing Act of 1946 as amended 7 U.S.C. 1621 *et seq.* authorizes the Secretary to inspect and certify the quality of agricultural products and collect such fees as reasonable to cover the cost of services rendered. The Fresh Products Branch provides nationwide audit and inspection services for fresh fruits, vegetables, and other products to growers, shippers, importers, processors, sellers, buyers, and other financially interested parties on a ''user fee'' basis. The use of these services is voluntary and is made available only upon request.

Need and Use of the Information: Information is needed to provide audit services. Agricultural Marketing Service will collect this information using forms FV–237A ''Request for Audit Services'', FV–651 ''Agreement for Participation in Audit Verification Programs'' and FV–652 ''Logo Use Request for Audit Programs.'' This information includes: Name and location of the person or company requesting the audit, the type and location of the product to be audited, the type of audit being requested and any information that will identify the product and/or the location(s) to be covered by the audit. As part of the audit process, an auditee's documentation must be made available to the Fresh Products Branch personnel for review to show conformance to the specific audit program.

Description of Respondents: Farms; Business or other for-profit; Not-for-profit Institutions and State, Local or Tribal Government.

Number of Respondents: 2,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 17,080.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–17181 Filed 7–17–09; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 15, 2009.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Egg, Chicken, and Turkey Surveys.

OMB Control Number: 0535–0004.

Summary of Collection: The primary function of the National Agricultural Statistics Service (NASS) is to prepare and issue current official State and national estimates of crop and livestock production. Thousands of farmers, ranchers, agribusinesses and others voluntarily respond to nationwide surveys about crops, livestock, prices, and other agricultural activities. Estimates of egg, chicken, and turkey production are in an integral part of this program. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. This statue specifies the ''The Secretary of Agriculture shall procure and preserve all information concerning agriculture which she can obtain * * * by the collection of statistics * * * and shall distribute them among agriculturists''. Information published from the surveys in this docket is needed by USDA economists and government policy makers to ensure the orderly marketing of broilers, turkeys and eggs.

Need and Use of the Information: Statistics on these poultry products contribute to a comprehensive program of keeping the government and poultry industry abreast of anticipated changes. All of the poultry reports are used by producers, processors, feed dealers, and others in the marketing and supply channels as a basis for their production and marketing decisions.

Description of Respondents: Farms; Business or other for profit.

Number of Respondents: 6,753.

Frequency of Responses: Reporting: Weekly; Monthly; Annually.

Total Burden Hours: 5,512.

National Agricultural Statistics Service

Title: List Sampling Frame Survey.

OMB Control Number: 0535–0140.

Summary of Collection: The primary objective of the National Agricultural Statistics Service (NASS) is to provide data users with timely and reliable agricultural production and economic statistics, as well as environmental and specialty agricultural related statistics. To accomplish this objective, NASS relies heavily on the use of sample surveys statistically drawn from ''List Sampling Frame.'' The List Sampling Frame is a database of names and addresses, with control data, that contains the components values from which these samples can be drawn.

Need and Use of the Information: Data from criteria surveys are used to provide control data for new records on the list sampling frame this information is utilized to define the size of operation, define sample populations and establish eligibility for the Census of Agriculture. New names and addresses of potential farms are obtained on a regular basis from growers associations, other government agencies and various outside sources. This information is used to develop efficient sample designs, which allows NASS the ability to draw reduced sample sizes from the originally large universe populations.

Description of Respondents: Farms.

Number of Respondents: 500,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 96,800.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E9–17182 Filed 7–17–09; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Information Collection Request: Highly Erodible Land Conservation and Wetland Conservation

AGENCIES: Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is seeking comments from all interested individuals and organizations on an extension of a currently approved information collection associated with Highly Erodible Land Conservation and Wetland Conservation certification requirements. This information is collected in support of the conservation compliance provisions of Title XII of the Food Security Act of 1985 (the 1985 Farm Bill), as amended by the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill).

DATES: We will consider comments that we receive by September 18, 2009.

ADDRESSES: We invite you to submit comments on this notice. In your comments, include date, volume, and page number of this issue of the Federal Register. You may submit comments by any of the following methods:

- *Mail:* Jan Jamrog, Program Manager, Production, Emergencies, and Compliance Division, Farm Service Agency, United States Department of Agriculture, Room 4752–S, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250.
- *E-mail: Jan.Jamrog@wdc.usda.gov.*
- *Fax:* (202) 690–2130.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jan Jamrog, Program Manager, (202) 690–0926.

SUPPLEMENTARY INFORMATION:

Title: Highly Erodible land Conservation and Wetland Conservation Certification.

OMB Control Number: 0560–0185.

Expiration Date of Approval: January 31, 2010.

Type of Request: Extension of a currently approved information collection.

Abstract: The collection of this information is necessary to determine payment eligibility of individuals and entities for various programs administered by the USDA including Conservation Programs, Price Support Programs, Direct and Counter Cyclical Programs, including the Average Crop Revenue Election Program, Aquaculture and Livestock Grant Programs, Crop and Livestock Energy Programs, USDA Revenue Programs, Wildlife Programs, Noninsured Crop Disaster Assistance Program, Disaster Programs and Farm Loan Programs. Regulations governing the requirements under Title XII of the Food Security Act of 1985 (16 U.S.C. 3801–3862), as amended by the Food, Conservation, and Energy Act of 2008, relating to highly erodible lands and wetlands are in 7 CFR part 12. In order to ensure that persons who request program benefits subject to conservation restrictions obtain the necessary technical assistance and are informed regarding the compliance requirements on their land, information is collected with regard to their intended activities on their land which could affect their eligibility for requested USDA benefits. Once technical determinations are made, producers are required to certify that they will comply with the conservation requirements on their land to maintain their eligibility for certain programs. Persons may request that certain activities be exempt according to provisions of the 1985 Farm Bill. Information is collected from those individuals who seek these exemptions for the purpose of evaluating whether the exempted conditions will be met. Forms AD–1026, AD–1026B, AD–1026–C, AD–1026D, AD–1068, AD–1069, CCC–21, and FSA–492 are being used for making determinations in this information collection. The forms are not required to be completed on an annual basis.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 10 minutes per response. The average travel time, which is included in the total annual burden, is estimated to be 1 hour per respondent.

Respondents: Individuals and entities.

Estimated Number Respondents: 262,788.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden Hours: 262, 346.

We are requesting comments on all aspects of this information collection, including the following, to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected;

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this Notice will be summarized and included in the information collection request for Office of Management and Budget approval. All comments will also become a matter of public record.

Signed at Washington, DC, on July 13, 2009.

Jonathan Coppess,

Administrator, Farm Service Agency.

[FR Doc. E9–17130 Filed 7–17–09; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Funding Opportunity Title: Crop Insurance Education in Targeted States (Targeted States Program)

Announcement Type: Modification—Competitive Cooperative Agreements. This announcement modifies the Request for Application Notice published in the **Federal Register**, April 8, 2009 (Vol. 74, No. 66, Pages 15921–15929). The **DATES** and **SUMMARY** portions have been modified.

CFDA Number: 10.458.

DATES: Applications are due 5 p.m. EDT, August 4, 2009.

SUMMARY: The following paragraph has been added to the beginning of the **SUMMARY** portion of the April 8, 2009, **Federal Register** Notice: The Risk Management Agency (RMA) did not receive complete and valid application packages for the State of Vermont under the original Request for Application Notice published in the **Federal Register** on April 8, 2009, for the Crop Insurance Education in the Targeted States Program (Targeted States Program). RMA is re-announcing its Funding Opportunity—Request for Applications under the Targeted States Program for the State of Vermont. Applicants who previously submitted an application under the April 8, 2009, Targeted States Program Request for Applications Notice for Vermont, must reapply in accordance with the original Notice published in the **Federal Register** on April 8, 2009. (*http://www.rma.usda.gov/aboutrma/agreements*). All other portions and

sections of the full text notice remain unchanged.

FOR FURTHER INFORMATION CONTACT: Applicants and other interested parties are encouraged to contact: Lydia M. Astorga, USDA–RMA–RME, 1400 Independence Avenue, SW., Stop 0808, (South Building, Room 6625), Washington, DC 20250–0808, *phone:* 202–260–4728, *fax:* 202–690–3605, *e-mail: RMA.Risk-Ed@rma.usda.gov.* You may also obtain information regarding this announcement from the RMA Web site at: *http://www.rma.usda.gov/aboutrma/agreements/.*

Signed in Washington, DC, on July 14, 2009.

William J. Murphy,

Manager, Federal Crop Insurance Corporation.

[FR Doc. E9–17188 Filed 7–17–09; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–LS–09–0017]

Lamb Promotion, Research, and Information Program

AGENCY: Agricultural Marketing Service; USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is announcing that lamb producers, feeders, seedstock producers, and first handlers of lamb and lamb products voting in a national referendum from February 2, 2009, through February 27, 2009, have approved the continuation of the Lamb Promotion, Research, and Information Order (Order).

FOR FURTHER INFORMATION CONTACT: Kenneth R. Payne, Chief; Marketing Programs Branch, Livestock and Seed Program; Agricultural Marketing Service (AMS), USDA, Room 2628–S; STOP 0251; 1400 Independence Avenue, SW.; Washington, DC 20250–0251, telephone number 202/720–1115, fax number 202/720–1125, or by e-mail at: *Kenneth.Payne@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. 7411–7425), the Department of Agriculture conducted a referendum from February 2, 2009, through February 27, 2009, among eligible lamb producers, feeders, seedstock producers, and first handlers of lamb and lamb products to determine if the Order would continue to be effective. Procedures used in conducting this referendum are set forth in 7 CFR part 1280, subpart E. A final rule amending this subpart was published in the December 16, 2008, issue of the **Federal Register** (73 FR 76193).

Of the 1,971 valid ballots cast, 1,678 (85.1 percent) favored and 293 (14.9 percent) opposed the continuation of the Order. Additionally, of those persons who cast valid ballots in the referendum, those who favored the Order accounted for 93 percent of the total production voted, and those opposed account for 7 percent of the total production voted. For the program to continue, it must have been approved by at least a majority of those persons voting for approval who were engaged in the production, feeding, or slaughter of lambs during calendar year 2008 and who also represent a majority of the volume of lambs produced, fed, or slaughtered.

Therefore, based on the referendum results, the Secretary of Agriculture has determined that the required majority of eligible voters who voted in the nationwide referendum from February 2, 2009, through February 27, 2009, voted to continue the Order. As a result, the Lamb Checkoff Program will continue to be funded by a mandatory assessment on producers, seedstock producers (breeders), feeders, and exporters at the rate of one-half cent ($.005) per pound when live ovine animals are sold. The first handler, primarily packers, pay an additional $.30 cents per head on ovine animals purchased for slaughter. Importers are not assessed.

STATE REFERENDUM RESULTS

[February 2, 2009, through February 27, 2009]

State	Votes		Volume voted	
	Yes	No	Yes	No
Arizona	5	0	50,794	0
California	126	5	1,099,775	9,188
Colorado	60	7	950,095	18,590
Georgia	4	1	244	12
Idaho	38	1	144,237	1,625
Illinois	26	5	2,689	1,022
Indiana	43	4	3,920	939
Iowa	89	15	409,003	2,353
Kansas	28	7	13,445	1,496
Kentucky	24	1	3,741	450
Maine	15	1	417	4
Maryland	9	2	1,274	102
Massachusetts	7	1	387	41
Michigan	55	9	15,129	1,768
Minnesota	66	16	27,367	4,348
Missouri	39	9	9,605	526
Montana	146	40	120,837	19,733
Nebraska	25	10	5,575	2,112
Nevada	9	1	30,916	6,000
New Hampshire	7	2	844	434
New Jersey	6	0	377	0
New Mexico	15	2	7,459	54
New York	21	10	3,603	5,881
North Carolina	24	1	2,042	307
North Dakota	25	11	8,287	1,425
Ohio	100	24	19,934	5,209

STATE REFERENDUM RESULTS—Continued

[February 2, 2009, through February 27, 2009]

State	Votes		Volume voted	
	Yes	No	Yes	No
Oregon	51	9	37,179	4,373
Pennsylvania	49	11	5,321	30,607
South Dakota	92	43	69,216	82,413
Tennessee	22	3	1,215	110
Texas	158	6	203,437	47,536
Utah	80	3	161,377	4,457
Virginia	15	7	4,388	997
Washington	35	0	23,677	0
West Virginia	50	4	9,728	278
Wisconsin	28	6	4,232	4,438
Wyoming	72	11	212,224	11,406
Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Hawaii, Louisiana, Mississippi, Oklahoma, Rhode Island, South Carolina, & Vermont [1]	14	5	6,092	10,407
National Totals	1,678	293	3,670,082	280,641

[1] To ensure the confidentiality of the voting process, the results of States in which there were not at least 3 votes in total with a minimum of one vote in each category are combined for the purpose of this report.

Authority: 7 U.S.C. 7411–7425 and 7 U.S.C. 7401.

Dated: July 14, 2009.

David R. Shipman,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. E9–17032 Filed 7–17–09; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Monterey Bay National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The ONMS is seeking applications for the following vacant seats on the Monterey Bay National Marine Sanctuary Advisory Council: Education. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen should expect to serve until February 2011.

DATES: Applications are due by August 21, 2009.

ADDRESSES: Application kits may be obtained from 299 Foam Street, Monterey, CA 93940. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Nicole Capps, 299 Foam Street, Monterey, CA 93940, (831) 647–4206, *nicole.capps@noaa.gov.*

SUPPLEMENTARY INFORMATION: The MBNMS Advisory Council was established in March 1994 to assure continued public participation in the management of the Sanctuary. Since its establishment, the Advisory Council has played a vital role in decisions affecting the Sanctuary along the central California coast.

The Advisory Council's twenty voting members represent a variety of local user groups, as well as the general public, plus seven local, state and federal governmental jurisdictions. In addition, the respective managers or superintendents for the four California National Marine Sanctuaries (Channel Islands National Marine Sanctuary, Cordell Bank National Marine Sanctuary, Gulf of the Farallones National Marine Sanctuary and the Monterey Bay National Marine Sanctuary) and the Elkhorn Slough National Estuarine Research Reserve sit as non-voting members.

Four working groups support the Advisory Council: The Research Activity Panel (''RAP'') chaired by the Research Representative, the Sanctuary Education Panel (''SEP'') chaired by the Education Representative, the Conservation Working Group (''CWG'') chaired by the Conservation Representative, and the Business and Tourism Activity Panel (''BTAP'') chaired by the Business/Industry Representative, each dealing with matters concerning research, education, conservation and human use. The working groups are composed of experts from the appropriate fields of interest and meet monthly, or bi-monthly, serving as invaluable advisors to the Advisory Council and the Sanctuary Superintendent.

The Advisory Council represents the coordination link between the Sanctuary and the state and federal management agencies, user groups, researchers, educators, policy makers, and other various groups that help to focus efforts and attention on the central California coastal and marine ecosystems.

The Advisory Council functions in an advisory capacity to the Sanctuary Superintendent and is instrumental in helping develop policies, program goals, and identify education, outreach, research, long-term monitoring, resource protection, and revenue enhancement priorities. The Advisory Council works in concert with the Sanctuary Superintendent by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Superintendent in achieving the goals of the Sanctuary program within the context of California's marine programs and policies.

Authority: 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: July 13, 2009.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. E9–17162 Filed 7–17–09; 8:45 am]

BILLING CODE 3510–NK–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2009–OS–0106]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Office of the Secretary of Defense is proposing to alter DHRA 02 systems of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on August 19, 2009 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Freedom of Information Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Cindy Allard at (703) 588–6830.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on July 13, 2009 to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 13, 2009.

Morgan E. Frazier,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DHRA 02

SYSTEM NAME:

PERSEREC Research Files (November 29, 2002, 67 FR 69205).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Present and former Executive branch civilian employees, military members, contractor employees and all others who have had or applied for security clearances, positions with the Federal government that require background investigations, or government identification cards that would grant them access to information technology systems and/or unescorted access to government facilities.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Applications, adjudication information, and records identifying people authorized to hold Federal positions of trust, granted access, or access eligibility to sensitive information, facilities, materials, or systems.

Results of record checks to meet investigative standards or accomplish continuous evaluation, such as checks addressing criminal history, financial behavior, employment, education, investigative, immigration, pay and personnel records, records of foreign travel and foreign contacts, and asset ownership.

Information in this system includes background investigation reports; reference interview documentation, recommendations, and comments; dates and reports of subject interviews; results of subject interrogatories; security violations; data relating to misuse of information technology systems; pre-employment investigations reports and results of record checks required to test new investigative sources.

Dates and types of past investigations, access granted based on qualifying investigations, denials, revocations, debarments, administrative actions, and other adverse actions based on adjudication of investigations; and responses from personnel security-related interviews.

Data is also derived from responses to questions contained on future, current, and prior personnel security related questionnaires. Agency Use Block (AUB) question responses include type of investigation requested, case number, extra coverage/advance results, sensitivity level, access/eligibility, nature and date of action, geographic location, position code and title, Submitting Office Number (SON), location of official personnel folder, Security Office Identifier (SOI), use of the Intra-governmental Payment and Collection (IPAC) system, Treasury Account Symbol (TAS), obligating document number, Business Event Type Code (BETC), investigative requirement, requesting officials' name, title, email address, phone number, and applicant affiliation.

Data derived from responses to questions contained on future, current, and prior personnel security related questionnaires provided by filers include name, Social Security Number (SSN); current home address, telephone number, home e-mail, cell/mobile phone number; date and place of birth, gender, other names used, citizenship, mother's maiden name; U.S. passport number and issue date, alien registration number, previous addresses and dates of residence.

Educational data on schools and dates of attendance; conduct information that include, disciplinary actions, transcripts, commendations, degrees, certificates, subject's explanations regarding education conduct.

References that consist of name, current address, phone number, and e-mail address.

Current and previous employment information that consists of employer name, dates employed, address; name and phone number of supervisor. Conduct information that includes disciplinary actions, dates and reason for termination; performance evaluation; and subject's explanations regarding employment conduct. Employment reference names, current address, phone number and e-mail address.

Selective Service record, military history, and conduct information.

Responses from questionnaires that include the individual's physical description of height, weight, hair, and eye color. Date of marriage, separation, and divorce information including spouse or cohabitant name, Social Security Number (SSN), date and place of birth, citizenship of spouse, former spouse, or cohabitant. Relative's names, relationship, date, place of birth, citizenship, and current addresses.

Foreign contact and activities information that include names, dates of individuals known, country(ies) of citizenship, country of residence, type and nature of contact, financial

interests, assets, benefits from foreign governments.

Additionally, responses to questions about the respondent's mental health and emotional health are in this system. Information that pertains to police records, use of alcohol, other illegal drugs, and use of information technology systems.

U.S. and foreign finance and real estate information that consists of names of financial institutions, number of accounts held, monthly and year-end account balances for bank and investment accounts, address, year of purchase and price, capital investment costs, lease or rental information, year of lease or rental, and monthly payments.

Information on leased vehicles, boats, airplanes and other U.S. and foreign assets that include type, make model/year, plate or identification number, year leased, monthly rental payment; year of purchase and price, and year-end fair market value.

U.S. and foreign mortgages, loans, and liabilities information that consist of type of loan, name and address of creditor, original balance, monthly and year-end balance, monthly payment, payment history, and name and address of institution where safe deposit box is located.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''E.O. 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information; E.O. 12968, Access to Classified Information; 50 U.S.C. 781–887, Internal Security Act of 1950; E.O. 10450, Security Requirements for Government Employment; E.O. 10865, Safeguarding Classified Information Within Industry; E.O. 12333, United States Intelligence Activities; E.O. 13470, Further Amendments to Executive Order 12333; E.O. 12958, Classified National Security Information; 5 U.S.C. 9101, Access to Criminal History Information for National Security and Other Purposes; and 5 U.S.C. 301, Departmental Regulations, which authorizes DoD Directive 5200.2–R, DoD Personnel Security Program Regulation, Memorandum of Agreement assigning mission and support functions to the Defense Personnel Security Research Center between the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Command, Control, Communications and Intelligence dated 8/12/2000, and E.O. 9397 (SSN).''

PURPOSE(S):

Delete entry and replace with ''To perform research, development, and analyses for: (1) Evaluating and improving DoD and Federal personnel security and other background vetting procedures, programs, and policies; (2) assisting in providing training, instruction, advice on personnel security, and continuing reliability of subjects for DoD Components and other elements of the Federal government; (3) encouraging cooperative research within and among DoD Components, the Intelligence Community, and the Executive branch on the projects having DoD or Federal government-wide implications in order to avoid duplication; (4) addressing items of special interest to personnel security officials within DoD Components, the Intelligence Community, and the Executive branch; and (5) identifying areas in the personnel security, suitability, fitness, and military accessions fields that warrant more intense scrutiny; and (6) conducting personnel security, suitability, and fitness pilot test projects.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, State, and local government agencies, if necessary, to obtain information from them, which will assist PERSEREC in identifying areas in the personnel security field that may warrant more training, instruction, research, or intense scrutiny. This would typically involve obtaining nationwide statistical data or relevant information at the unit or individual level on a specific security issue (*i.e.,* financial, criminal, alcohol, *etc.*) or set of issues that could be used to assist an investigator or adjudicator in evaluating an individual's conduct.

To Federal Bureau of Investigation and U.S. Office of Personnel Management counterintelligence personnel to assist them with their investigations and inquires.

To the Office of Personnel Management and other Federal government agencies responsible for conducting background investigations in order to provide them with information relevant to their inquiries and investigations.

The DoD 'Blanket Routine Uses' set forth at the beginning of the OSD compilation of systems of records notices apply to this system.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper records maintained in file folders and electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Records may be retrieved by name and Social Security Number (SSN).''

SAFEGUARDS:

Delete entry and replace with ''Records are stored under lock and key, in secure containers, or on electronic media with intrusion safeguards. Access to these investigative and clearance records (although usually not classified) is limited only to staff who have a need to know, who have been investigated, granted the requisite security clearance eligibility level, and who have been advised as to both the sensitivity of these records and of their responsibility for safeguarding the information contained in them from unauthorized disclosure.''

* * * * *

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquires to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

The individual should include the name and number of this system of records notice and provide sufficient proof of identity such as, full name, Social Security Number (SSN), and/or date and place of birth. The request must be signed.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''The individual. Information is also obtained from the Defense Clearance and Investigative Index, military records, DoD civilian employment and military personnel records, Office of Personnel Management Records, Defense Security Service records, records of the Departments of Justice and Treasury, other commercial and government sources providing personnel security-relevant information.''

* * * * *

DHRA 02

SYSTEM NAME:

PERSEREC Research Files.

SYSTEM LOCATION:

Defense Personnel Security Research Center, 99 Pacific Street, Building 455E, Monterey, CA 93940–2481;

Defense Manpower Data Center, 400 Gigling Road, Seaside, CA 93955–6771; and

Data Center, Naval Postgraduate School, Spanagel Hall, 833 Dyer Road, Monterey, CA 93943–5216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Executive branch civilian employees, military members, contractor employees and all others who have had or applied for security clearances, positions with the Federal government that require background investigations, or government identification cards that would grant them access to information technology systems and/or unescorted access to government facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, adjudication information, and records identifying people authorized to hold Federal positions of trust, granted access, or access eligibility to sensitive information, facilities, materials, or systems.

Results of record checks to meet investigative standards or accomplish continuous evaluation such as checks addressing criminal history, financial behavior, employment, education, investigative, immigration, pay and personnel records, records of foreign travel and foreign contacts, and asset ownership.

Information in this system includes background investigation reports; reference interview documentation, recommendations, and comments; dates and reports of subject interviews; results of subject interrogatories; security violations; data relating to misuse of information technology systems; pre-employment investigations reports and results of record checks required to test new investigative sources.

Dates and types of past investigations, access granted based on qualifying investigations, denials, revocations, debarments, administrative actions, and other adverse actions based on adjudication of investigations; and responses from personnel security-related interviews.

Data is also derived from responses to questions contained on future, current, and prior personnel security related questionnaires. Agency Use Block (AUB) question responses include type of investigation requested, case number, extra coverage/advance results, sensitivity level, access/eligibility, nature and date of action, geographic location, position code and title, Submitting Office Number (SON), location of official personnel folder, Security Office Identifier (SOI), use of the Intra-governmental Payment and Collection (IPAC) system, Treasury Account Symbol (TAS), obligating document number, Business Event Type Code (BETC), investigative requirement, requesting officials' name, title, email address, phone number, and applicant affiliation.

Data derived from responses to questions contained on future, current, and prior personnel security related questionnaires provided by filers includes information from responses include name, Social Security Number (SSN); current home address, telephone number, home e-mail, cell/mobile phone number; date and place of birth, gender, other names used, citizenship, mother's maiden name; U.S. passport number and issue date, alien registration number, previous addresses and dates of residence.

Educational data on schools and dates of attendance; conduct information that include, disciplinary actions, transcripts, commendations, degrees, certificates, subject's explanations regarding education conduct.

References that consist of name, current address, phone number, and e-mail address.

Employment information on current and previous employment that consists of name of employer, dates employed, address, name, and phone number of supervisor. Conduct information that include disciplinary actions dates and reason for termination; performance evaluation; and subject's explanations regarding employment conduct. Employment references names, current address, phone number and e-mail address. Selective Service record, military history, and conduct information.

Responses from questionnaires that include the individual's physical description of height, weight, hair, and eye color. Date of marriage, separation, and divorce information including spouse or cohabitant name, Social Security Number (SSN), date and place of birth, citizenship of spouse, former spouse, or cohabitant. Relative's names, relationship, date, place of birth, citizenship, and current addresses.

Foreign contact and activities information that include names, dates of individuals known, country(ies) of citizenship, country of residence, type and nature or contact, financial interests, assets, benefits from foreign governments.

Additionally, responses to questions about the respondent's mental health and emotional health are in this system. Information that pertain to police records, use of alcohol, other illegal drugs, and use of information technology systems.

U.S. and foreign finance and real estate information that consist of names of financial institutions, number of accounts held, monthly and year-end account balances for bank and investment accounts, address, year of purchase and price, capital investment costs, lease or rental information, year of lease or rental, and monthly payments.

Information on leased vehicles, boats, airplanes and other U.S. and foreign assets that include type, make model/year, plate or identification number, year leased, monthly rental payment; year of purchase and price, and year-end fair market value.

U.S. and foreign mortgages, loans, and liabilities information that consist of type of loan, name and address of creditor, original balance, monthly and year-end balance, monthly payment, payment history, and name and address of institution where safe deposit box is located.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information; E.O. 12968, Access to Classified Information; 50 U.S.C. 781–887, Internal Security Act of 1950; E.O. 10450, Security Requirements for Government Employment; E.O. 10865, Safeguarding Classified Information Within Industry; E.O. 12333, United States Intelligence Activities; E. O. 13470, Further Amendments to Executive Order 12333; E.O. 12958, Classified National Security Information; 5 U.S.C. 9101, Access to Criminal History Information for National Security and Other Purposes; and 5 U.S.C. 301, Departmental Regulations, which authorizes DoD Directive 5200.2–R, DoD Personnel Security Program Regulation, Memorandum of Agreement assigning mission and support functions to the Defense Personnel Security Research Center between the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Command, Control, Communications and Intelligence dated 8/12/2000; and E.O. 9397 (SSN).

PURPOSE(S):

To perform research, development, and analyses for: (1) Evaluating and improving DoD and Federal personnel security and other background vetting procedures, programs, and policies; (2) assisting in providing training, instruction, advice on personnel security, and continuing reliability of subjects for DoD Components and other elements of the Federal government; (3) encouraging cooperative research within and among DoD Components, the Intelligence Community, and the Executive branch on the projects having DoD or Federal government-wide implications in order to avoid duplication; (4) addressing items of special interest to personnel security officials within DoD Components, the Intelligence Community, and the Executive branch; and (5) identifying areas in the personnel security, suitability, fitness, and military accessions fields that warrant more intense scrutiny; and (6) conducting personnel security, suitability, and fitness pilot test projects.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, State, and local government agencies, if necessary, to obtain information from them, which will assist PERSEREC in identifying areas in the personnel security field that may warrant more training, instruction, research, or intense scrutiny. This would typically involve obtaining nationwide statistical data or relevant information at the unit or individual level on a specific security issue (*i.e.,* financial, criminal, alcohol, *etc.*) or set of issues that could be used to assist an investigator or adjudicator in evaluating an individual's conduct.

To Federal Bureau of Investigation and U.S. Office of Personnel Management counterintelligence personnel to assist them with their investigations and inquires.

To the Office of Personnel Management and other Federal government agencies responsible for conducting background investigations in order to provide them with information relevant to their inquiries and investigations.

The DoD 'Blanket Routine Uses' set forth at the beginning of the OSD compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders and electronic storage media.

RETRIEVABILITY:

Records may be retrieved by name and Social Security Number (SSN).

SAFEGUARDS:

Records are stored under lock and key, in secure containers, or on electronic media with intrusion safeguards. Access to these investigative and clearance records (although usually not classified) is limited only to staff who have a need to know, who have been investigated, granted the requisite security clearance eligibility level, and who have been advised as to both the sensitivity of these records and of their responsibility for safeguarding the information contained in them from unauthorized disclosure.

RETENTION AND DISPOSAL:

Disposition pending (until the National Achieves Records Administration (NARA) disposition is approved, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Personnel Security Research Center, 99 Pacific Street, Building 455E, Monterey, CA 93940–2481.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Defense Personnel Security Research Center, 99 Pacific Street, Building 455E, Monterey, CA 93940–2481.

The individual should provide sufficient proof of identity such as, full name, Social Security Number (SSN), date and place of birth.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of record should address written inquires to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

The individual should include the name and number of this system of record notice and provide sufficient proof of identity such as, full name, Social Security Number (SSN), and/or date and place of birth. The request must be signed.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual. Information is also obtained from the Defense Clearance and Investigative Index, military records, DoD civilian employment and military personnel records, Office of Personnel Management Records, Defense Security Service records, records of the Departments of Justice and Treasury, other commercial and government sources providing personnel security-relevant information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) published in 32 CFR part 311. For additional information contact the system manager.

[FR Doc. E9–17150 Filed 7–17–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2009–OS–0100]

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to Add a System of Records.

SUMMARY: The Defense Logistics Agency is proposing to add a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on August 19, 2009 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DGA,

8725 John J. Kingman Road, Stop 16443, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis Oleinick at (703) 767–6194.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, were submitted on July 10, 2009, to the House Committee on Government Oversight and Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 14, 2009.

Morgan E. Frazier,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S170.80

SYSTEM NAME:

DLA OGC Student Loan Repayment Program Records.

SYSTEM LOCATION:

Records will be maintained in Defense Logistics Agency Offices of Counsel. Addresses may be obtained from the System Manager below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current DLA Office of General Counsel (OGC) employees participating in the DLA OGC Student Loan Repayment Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name and Social Security Number (SSN); qualifying student loan name, amount, date, number, lender's name, address and tax identification number, servicing office's name, address and tax identification number and verification; recommendation for participation; and employee service agreement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 5379, Student Loan Repayments; and E.O. 9397 (SSN).

PURPOSE:

Information will be used as a retention incentive for DLA OGC attorneys.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information is provided to the Office of Personnel Management to meet statutory reporting requirements. Data provided does not include personal identifiers.

The DoD ''Blanket Routine Uses'' also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored on paper and on electronic storage media.

RETRIEVABILITY:

Records are retrieved by the individual's name.

SAFEGUARDS:

Access to records is restricted to those users who have an official need-to-know in the performance of their duties for the Program. All users are required to have taken Information Assurance and Privacy training. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during non-duty hours.

RETENTION AND DISPOSAL:

Disposition pending (treat records as permanent until the National Archives and Records Administration approves the DLA retention and disposition schedule).

SYSTEM MANAGER(S) AND ADDRESS:

DSCC Chief Counsel, Defense Supply Center, Columbus, P.O. Box 3990, Columbus, OH 43218–3990.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Office, Headquarters, Defense Logistics Agency, *ATTN:* DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

Inquiry should contain the individual's full name, current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Office, Headquarters, Defense Logistics Agency, *ATTN:* DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

Inquiry should contain the individual's full name, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Office, Headquarters, Defense Logistics Agency, *ATTN:* DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Subject individual and lender institution.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–17154 Filed 7–17–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2009–OS–0085]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to Delete a System of Records.

SUMMARY: The Defense Logistics Agency *is deleting a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.*

DATES: This action will be effective without further notice on August 19, 2009 unless comments are received that would result in a contrary determination.

ADDRESSES: Chief Privacy and FOIA Officer, Headquarters Defense Logistics Agency, *ATTN:* DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060–6221

FOR FURTHER INFORMATION CONTACT: Mr. Lewis Oleinick at (703) 767–6194.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Defense Logistics Agency is *proposing to delete a system of records notice in its existing inventory of record*

systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 13, 2009.

Morgan E. Frazier,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S434.15 DLA–C

SYSTEM NAME:

Automated Payroll Cost and Personnel System (APCAPS).

REASON:

Records are now covered under the DFAS Privacy notice T7205a, entitled ''Defense Business Management System (DBMS)'' published July 2, 2009, at 74 FR 31711.

[FR Doc. E9–17152 Filed 7–17–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Sunridge Specific Plan Projects, in Rancho Cordova, Sacramento County, CA, ID SPK–2009–00511

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers, Sacramento District, (Corps) will prepare a Environmental Impact Statement (EIS) for six residential development projects in the Sunridge Specific Plan area in Rancho Cordova, Sacramento County, California. The EIS is being prepared for the projects as part of ongoing litigation concerning Department of the Army permits issued by the Corps between 2005 and 2007 for five of the projects and a pending permit decision for the sixth. A stay in the litigation is in place while the Corps reevaluates the impacts of these projects through preparation of the EIS. Collectively the projects would require the filling of approximately 29.7 acres of waters of the United States, including wetlands.

ADDRESSES: Please send written comments to Michael Jewell, U.S. Army Corps of Engineers, Sacramento District, 1325 J Street, Room 1480, Sacramento, CA, 95814–2922.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS can be answered by Michael Jewell, (916) 557–6605, *e-mail: michael.s.jewell@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The Sunridge Specific Plan area is a master-planned area consisting of nine residential and commercial developments located in eastern Rancho Cordova, Sacramento County, California. The Specific Plan, which was originally approved by the County of Sacramento in 2002, is part of a larger planning effort in the City of Rancho Cordova called the Sunrise-Douglas Community Plan. Three of the nine projects in the Sunridge Specific Plan area have been built. The proposed action is the construction of the remaining six projects in the Specific Plan area. Collectively, these six projects are referred to as the Sunridge Specific Plan Projects.

Between 2005 and 2007, the Corps completed Environmental Assessments, made Findings of No Significant Impact, and issued permits for five of the six Sunridge Specific Plan Projects. The permitted projects are Anatolia IV, Sunridge Village J, Grantline 208, Douglas Road 98, and Douglas Road 103. A permit decision has not been rendered for the sixth of the Sunridge Specific Plan Projects, Arista Del Sol.

1. *Anatolia IV (ID SPK–1994–00210):* The permitted project is located on a 25-acre site south of Douglas Road and adjacent to the west side of Jaeger Road. Approximately 1.36 acres of waters of the United States, including wetlands, are to be filled to construct 134 houses, several roads and other infrastructure. As compensation for the loss of waters, the permittee would construct 1.36 acres of wetland habitat. The permittee for this project is Sunridge, LLC.

2. *Sunridge Village J (ID SPK–2001–00230):* The permitted project is located on a 81.25-acre site in the southwest corner of the intersection formed by Douglas Road and Jaeger Road. Approximately 2.99 acres of waters of the United States, including wetlands, are to be filled to construct 369 houses, several roads and other infrastructure. As compensation for the loss of waters, the permittee would construct 3.38 acres of wetland habitat. The permittee for this project is Cresleigh Homes.

3. *Grantline 208 (ID SPK 1994–00365):* The permitted project is located on a 211-acre site in the southeast corner of the intersection formed by Douglas Road and Grantline Road. Approximately 5.7 acres of waters of the United States, including wetlands, are to be filled to construct 855 houses, several roads and other infrastructure. As compensation for the loss of waters, the permittee would construct 6.15 acres of wetland habitat. The permittee for this project is Grantline Investors, LLC.

4. *Douglas Road 98 (ID SPK–2002–00568):* The permitted project is located on a 105-acre site south of Douglas Road and adjacent to the west side of Grantline Road. Approximately 3.9 acres of waters of the United States, including wetlands, are to be filled to construct 693 houses, several roads and other infrastructure. As compensation for the loss of waters, the permittee would construct 3.9 acres of wetland habitat. The permittee for this project is Woodside Homes.

5. *Douglas Road 103 (ID SPK–1997–00006):* The permitted project is located on a 106-acre site adjacent to the south side of Douglas Road and west of Grantline Road. Approximately 2 acres of waters of the United States, including wetlands, are to be filled to construct 301 houses, several roads and other infrastructure. As compensation for the loss of waters, the permittee would construct 7.25 acres of wetland habitat. The permittee for this project is Douglas Grantline 103 Investors, LLC.

6. *Arista Del Sol (ID SPK–2004–00458):* The proposed project is located on a 210-acre site south of Douglas Road and adjacent to the west side of Grantline Road. Approximately 13.9 acres of waters of the United States, including wetlands, would be filled to construct 906 houses, several roads and other infrastructure. As compensation for the loss of waters, the permittee proposed to construct 13.9 acres of wetland habitat. The permit applicant for this project is Pappas Investments.

The EIS will include an evaluation of a reasonable range of alternatives. Currently, the following alternatives are expected to be analyzed in detail: (1) The no action alternative, (2) the proposed action (the applicants preferred projects), and (3) a reduced development footprint alternative. The no action alternative will be limited development on uplands, while avoiding all waters of the United States. A reduced development footprint alternative will involve less development with fewer impacts to waters of the United States.

The Corps' scoping process for the EIS includes a public involvement program with several opportunities to provide oral and written comments. In addition to public meetings and notifications in the **Federal Register**, the Corps will issue public notices when the draft and final EISs are available. Affected federal, state, and local agencies, Native American tribes, and other interested

private organizations and parties are invited to participate.

Potentially significant issues to be analyzed in the EIS include, but are not limited to: Hydrology, water supply, water quality, cultural resources, biological resources, traffic and transportation, and air quality. The Corps is the lead agency for preparation of the EIS under the requirements of the National Environmental Policy Act (NEPA). The Corps has requested the U.S. Environmental Protection Agency (EPA) and U.S. Fish and Wildlife Service (USFWS) serve as cooperating agencies on the EIS. The Corps will coordinate with other agencies, such as the City of Rancho Cordova, in preparation of the EIS.

Other environmental review and consultation requirements for the proposed actions include water quality certification under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board. All six of the Sunridge Specific Plans projects have received water quality certification. In addition, because the projects may affect federally-listed endangered species, the Corps was required to consult with the USFWS in accordance with Section 7 of the federal Endangered Species Act. Biological Opinions were issued by the USFWS for all six projects.

Two public scoping meetings for the EIS will be held on July 30, 2009, with the first from 5 p.m. to 6 p.m. and the second from 7 p.m. to 8 p.m. The meetings will be held at the Rancho Cordova City Hall, 2729 Prospect Park Drive, American River Room—South, Rancho Cordova, CA 95670. Interested parties can provide oral and written comments at the meetings. Scoping comments should be submitted before August 31, 2009 but may be submitted at any time prior to publication of the Draft EIS.

Interested parties may register for the Corps' public notice email notification lists at: *http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/pnlist.html.*

Dated: July 9, 2009

James A. Porter,

Lt. Colonel, Corps of Engineers, Acting District Engineer.

[FR Doc. E9–17159 Filed 7–17–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability of the Final Environmental Impact Statement for the C–111 Spreader Canal Western Project Located in Miami-Dade Counties, FL

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers (USACE) is issuing this notice to advise the public that a Final Environmental Impact Statement (EIS) has been completed and is available for review and comment.

DATES: In accordance with the National Environmental Policy Act (NEPA), we have filed the Final EIS with the U.S. Environmental Protection Agency (EPA) for publication of their notice of availability in the **Federal Register**. The EPA notice officially starts the 30-day review period for this document. It is the goal of the USACE to have this notice published on the same date as the EPA notice. However, if that does not occur, the date of the EPA notice will determine the closing date for comments on the Final EIS. Comments on the Final EIS must be submitted to the address below under Further Contact Information and must be received no later than 5 p.m. Eastern Standard Time, Monday, August 17, 2009.

ADDRESSES: The Final EIS can be viewed online at *http://www.saj.usace.army.mil/Divisions/Regulatory/InterestItems.htm.* Copies of the Final EIS are also available for review at the following libraries: Miami-Dade Public Library, Homestead Branch, 700 N. Homestead Blvd., Homestead, FL 33030. Miami-Dade Public Library, Main Branch, 101 West Flagler Street, Miami, FL 33130.

FOR FURTHER INFORMATION CONTACT: Ms. Alisa Zarbo, Project Manager, U.S. Army Corps of Engineers, Jacksonville District, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410, *Telephone:* 561–472–3516, *Fax:* 561–626–6971.

SUPPLEMENTARY INFORMATION: The South Florida Water Management District (SFWMD) proposes to construct the C–111 Spreader Canal Western Project in Miami-Dade County. The project addresses the need to restore ecosystem function in Taylor Slough and Florida Bay within the Everglades National Park, the adjacent Southern Glades, the Model Land, and other associated wetlands and estuarine systems. The SFWMD anticipates that this proposed project will become an authorized Comprehensive Everglades Restoration Plan (CERP) project, and that it will receive credit for the early construction of this proposed project as the local sponsor. This Final EIS builds upon the draft Project Implementation Report (PIR)/EIS that has already been released to the public under the CERP and the Regulatory program. As such, this EIS includes numerous discussions of compliance with CERP requirements. While not critical to the Department of the Army permit decision, this information provides more context than a typical EIS and also details about USACE planning policy.

The C–111 Spreader Canal Western Project is essential to achieving restoration of Taylor Slough and downstream areas within the affected areas in the Everglades National Park, the Model Land and the Southern Glades area, and plays an integral role in meeting the CERP system-wide ecosystem restoration goals and objectives. Structural and operational changes will be implemented to improve the quantity, timing, and distribution of water delivered to Florida Bay via Taylor Slough, as well as improve hydroperiods within the wetlands of the Southern Glades and Model Land. Hydroperiods and hydropatterns within the wetlands of the Southern Glades and Model Land will be improved by the construction of a new operable water control structure in the lower C–111 Canal, incremental operational changes at existing structure S–18C, changes in operations at the existing S–20 structure, construction of a plug at existing structure S–20A, and the installation of ten earthen plugs in the C–110 Canal. As a result of the construction and operation of the C–111 Spreader Canal Western project, approximately 200.73 acres (in total) of wetlands and waters of the United States would be permanently impacted and 39.98 acres (in total) of wetlands and waters of the United States would be temporarily impacted as a result of the placement of fill material, excavation, and/or flooding. In addition, approximately 149.26 acres of atypical wetlands (agricultural) would be impacted by excavation, then inundated with water. The SFWMD would need to obtain a U.S. Department of the Army permit from the USACE pursuant to Section 404 of the Clean Water Act. This final Environmental Impact Statement evaluates the environmental effects of seven alternatives, including the

SFWMD's preferred alternative and the No Action Alternative.

Dated: July 10, 2009.

David Hobbie,

Chief, Regulatory Division.

[FR Doc. E9–17167 Filed 7–17–09; 8:45 am]

BILLING CODE 3710–AJ–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Hearings for the U.S. Marine Corps Grow the Force at Marine Corps Base (MCB) Camp Lejeune, Marine Corps Air Station (MCAS) New River, and MCAS Cherry Point, North Carolina Draft Environmental Impact Statement

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section (102)(2)(c) of the National Environmental Policy Act of 1969 (NEPA) (42 United States Code [U.S.C.] 4321); the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations [CFR] Parts 1500–1508); Department of Navy Procedures for Implementing NEPA (32 CFR Part 775); and Marine Corps NEPA directives (Marine Corps Order P5090.2A), the Marine Corps has prepared and filed with the U.S. Environmental Protection Agency (EPA) a Draft Environmental Impact Statement (EIS) which evaluates the potential environmental consequences that may result from implementing the Grow the Force initiative in North Carolina in accordance with the President's mandate and Congressional direction to increase end strength across the Marine Corps war-fighting organizations by the end of Fiscal Year 2011 (FY11). The U.S. Army Corps of Engineers, Wilmington district, is a cooperating agency for the EIS. A Notice of Intent for this EIS was published in the **Federal Register** on December 14, 2007 (Vol. 72, No. 240, p. 71128).

The Marine Corps will conduct three public hearings to receive oral and written comments on the Draft EIS. Federal, State, and local agencies and interested individuals are invited to be present or represented at the public hearing meetings. This notice announces the dates and locations of the public hearings for this Draft EIS; supplementary information about the environmental planning effort is also included in this notice.

DATES: An open house session will precede the public hearing at each of the locations listed below. Individuals will be allowed to review the information presented in the Draft EIS and Marine Corps representatives will be available during the open house sessions to clarify information related to the Draft EIS. For all meetings the open house will be held from 5 p.m. to 8 p.m., and the public hearing will be held from 6:30 p.m. to 8 p.m. Public hearings will be held on the following dates and at the following locations in North Carolina:

(1) Tuesday, August 18, 2009, Havelock Tourist and Event Center, 201 Tourist Center Drive, Havelock, NC.

(2) Wednesday, August 19, 2009, Jacksonville High School, Auditorium, 1021 Henderson Drive, Jacksonville, NC.

(3) Thursday, August 20, 2009, Holly Ridge Community Center, 404 Sound Road, Holly Ridge, NC.

The Draft EIS was distributed to Federal, State, and local agencies, elected officials, and other interested parties and organizations on July 17, 2009. The public comment period will end on September 1, 2009. Copies of the Draft EIS are available for public review at the following libraries: Onslow County Public Library, 58 Doris Ave. East, Jacksonville, NC 28540; Richlands Branch Library, 299 S. Wilmington St., Richlands, NC 28574; Sneads Ferry Branch Library, 242 Sneads Ferry Rd., Sneads Ferry, NC 28460; Law Library Branch, 109 Old Bridge St., Jacksonville, NC 28540; and Havelock-Craven County Public Library, 301 Cunningham Boulevard, Havelock, NC 28532. The Draft EIS is also available for electronic public viewing at: *http://www.GrowTheForceNC.com*.

A paper copy of the Draft EIS will be made available upon written request by contacting Naval Facilities Engineering Command Mid-Atlantic, Marine Corps Grow the Force in NC, EIS Project Manager, 6506 Hampton Boulevard, Norfolk, VA 23508.

Comments: Federal, State, and local agencies and interested parties are invited to be present or be represented at the public hearings. Written comments can be submitted during the open house sessions preceding the public hearings.

Oral statements will be heard and transcribed by a stenographer; however, to ensure the accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record on the Draft EIS and will be responded to in the Final EIS. Equal weight will be given to both oral and written statements. In the interest of available time, and to ensure all who wish to give an oral statement have the opportunity to do so, each speaker's comments will be limited to three (3) minutes. If a long statement is to be presented, it should be summarized at the public hearing with the full text submitted in writing at the hearing, or mailed to Naval Facilities Engineering Command Mid-Atlantic, Marine Corps Grow the Force in NC, EIS Project Manager, 6506 Hampton Boulevard, Norfolk, VA 23508. In addition, comments may be submitted on-line at *http://www.GrowTheForceNC.com* during the 45-day comment period. All written comments must be postmarked by September 8, 2009, to ensure they become part of the official record. All comments will be addressed in the Final EIS.

FOR FURTHER INFORMATION CONTACT: Mr. Michael H. Jones, *telephone:* (757) 322–4942. Please submit requests for special assistance, sign language interpretation for the hearing impaired or other auxiliary aids at the public meetings to Mr. Jones by August 4, 2009.

SUPPLEMENTARY INFORMATION: The proposed action and subject of the Draft EIS covers the permanent, incremental increase of active duty and civilian personnel and their dependents at three North Carolina Marine Corps Installations: MCB Camp Lejeune, MCAS New River, and MCAS Cherry Point. The increase in personnel is part of a nationwide Presidential mandate for the Marine Corps to grow its force size from 186,000 to 202,000 Marines by the end of FY11. Three action alternatives and a No Action Alternative were carried forward for analysis in the Draft EIS.

The No Action Alternative (Alternative 1) was examined in the Draft EIS. Under this alternative, the permanent, incremental increase of Marine Corps personnel at North Carolina Installations would not occur. This alternative is included to provide a baseline from which to gauge potential impacts of the action alternatives, even though it would not meet the purpose and need to permanently increase Marine Corps personnel at North Carolina bases. In addition, it is incompatible with the President's mandate to increase Marine Corps personnel.

The Preferred Alternative (Alternative 2) includes the addition of approximately 7,700 personnel at MCB Camp Lejeune, 1,400 at MCAS New River, and close to 800 at MCAS Cherry Point (total of 9,900 active duty and civilian personnel), as well as approximately 9,450 dependents.

To support this growth, a multi-year, major construction effort would occur at all three installations. Proposed infrastructure development at each installation (at least to some extent) includes: Constructing administrative, educational, training, maintenance, and operations facilities; providing living accommodations (housing, lodging, and mess halls); building Morale, Welfare, and Recreation facilities (fitness centers, medical/dental clinics, child development centers); demolishing existing buildings and infrastructure; and constructing and/or upgrading infrastructure (*e.g.,* roads, power, and communications). Proposed development would result in approximately 1,700 acres of disturbance at MCB Camp Lejeune, 160 acres at MCAS New River, and 117 acres at MCAS Cherry Point.

Under Alternative 3 the same permanent increase of Marines and dependents would occur at the three North Carolina Installations as described for the Preferred Alternative; however, a reduced construction effort would be implemented. This alternative meets the purpose and need to establish the Marine Corps personnel increases on a permanent basis; however, once deployments are curtailed and Marines return to their home stations from abroad, infrastructure capacity to support all the Marines would be considerably strained at the three Installations. Under this alternative proposed development would result in approximately 360 acres of disturbance at MCB Camp Lejeune, 90 acres at MCAS New River, and 40 acres at MCAS Cherry Point.

Under Alternative 4, the same permanent increase of Marines and dependents would occur at the three Installations as described in the Preferred Alternative; however, no construction projects or infrastructure development would occur. The increased personnel would be accommodated in existing facilities or temporary/relocatable buildings already in place. The purpose and need for the Proposed Action would be met; however, by not implementing any construction projects or upgrades, infrastructure capacity to support all the Marines would be considerably strained at all three Installations.

Environmental resources addressed in the Draft EIS include land use and coastal zone management; socioeconomics; recreation and visual resources; community services and facilities; transportation and traffic; utilities and infrastructure; hazardous materials, toxic substances, and hazardous waste; noise; air quality; natural resources, including threatened and endangered species; earth resources (*e.g.,* soils and geology); water resources (*e.g.,* surface waters and wetlands); and cultural resources. The Draft EIS also accounts for cumulative impacts from other past, present, and reasonably foreseeable future actions in the Jacksonville and Havelock, North Carolina regional area.

The Draft EIS analyses indicate that the proposed personnel increases would substantially increase the population residing on the three Marine Corps installations, as well as the population within the surrounding communities of Onslow, Craven, and Carteret counties. Onslow and Craven counties are anticipated to receive 95 percent of the growth directly associated with the proposed action. The influx of personnel would have direct impacts (but not at a magnitude to introduce major adverse effects) to socioeconomics, community services (specifically schools in Onslow County), utilities, and local traffic. The Preferred Alternative would, however, introduce positive input into the local economy from economic gains associated with military salaries and taxes (long-term gain) and major construction efforts (short-term gain).

The proposed construction and demolition would have adverse impacts to cultural resources at MCB Camp Lejeune (demolition of three historic buildings). Mitigation measures will be developed in consultation with the North Carolina State Historic Preservation Officer. Proposed construction also has the potential to impact wetlands at all three installations. However, these impacts are not anticipated to be significant due to the best management practices utilized by the Marine Corps.

Schedule: A Notice of Availability (NOA) of the Draft EIS will be published both in the **Federal Register** and local print media, which starts the 45-day public comment period for the Draft EIS. The Marine Corps will consider and respond to all comments received on the Draft EIS when preparing the Final EIS. The Department of the Navy intends to issue the Final EIS no later than December 2009, at which time a NOA will be published in the **Federal Register** and local media. A Record of Decision will be issued no sooner than 30 days following publication of the Final EIS.

Dated: July 14, 2009.

A.M. Vallandingham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E9–17180 Filed 7–17–09; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2009–0017]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Department of the Army is proposing to add a system of records to its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on August 19, 2009 unless comments are received that would result in a contrary determination.

ADDRESSES: Department of the Army, Freedom of Information/Privacy Division, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones at (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on July 10, 2009, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals', dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 13, 2009.

Morgan E. Frazier,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0600–63 G3/5/7

SYSTEM NAME:

Soldier Fitness Tracker System.

SYSTEM LOCATION:

HQDA G3/5/7–CCSA, Information Management Support Center, Zachary Taylor Building, 2530 Crystal Drive, Arlington, VA 22202–0400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Army military personnel (Active Duty, Reserve, and National Guard), family members of Army service members, and Army civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Soldier Fitness Tracker System contains up-to-date and historical data related to family, emotional, spiritual, social, and physical fitness. It will include names, Social Security Numbers (SSN), dates of birth, gender, race, ethnic category, rank/grade, service, service component, occupation, education level, marital status, dependent quantities, home and unit location data including 5 digit zip codes, and various other information elements. In addition, the system will contain data on periodic and deployment health appraisal information and historical data on personnel and deployments. It includes medical encounter information including periodic health and wellness survey information, readiness status information, and longitudinal demographic and occupational information, assignment and deployment information, and results of aptitude tests. It also includes information related to enrollment and completion of programs to improve employee physical and mental functioning.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 3013, Secretary of the Army; DoD Instruction 1100.13, Surveys of DoD Personnel; DoD Directive 6490.2, Comprehensive Health Surveillance; DoD Directive 6490.3, Deployment Health; DoD Directive 1404.10, Civilian Expeditionary Workforce; AR 600–63, The Army Health Program and E.O. 9397 (SSN).

PURPOSE(S):

The Soldier Fitness Tracker System supports a systematic collection, analysis, interpretation, and reporting of standardized, population based data for the purposes of self assessing, characterizing, and developing individualized profiles to guide individuals through structured self development training modules with the goal of improving mental and physical well-being, coping skills and strategies. The Comprehensive Soldier Fitness Program, which operates the Soldier Fitness Tracker System, routinely advises leadership of trends and anomalies in the Comprehensive Soldier Fitness Leader's Monthly Summary Report. Summarized unit level reports will be disseminated via the Leader's Decision Support Dashboard to military leaders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Note: This system of records contains Personal Identifiable Information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18–R may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

By individual Social Security Number (SSN), Service Number, and name.

SAFEGUARDS:

Electronic records are maintained within secured buildings in areas accessible only to persons having official need to know, and who are properly trained and screened. In addition, the system will be a controlled system with passwords, and Common Access Card (CAC) governing access to data.

RETENTION AND DISPOSAL:

Records are destroyed when no longer needed for reference and/or for conducting business. Records are destroyed by erasing.

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, Soldier Fitness Tracker System, HQDA G–3/5/7–CSF, Zachary Taylor Building, 2530 Crystal Drive, Arlington, VA 22202–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the HQDA G–3/5/7–CSF, Director, Zachary Taylor Building, 2530 Crystal Drive, Arlington, VA 22202–0400.

For verification purposes, individuals should provide their full name, Social Security Number (SSN), any details, which may assist in locating records, and their signature. In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the HQDA G–3/5/7–CSF, Director, Zachary Taylor Building, 2530 Crystal Drive, Arlington, VA 22202–0400.

For verification purposes, individuals should provide their full name, Social Security Number, any details, which may assist in locating records, and their signature. In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations

are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager. Denial to amend records in this system can be made only by the Deputy Chief of Staff for Personnel in coordination with the Director of Comprehensive Soldier Fitness.

RECORD SOURCE CATEGORIES:

From personnel, healthcare, training, and financial information systems. From individuals by interview and health assessment surveys. From abstracts of medical records and results of tests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–17149 Filed 7–17–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID USN–2009–0017]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Navy is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on August 19, 2009 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Head of Naval Operations (DNS–36), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Ms. Miriam Brown-Lam (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 15, 2009.

Morgan E. Frazier,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01533–2

SYSTEM NAME:

Navy Junior Reserve Officer Training Corps (NJROTC) Payment Reimbursement System (May 4, 2007, 72 FR 25275).

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 2031, Junior Reserve Officers' Training Corps, Reserve Officers' Training Corps Program for Secondary Educational Institutions; DoD Instruction 1205.13, Junior Reserve Officers' Training Corps (JROTC) Program; DoDFMR Volume 10, Chapter 21; OPNAVINST 1533.5A, Naval Junior Reserve Officers Training Corps (NJROTC); and E.O. 9397 (SSN).''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''As a minimum, records are accessed by person(s) responsible for servicing, and authorized to use, the record system in performance of their official duties and properly screened and cleared for the need-to-know. Additionally, records are stored in locked file cabinets.

Access to the building is controlled through utilization of a swipe card. All guests are escorted. Access to electronic documents is limited by an officially issued Common Access Card (CAC) that is password protected.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Paper records and electronic storage media are maintained for a period of up to 6 years and 3 months from the fiscal year in which they were created, after which they are destroyed at the system location. If storage space is unavailable for this period of time, they may be sent to the Regional Records Service Facilities for the retention period. Destruction is by tearing, shredding, pulping, macerating, or burning.''

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Naval Service Training Command, Citizenship Development (NJROTC), 250 Dallas Street, Suite A, Pensacola, FL 32526–5268.

Requests should contain individual's full name, Social Security Number (SSN) and the name of school. If the individual is no longer an NJROTC instructor, please provide dates of service as an instructor.

The request must be signed, include current address and telephone number.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Naval Service Training Command, Citizenship Development (NJROTC), 250 Dallas Street Suite A, Pensacola FL 32508–5268.

Requests should contain individual's full name, Social Security Number (SSN) and if currently an NJROTC instructor, name of school. If no longer an NJROTC instructor, provide dates of service as an instructor.

The request must be signed, include current address and telephone number. The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5 and 32 CFR part 701. They may also be obtained from the system manager.''

* * * * *

N01533–2

SYSTEM NAME:

Navy Junior Reserve Officer Training Corps (NJROTC) Payment Reimbursement System.

SYSTEM LOCATION:

NSTC/NJROTC Program (CD211), 250 Dallas Street, Suite A, Pensacola, FL 32508–5268.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military retirees who participate in the NJROTC Instructor Program at selected high schools within the continental United States and various overseas locations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number (SSN), school/school district name and address, applicable active duty

entitlement amounts, and current gross retired pay amounts. Navy's applicable contribution percentage, gross and net contribution percentage, gross and net contribution amounts, and current employment period beginning and closing dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2031, Junior Reserve Officers' Training Corps, Reserve Officers' Training Corps Program for Secondary Educational Institutions; DoD Instruction 1205.13, Junior Reserve Officers' Training Corps (JROTC) Program; DoDFMR Volume 10, Chapter 21; OPNAVINST 1533.5A, Naval Junior Reserve Officers Training Corps (NJROTC); and E.O. 9397 (SSN).

PURPOSE(S):

To accomplish payroll computations and the reimbursement portion of the NJROTC Instructor Program; to provide statements and/or reports to each instructor and school/school district; to answer inquiries from instructors, school districts or financial institutions where funds are distributed; to provide information required by an auditor during an audit of the program; and to assist the Department of the Navy with any audit of individual instructor, school/school district.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the school/school district to provide information regarding the instructor's computed minimum instructor pay, and the amount being reimbursed by the Navy.

To the Treasury Department to provide information on check issues and electronic funds transfers.

To the Federal Reserve Banks to distribute payments made through the direct deposit system to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts.

The DoD ''Blanket Routine Uses'' published at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSITION OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Information is retrieved by Instructor Name, Instructor Social Security Number (SSN), School Identification Code, School Name, District Identification Code, District Name, Retired Pay Grade, or by any combination of data elements within the database.

SAFEGUARDS:

As a minimum, records are accessed by person(s) responsible for servicing, and authorized to use, the record system in performance of their official duties and properly screened and cleared for the need-to-know. Additionally, records are stored in locked file cabinets.

Access to the building is controlled through utilization of a swipe card. All guests are escorted. Access to electronic documents is limited by an officially issued Common Access Card (CAC) that is password protected.

RETENTION AND DISPOSAL:

Paper records and electronic storage media are maintained for a period of up to 6 years and 3 months from the fiscal year in which they were created, after which they are destroyed at the system location. If storage space is unavailable for this period of time, they may be sent to the Regional Records Service Facilities for the retention period. Destruction is by tearing, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Service Training Command, Citizenship Development, 250 Dallas Street, Suite A, Pensacola, FL 32526.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Naval Service Training Command, Citizenship Development (NJROTC), 250 Dallas Street, Suite A, Pensacola, FL 32526–5268.

Requests should contain individual's full name, Social Security Number (SSN) and the name of school. If the individual is no longer an NJROTC instructor, please provide dates of service as an instructor.

The request must be signed, include current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Naval Service Training Command, Citizenship Development (NJROTC), 250 Dallas Street Suite A, Pensacola FL 32508–5268.

Requests should contain individual's full name, Social Security Number (SSN) and if currently an NJROTC instructor, name of school. If no longer an NJROTC instructor, provide dates of service as an instructor.

The request must be signed, include current address and telephone number. The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5 and 32 CFR part 701. They may also be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual instructors; school/school district offices; Department of the Navy and the Defense Retiree and Annuitant System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–17153 Filed 7–17–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2009–0047]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Air Force proposes to amend a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on August 19, 2009 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Privacy Act Officer, Office of Warfighting Integration and Chief Information Officer, SAF/XCPPI, 1800 Air Force Pentagon, Washington, DC 20330–1800.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Swilley at (703) 696–6648.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy

Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 13, 2009.

Morgan E. Frazier,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F036 AETC F

SYSTEM NAME:

Recruiting Research and Analysis System (June 11, 1997, 62 FR 31793).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Headquarters, Air Force Recruiting Service, 550 D Street, Suite 1, Randolph Air Force Base, TX 78150–4527.

''Air Force Recruiting activities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.''

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Supervisor's rating, achievement, aptitude, reading, vocational interest and adjustment and temperament inventory scores, Air Force tech training class score, statistics and trend analysis.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 8013, Secretary of the Air Force; 10 U.S.C. 503, Enlistments; Air Education and Training Command Instruction 36–2002; and E.O. 9397 (SSN).''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Records are stored in locked rooms, cabinets, and computers. Access to computerized data is restricted by passwords, which are changed periodically or the use of a Common Access Card (CAC). Access is limited to person(s) responsible with a need to know for servicing the system of record in performance of their official duties and those authorized personnel who are properly screened and cleared.''

* * * * *

F036 AETC F

SYSTEM NAME:

Recruiting Research and Analysis System.

SYSTEM LOCATION:

Headquarters, Air Force Recruiting Service, 550 D Street, Suite 1, Randolph Air Force Base, TX 78150–4527.

Air Force Recruiting activities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force enlisted personnel entering active duty. Individuals tested and processed for Air Force enlistment. Potential Air Force enlistees qualified through the Armed Services Vocational Aptitude Battery (ASVAB) high school testing program. Applicants for the Officer Training School. Air Force active duty officer and enlisted personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Supervisor's rating, achievement, aptitude, reading, vocational interest, adjustment and temperament inventory scores, Air Force tech training class score, statistics and trend analysis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; 10 U.S.C. 503, Enlistments; Air Education and Training Command Instruction 36–2002; and E.O. 9397 (SSN).

PURPOSE(S):

Research statistical reference file used by Headquarters United States Air Force Recruiting Service. Specific uses are to: (1) Evaluate the quality of Air Force military personnel procured by Air Force Recruiting Service; (2) develop a more objective screening process for entry into recruiting duty; and (3) develop opinion-based recommendations for recruiting effort improvements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a (b) of the Privacy Act of 1974, these records contained therein may be specifically disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a (b) (3) as follows:

The ''Blanket Routine Uses'' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by Social Security Number, study control number or name.

SAFEGUARDS:

Records are maintained in a controlled facility. Records are stored in locked rooms, cabinets, and computers. Access to computerized data is restricted by passwords, which are changed periodically or the use of a Common Access Card (CAC). Access is limited to person(s) responsible with a need to know for servicing the system of record in performance of their official duties and those authorized personnel who are properly screened and cleared.

RETENTION AND DISPOSAL:

Records are retained until no longer needed. ASVAB records are destroyed after two months. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Recruiting Operations, Headquarters United States Air Force Recruiting Service, 550 D Street West, Randolph Air Force Base, TX 78150–4527.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Director of Recruiting Operations, Headquarters United States Air Force Recruiting Service, 550 D Street West, Randolph Air Force Base, TX 78150–4527.

Social Security Number (SSN) and full name are required to determine if the system contains a record relative to any specific individual. Valid proof of identity is required.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Director of Recruiting Operations, Headquarters United States Air Force Recruiting Service, 550 D Street West, Randolph Air Force Base, TX 78150–4527.

Social Security Number (SSN) and full name are required to determine if the system contains a record relative to any specific individual. Valid proof of identity is required.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individuals, supervisors, from Air Force Technical Training Centers and from the Recruiting Activities Management Support System (RAMSS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9–17151 Filed 7–17–09; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Saturday, August 29, 2009, 8 a.m.–4:30 p.m.

ADDRESSES: RT Lodge, 1406 Wilkinson Pike, Maryville, Tennessee 37803.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 576–4025; Fax (865) 576–2347 or e-mail: *halseypj@oro.doe.gov* or check the Web site at *http://www.oakridge.doe.gov/em/ssab*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: The focus of the annual retreat will be a review of Fiscal Year (FY) 2009 and the development of work plans for FY 2010.

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Pat Halsey at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Pat Halsey at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.oakridge.doe.gov/em/ssab/minutes.htm*.

Issued at Washington, DC, on July 14, 2009.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E9–17160 Filed 7–17–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, August 12, 2009—6 p.m.

ADDRESSES: DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, Tennessee.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 576–4025; Fax (865) 576–2347 or *e-mail: halseypj@oro.doe.gov* or check the Web site at *http://www.oakridge.doe.gov/em/ssab.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: The main meeting topic will be general board business in preparation for the board's annual retreat.

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Pat Halsey at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Pat Halsey at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.oakridge.doe.gov/em/ssab/minutes.htm.*

Issued at Washington, DC, on July 14, 2009.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E9–17158 Filed 7–17–09; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Record of Decision, FutureGen Project

AGENCY: Department of Energy.

ACTION: Record of decision.

SUMMARY: The U.S. Department of Energy (DOE) prepared an Environmental Impact Statement (EIS) (DOE/EIS–0394) to assess the potential

environmental impacts associated with the proposed action of providing Federal financial assistance to the FutureGen Industrial Alliance, Inc. (Alliance) for the FutureGen Project. The Alliance, which is a non-profit industrial consortium led by the coal-fueled electric power industry and the coal production industry, intends to plan, design, construct and operate a coal-fueled electric power plant that will be integrated with capture and geologic sequestration of the by-product carbon dioxide (CO_2). Based on DOE's review and consideration of relevant factors, including potential environmental consequences associated with the proposed Project at four alternative sites, and subject to future technical, cost, business and environmental decision points, DOE has decided to proceed with financial assistance for the FutureGen Project. All practicable means to avoid or minimize environmental harms have been adopted.

During June 2008, DOE discontinued support for the Project allowing its cooperative agreement with the Alliance to expire without continuation or renewal. More recently, DOE reassessed that decision and reached an agreement with the Alliance to complete a preliminary design, a revised cost estimate and a funding plan pursuant to a new eight- to ten-month limited-scope cooperative agreement valued at approximately $17.5 million. Prior to the expiration of this cooperative agreement, DOE and the Alliance will make a mutual decision on whether to move forward into the subsequent phases.

Federal financial assistance for the subsequent phases (*i.e.,* detailed design, construction and operations) would occur under the terms of a new full-scope cooperative agreement to be negotiated between DOE and the Alliance sometime during early 2010. As of early 2007, the project cost estimate was approximately $1.7 billion (in as spent dollars), based on a conceptual design and generic cost data. DOE and the Alliance recognize that the costs may be as much as $700 million higher and will use the new limited-scope cooperative agreement to explore cost reduction options and refine the estimate. If the Project continues, DOE anticipates committing $1 billion in funds under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) plus remaining funds from prior year annual appropriations. The balance of project funding is expected to come from (1) the Alliance ($400 to 600 million), (2) revenues from sales of electricity, and (3) other funding sources to be identified in the project funding plan.

The FutureGen Project includes the planning, design, construction and operation by the Alliance of a coal-fueled electric power plant that features sub-systems for capture and geologic sequestration of the by-product carbon dioxide (CO_2) fully integrated into the power generation system. Electricity will be generated using an integrated gasification combined-cycle (IGCC) system sized for a nominal 275-megawatt (MW) output. The plant will be designed for at least 90 percent CO_2 capture but may be operated in the early years at 60 percent capture to validate plant integration and sequestration capability before increasing the capture rate to 90 percent by the third year of operation. The plant will compress the captured CO_2 and pipe the captured CO_2 to one or more injection wells, where the CO_2 will be injected into saline reservoirs located thousands of feet beneath the land surface. The plant will also be designed to reduce air emissions of nitrogen oxides, sulfur oxides, mercury, and particulates to very low levels. The Project will include an option for a research platform to support development of technologies for future power plants that capture and sequester CO_2.

DOE considered four sites as reasonable alternatives: (1) Mattoon, Illinois; (2) Tuscola, Illinois; (3) Jewett, Texas; and (4) Odessa, Texas. After careful consideration of the potential environmental impacts of the proposed project at each of the four alternative sites, along with consideration of program goals and objectives in accordance with its obligations under the National Environmental Policy Act (NEPA), DOE has decided to provide financial assistance to the Alliance to implement the FutureGen Project at any one of the four alternative sites. In addition, DOE considered potential mitigation opportunities in the EIS, and several mitigation requirements are specified in this Record of Decision (ROD). Floodplain and wetland environmental review requirements (10 CFR Part 1022) were incorporated into the EIS and NEPA process. This ROD briefly describes mitigation steps to be taken.

DOE issued the Final EIS on November 9, 2007, and the U.S. Environmental Protection Agency's (EPA) Notice of Availability of the EIS was published in the **Federal Register** on November 16, 2007 (72 FR 64619 (2007)). The cooperative agreement in effect at that time gave the Alliance the right to select the site after DOE issued a ROD. The Alliance announced their preference for the Mattoon site in December 2007. Therefore, DOE acknowledges that the Alliance intends to formally select Mattoon after issuance of this ROD. Since December 2007, the Alliance has acquired property at the Mattoon site (without using Federal funds) and has continued to conduct preliminary design work.

ADDRESSES: The Final EIS is available on the DOE NEPA Web site at: *http://www.gc.energy.gov/NEPA/final-EIS–0394.htm* and on the DOE National Energy Technology Laboratory Web site at: *http://www.netl.doe.gov/technologies/coalpower/futuregen/EIS.* This ROD also is available on the same Web sites. Copies of the Final EIS and this ROD may be obtained from Mr. Mark L. McKoy, Environmental Manager, U.S. Department of Energy, National Energy Technology Laboratory, P.O. Box 880, Morgantown, WV 26507–0880, *ATTN:* FutureGen Project EIS; *telephone:* 304–285–4426; *toll-free number:* 1–800–432–8330 (ext 4426); *fax:* 304–285–4403; or *e-mail: FutureGen.EIS@netl.doe.gov.*

FOR FURTHER INFORMATION CONTACT: To obtain additional information about this project, the EIS or the ROD, contact Mr. Mark. L. McKoy by the means specified above under **ADDRESSES**. For general information on the DOE NEPA process, contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; *telephone:* 202–586–4600; *fax:* 202–586–7031; or leave a *toll-free message at:* 1–800–472–2756.

SUPPLEMENTARY INFORMATION: DOE prepared this ROD pursuant to Council on Environmental Quality regulations for implementing the procedural provisions of NEPA [40 Code of Federal Regulations (CFR) Parts 1500—1508] and DOE NEPA regulations (10 CFR Part 1021). This ROD is based in part on DOE's Final EIS for the FutureGen Project (DOE/EIS–0394, November 2007).

Background

On February 27, 2003, then President Bush announced that the United States would undertake a large-scale research project to build the world's first coal-fueled power plant to produce electricity and hydrogen gas (H_2) with near-zero emissions, including CO_2. In response to this announcement, DOE developed plans for the FutureGen Project, which was intended to establish the technical and economic feasibility of producing electricity and H_2 from coal—a low-cost and abundant energy

resource—while capturing and geologically storing the CO_2 generated in the process.

On April 21, 2003, the Department of Energy (DOE) issued a Request for Information (RFI) in the **Federal Register** seeking public comment in the form of expressions of interest from prospective consortia. FutureGen is anticipated to be a complex undertaking; therefore, DOE believes project success is best achieved through a collaboration of the industries most heavily impacted by potential future limitations on carbon emissions. Thus, DOE outlined a plan to enter into a noncompetitive cooperative agreement with a consortium led by the coal-fueled electric power industry and the coal production industry. In response to the RFI, the FutureGen Industrial Alliance, Inc. was proposed to represent the industry collaboration, and on July 27, 2005, the Alliance was incorporated. A limited-scope cooperative agreement was signed by DOE and the Alliance on December 2, 2005 to initiate the Project with a project definition phase that yielded a conceptual design report and project plans. This phase also led to the signing of a full-scope cooperative agreement on March 23, 2007 that was intended to establish the remainder of the Project.

On June 15, 2008, in response to DOE's concerns about escalating costs, DOE allowed the cooperative agreement to expire without continuation or renewal. During February 2009, the General Accounting Office issued a report (GAO–09–248), which concluded that DOE's decision to restructure the FutureGen Project should be based on a comprehensive analysis of costs, benefits and risks. Subsequently, the Department reassessed the Project and determined that additional information is required for DOE and the Alliance to make an informed decision on whether to continue the Project to completion. In a June 12, 2009 press release, Secretary Chu announced an agreement for the Alliance to begin performance of the following activities:

- Rapid restart of preliminary design activities.
- Completion of a site-specific preliminary design and up-dated cost estimate.
- Expansion of the Alliance sponsorship group.
- Development of a complete funding plan.
- Potential additional subsurface characterization.

These activities would occur pursuant to a new eight- to ten-month limited-scope cooperative agreement valued at approximately $17.5 million. Prior to the expiration of this cooperative agreement and based on the new information (preliminary design, revised cost estimate, and funding plan, anticipated early in 2010), DOE and the Alliance will make a mutual decision on whether to move forward. The preferred outcome is a mutual decision to move forward and to establish a full-scope cooperative agreement for the detailed design, construction and operation of the Project, subject to additional NEPA review as appropriate.

Purpose and Need for Agency Action

The purpose of the agency action is to implement the FutureGen Initiative, and support the Nation's climate change mitigation strategy through the application of technologies currently feasible for carbon capture and storage (CCS) and large-scale production of H_2. The Federal action is to fund the construction and operation of the cleanest coal-fueled power plant system in the world for producing electricity from H_2. As the Nation's most abundant fossil fuel, coal is expected to have an important role in the Nation's energy future. However, fossil fuel combustion has been identified as a major source of CO_2 concentration increases in the atmosphere. Electric power generation contributes 40 percent of all CO_2 emissions in the U.S. In 2006, 82 percent of all electricity production-related CO_2 emissions resulted from the burning of coal.

EIS Process

On February 26, 2006, DOE published in the **Federal Register** (71 FR 8283) an Advance Notice of Intent to prepare an EIS. Subsequently, on July 28, 2006, DOE published a Notice of Intent to prepare the FutureGen EIS and to hold public scoping meetings (71 FR 42840). DOE held a public scoping meeting near each of the four alternative sites during the public scoping period, which ended September 13, 2006. DOE addressed scoping comments in the Draft EIS.

On June 1, 2007, DOE published in the **Federal Register** (72 FR 30572) a Notice of Availability and an announcement of public hearings for the Draft EIS. The four public hearings also were announced in local newspapers. One public hearing was held near each of the four alternative sites. Comments were solicited at the public hearings and throughout the public comment period, which ended July 16, 2007. Comments on the Draft EIS included statements of support as well as concerns about public health and safety, aesthetics, noise, air emissions and air quality, water consumption and protection (surface water and groundwater), monitoring methods and permanence of geologic storage, co-sequestration of hydrogen sulfide (H_2S), employment, impacts on farming, disposal of wastes, public outreach, technology development, and promotion of alternate sources of energy. In the Final EIS, DOE considered and, as appropriate, responded to public comments on the Draft EIS. DOE issued the Final EIS during November 2007, and the Environmental Protection Agency published a Notice of Availability for the Final EIS in the **Federal Register** on November 16, 2007 (72 FR 64619). On December 18, 2007, the Alliance announced its intention to select the Mattoon site, pending the issuance of DOE's Record of Decision. Under the terms of the cooperative agreement in effect at that time, the Alliance would select the FutureGen site from among the sites found to be acceptable by DOE, as published in the ROD. Since December 2007, the Alliance has acquired property at the Mattoon site (without using Federal funds) and has continued to conduct preliminary design work.

Proposed Action and Project Description

The Proposed Action is for DOE to provide financial assistance to the Alliance for the FutureGen Project. Under the terms of a new $17.5 million limited-scope cooperative agreement, DOE and the Alliance will complete a preliminary design, a revised cost estimate and a funding plan for the FutureGen Project. Based on these work products, DOE and the Alliance will mutually decide prior to the expiration of this agreement whether to move forward into subsequent phases.

In an effort to reduce costs, improve plant reliability, and generate revenue from sales of electricity, DOE and the Alliance will consider several design and operational features not presented in the Final EIS, including the following specific features:

- Design the facility for at least 90 percent CO_2 capture but operate in the early years at 60 percent capture to validate plant integration and sequestration capability before increasing the capture rate to 90 percent by the third year of operation.
- Design the combined-cycle power generation portion of the facility so that it may be operated on natural gas during the period when the gasification plant is under construction, and thereafter if syngas is not available.
- Design the facility so that it is optimized for a single coal type, which may decrease capital costs of the facility.

As explained herein (see sections on ''Air Quality'' and ''Climate and Meteorology''), DOE believes incorporation of these features into the Project does not significantly change the environmental impacts of the project as presented in the Final EIS.

If DOE and the Alliance mutually decide in early 2010 to move forward with the remainder of the Project, DOE would share costs in the planning, design, construction, and operation of the Project, as specified in a follow-on full-scope cooperative agreement. The Alliance is a non-profit corporation that represents a global coalition of coal and energy companies that would share in the Project costs.

As of early 2007, the Project cost estimate was approximately $1.7 billion (in as spent dollars), based on a conceptual design and generic cost data. DOE and the Alliance recognize that the costs may be as much as $700 million higher and will use the new limited-scope cooperative agreement to explore cost reduction options and refine the estimate. If the Project continues, DOE anticipates committing $1 billion in funds under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) plus remaining funds from prior year annual appropriations. The remainder of project funding is expected to come from (1) the Alliance ($400 to 600 million), (2) revenues from sales of electricity, and (3) other funding sources to be identified in the project funding plan.

The FutureGen Project will be a low-emissions coal-fueled power plant supporting cutting-edge research to develop promising new energy-related technologies on a commercial scale. Low carbon emissions will be achieved by integrating CO_2 capture and sequestration operations with the power generation system. Performance and economic test results from the FutureGen Project will be shared among the participants, the industry, the environmental community, and the public.

The power plant will be a nominal 275-megawatt (MW) output IGCC system. Geologic storage of CO_2 is planned to occur at an operational rate of at least 1.1 million tons [1 million metric tons (MMT)] of CO_2 per year. The following are major components of the FutureGen Project: A power plant and plant infrastructure; a sequestration site for one or more CO_2 injection wells and related infrastructure; a deep saline reservoir (an underground geologic formation whose pore space contains salt water); utility connections and corridors (water supply pipeline, sanitary wastewater pipeline, electricity transmission line, natural gas pipeline, and CO_2 pipeline); and rail and truck transportation of coal and other materials consumed or generated by the power plant.

Construction is anticipated to begin in 2011, with initial startup of the facility in 2014. DOE-sponsored activities will include design, construction and four years of plant operation, testing, and research, followed by two years of additional geologic monitoring of the sequestered CO_2. After DOE-sponsored activities conclude, the Alliance or its successor will manage and operate the plant, likely as a commercial venture. DOE expects the plant will operate for at least 20 to 30 years, and potentially up to 50 years.

As preliminary design for the FutureGen Project continues and more information regarding the site and costs becomes available, it may become necessary to modify the design and/or goals of the Project. Changes made to the Project and additional information about the selected site will be examined in a Supplement Analysis, which DOE will use to determine if a Supplemental EIS is warranted.

Site Alternatives

DOE analyzed four reasonable alternative sites for the FutureGen Project. These sites were identified by the Alliance through a rigorous competitive solicitation and screening process. DOE reviewed the Alliance's process and findings to ensure that all reasonable alternatives were considered for analysis in the EIS.

As noted above, the Alliance has stated its intention to formally select the Mattoon site, pending the issuance of DOE's Record of Decision. The following paragraphs briefly describe each alternative site, as conditions existed at the time the EIS was prepared.

Mattoon, Illinois. The Mattoon Site consists of approximately 444 acres of flat-lying farmland about 1 mile northwest of the City of Mattoon, Coles County, Illinois. The power plant and sequestration site would be located in the same area. Currently, the site is 93 percent farmland and 3 percent public rights-of-way (ROW), with the remainder being rural residential development and woodlands.

Tuscola, Illinois. The Tuscola Site consists of approximately 345 acres of flat-lying farmland about 1.5 miles west of the City of Tuscola, Douglas County, Illinois. The site is currently farmland and is located adjacent to facilities of the Cabot Corporation and Lyondell-Equistar Chemical Company. The sequestration site is a 10-acre parcel located 11 miles south of the power plant site in Douglas County. The sequestration site currently consists of agricultural land located south of the City of Arcola.

Jewett, Texas. The Jewett Site is located in east-central Texas on approximately 400 acres of formerly mined land about 7 miles northwest of the City of Jewett. The site is located at the intersection of Leon, Limestone, and Freestone counties. The area is characterized by very gently rolling grassed areas (reclaimed mine lands) and post oak forest adjacent to an operating lignite mine and the NRG Limestone Generating Station. The sequestration wells would be located on private ranchland and/or state-owned land approximately 33 miles northeast of the plant site in Anderson and Freestone counties. Land at the sequestration sites is used for ranching and agriculture and includes part of the property of a state prison farm.

Odessa, Texas. The Odessa Site is located on approximately 600 level acres about 15 miles southwest of the City of Odessa, Ector County, Texas. The site is north of the town of Penwell on land historically used for ranching plus oil and gas activities. The sequestration site is located 58 miles south of the plant site in Pecos County. This sparsely populated area is on semi-arid land adjacent to Interstate Highway I–10, about 13 miles east of Fort Stockton. The sequestration site property is owned by the University of Texas.

No-Action Alternative

Under the No-Action Alternative, DOE would not share in the cost for constructing and operating the FutureGen Project. Without DOE funding, the Alliance would not likely undertake the commercial-scale integration of CO_2 capture and geologic sequestration with a coal-fueled power plant. Therefore, the No-Action Alternative is considered a ''No-Build'' Alternative.

Potential Environmental Impacts and Mitigation Measures

In making its decision, DOE considered the environmental impacts of the Proposed Action and No-Action Alternative on potentially affected environmental resource areas. These include air quality, climate and meteorology, geology, physiography and soils, groundwater, surface water, wetlands and floodplains, biological resources, cultural resources, land use, aesthetics, traffic and transportation, noise and vibration, human health and safety (including accidents and sabotage

scenarios), socioeconomics, and environmental justice. The EIS evaluates the impacts of the FutureGen Project on these environmental resource areas at each of the four candidate sites. It also examines potential incremental impacts of the Project in combination with other past, present, and reasonably foreseeable future actions (*i.e.,* cumulative impacts). The following sections provide key findings related to potential environmental impacts and mitigation measures.

Air Quality

The FutureGen Project will be categorized as a major source of air pollutants under Clean Air Act regulations because emissions of some criteria pollutants will exceed 100 tons per year. However, compared to conventional coal-fueled power plants of the same size, the Project will emit very low levels of criteria and hazardous air pollutants, including those from initial startup, restarts and flaring events. During these periods, emissions will increase temporarily while process gases are flared for a short period of time. There is less than a two percent chance that critical weather conditions would coincide with a plant upset or restart to cause a local, short-duration exceedance of National Ambient Air Quality Standards at any of the four sites (chance of exceedance of the 3-hour sulfur dioxide [SO_2] criterion is: Mattoon, 0.23 percent; Tuscola, 0.22 percent; Jewett, 1.66 percent; Odessa, 0.09 percent).

Although air quality impacts will be small at any of the sites, the FutureGen Project will reduce emissions and impacts to the fullest extent practicable. Specifically, the Project will employ advanced particulate control devices such that the concentration of particulates in the syngas will be less than 0.005 lb/MM Btu (pounds per million metric British thermal units) of coal gasified, which is far lower than current environmental standards for coal plants. For controlling emissions of nitrogen oxides, the Project will use state-of-the-art combustion-control technologies (*e.g.,* using nitrogen gas and/or steam as a diluent in the combustion gas turbine to adjust the firing temperature and thereby reduce the thermal formation of nitrogen oxides). Downstream from the gasifier, a water-gas-shift reactor will convert carbon monoxide (CO) and water into CO_2 and H_2. Further downstream, an acid gas removal system will capture CO_2 and sulfur compounds, thus minimizing emissions.

During the up-coming continuation of the preliminary design phase, DOE and the Alliance will consider several design and operational features not presented in the Final EIS: A temporary (two to three year period) reduction in CO_2 capture rate from 90 percent to 60 percent, short-term periods of firing the combustion turbine on natural gas (including a potential one-year startup period), and the optimization of the power plant for gasifying a single coal type (see the above section on ''Proposed Action and Project Description''). Air emissions of criteria and hazardous pollutants associated with these potential changes in the scope of the project are estimated to result in no change in the findings of the EIS.

For example, during periods that the facility operates on coal at 60 percent CO_2 capture, emissions of SO_2, particulates and mercury would be unchanged because the syngas and flue gas clean-up systems would operate the same as they would when the facility operates at 90 percent CO_2 capture. Additionally, when capturing 60 percent of the CO_2, emissions of NO_x and CO are expected to be unchanged. Therefore, the estimated emission rates of these criteria pollutants at 60 percent CO_2 capture would be equal to those used for air quality modeling in the EIS. Estimated emissions of CO_2 are described in the next section, ''Climate and Meteorology''.

During short-term periods of operation on natural gas, emissions of SO_2, particulates and mercury would be negligible. Emissions of CO are estimated to be below the emission rate of CO during operation on coal and therefore below the emission rates used for air quality modeling in the EIS. Emissions of NO_x when firing natural gas are expected to require control using selective catalytic reduction and, therefore, would be typical of emission levels for state-of-the-art natural gas combined-cycle power plants. These emission rates would be well below the emission rates used for air quality modeling in the EIS.

To validate the Project's accomplishments, the Alliance shall prepare (at a minimum) annual reports during the term of the cooperative agreement that document engineering and research activities demonstrating technical and economic progress toward developing the design and operational basis for future near-zero emissions coal-fueled power plants. Annual reports shall include summary information on the emissions of criteria pollutants and CO_2 from the Project. These reports shall indicate the performance and emissions of the Project during normal operations. If air emissions data are collected during periods of operation outside normal, steady-state conditions, this information also shall be summarized in the report.

Climate and Meteorology

Construction and operation of the FutureGen Project will not cause measurable impacts on local, regional or global climate and meteorology. The Project's primary objective is to test and help develop coal-fueled power plants that greatly reduce emissions of greenhouse gases. If the Project's technologies are widely deployed in fossil-fueled power plants built in the future, these plants collectively could reduce national and world-wide greenhouse gas emissions (compared to a scenario of not using carbon capture and sequestration on new coal-fueled power plants), thereby lessening the potential for global climate change.

If the Project adopts potential changes in the CO_2 capture rate, fuel source and plant operations, as discussed in the section on ''Proposed Action and Project Description'', the amount of CO_2 emitted to the atmosphere would increase during the first two or three years of project operations. At 60 percent CO_2 capture levels, facility operations on coal are estimated to add additional emissions of 485,000 to 685,000 metric tons of CO_2 per year of operation. One year of facility operations on natural gas is estimated to add additional emissions of 750,000 metric tons of CO_2. Facility operations on natural gas if syngas is not available are only expected to result in additional emissions during the period when the facility is usually operated at 90 percent CO_2 capture levels. These additional emissions are estimated to be between 110,000 to 215,000 metric tons per year of operation. Over the potential 5 year project operations period (four years of coal-fueled operations plus one year of natural-gas-fueled operations prior to completion of plant construction), an estimated additional 2,200,000 to 2,400,000 metric tons of CO_2 may be emitted to the global atmosphere. The additional estimated average annual CO_2 emissions (430,000 to 470,000 metric tons per year) represent nearly double the emissions of CO_2 compared to the maximum predicted emissions when the normally operating plant (fueled with coal) captures 90 percent of the CO_2 (250,000 metric tons per year).

A principal goal of FutureGen testing is to gather operational and cost data on a coal-fueled power plant that is integrated with CO_2 capture and geologic sequestration. The FutureGen facility will be designed for 90 percent CO_2 capture. However, since this is a

first-of-a-kind project in terms of technology integration for large-scale electric power plant applications, testing may be performed initially at the 60 percent CO_2 capture rate as a risk mitigation strategy, and increased later during operational testing. Additionally, the 60 percent CO_2 capture rate will demonstrate operation of a coal-fueled power plant with a CO_2 emission level that is comparable to a state-of-the-art natural gas combined-cycle power plant.

Geology

Construction of the proposed power plant and related facilities would not significantly change geologic conditions at the proposed sites. However, since geological sequestration of CO_2 is one of the Project's goals, the subsurface target reservoirs will be used to store CO_2. Estimated radii of the plumes of injected CO_2 would be of the same relative magnitude at all four sites (1.0 to 1.7 miles radius per well after injecting 1.1 million tons [1.0 MMT] per year for 50 years), although the number of injection wells (and associated plumes) would differ among the sites (probably one well at the Illinois sites; two to three wells at the Jewett site; and three to ten wells at the Odessa site). CO_2 will be injected into an underlying saline reservoir at the selected sequestration site at a planned operational rate of between 1.1 and 2.8 million tons (1.0 to 2.5 MMT) per year. Although reservoir space will be used to store the injected CO_2, no adverse impacts are expected to occur to geological resources.

DOE will require monitoring of the injected CO_2 to assess its fate and to verify storage integrity. To fully support the monitoring and assessment activities, the Alliance shall install a sufficient number (at least two) of monitoring wells into the target reservoirs near a primary injection well to provide the data to validate the expected migration of CO_2. One or more monitoring wells may serve as backup injection wells. After further site characterization studies at the selected site, and subject to land access and property rights, DOE and the Alliance will mutually agree on the placement of monitoring wells that penetrate the primary seal. From a research perspective, it would be advantageous to locate one monitoring well stratigraphically up-dip (or in the hydrodynamically favorable flow direction, if there is found to be another direction of potential flow of injected CO_2). The other monitoring well should then be located in a stratigraphic strike direction (or direction perpendicular to the horizontal direction between the injection wells and the first monitoring well) for directional permeability tests and lateral monitoring. Ideally, these wells should be located near the predicted four-year plume front relative to the primary injection well. In addition to monitoring wells that penetrate and sample the target injection reservoir(s), shallower monitoring wells shall be installed and used to demonstrate compliance with the required Underground Injection Control permit and, as appropriate, to meet the research and development objectives of the Project. Annual reports shall include summary information on the sequestration activities, including monitoring results, the determined location and extent in the subsurface of the injected CO_2, and quantity of excess CO_2 sold or released.

The Alliance shall prepare an Emergency Response Plan for use in the unlikely event of leaks of the injected CO_2. The plan shall include generic responses to apparent slow leaks that could develop into more serious problems if no actions are taken. While it is perhaps not practical or necessary to prepare specific or detailed responses for all potential leakage modes, the plan shall delineate how to identify a leak that could present a hazard if unmitigated. Furthermore, the plan shall identify the responsible persons that would make decisions, develop specific response plans and take action. The plan should also identify resources and organizations that may help in making an appropriate response. The Emergency Response Plan shall address ruptures and large punctures of the CO_2 pipeline and rapid releases of fluids (*i.e.,* blowouts) through failed injection wells or other wells or through other routes from the target reservoir, as described below in the section on ''Human Health, Safety, and Accidents''.

Although during each year of operations the goal is to inject a minimum of 1.1 million tons (1.0 MMT) of CO_2 into deep saline reservoirs, excess captured CO_2 could be sold for use by industry in enhanced oil recovery or other subsurface operations. Successful technology transfer to future power plant projects could result in increased oil and natural gas production.

A very low potential exists for adverse effects to the facilities from geologic hazards. Earthquakes of medium intensity are possible but not common at these sites. The Alliance shall monitor the sequestration site to detect and help operators prevent induced rock fracturing or reservoir leakage caused by over-pressurization of the formation.

The Alliance and DOE will develop a mutually acceptable plan for continued monitoring of the sequestered CO_2 after project completion by a responsible party for a period of time deemed sufficient to verify the sequestration's permanence.

Physiography and Soils

Soil disturbance at the power plant site will result in permanent removal or displacement of soils on up to 200 acres. At Mattoon or Tuscola, this would include prime farmland soils. At Tuscola, an additional 10 acres of soil disturbance may occur at the sequestration site. Soil disturbance in utility corridors is expected to be temporary and will vary greatly depending on the site selected, ranging from 26 to 744 acres with the higher end of the range associated with the Texas sites. Transportation corridors at the power plant site could require up to 15.9 acres of soil disturbance and is generally greater for the Illinois sites. To mitigate these impacts, the Project will employ best management practices, such as those commonly used for erosion control as well as spill prevention and response measures.

Groundwater

Some groundwater use could occur at Tuscola and Odessa, but the Jewett site's process water supply would rely exclusively on groundwater. Groundwater supplies appear more than adequate at each site to meet power plant consumption rates. Although no adverse impacts are expected to occur, impacts of water use are likely to be more significant for the Odessa site. Best management practices, such as water conservation (*e.g.,* a zero liquid discharge system to recycle wastewater and cooling tower blowdown for use in the cooling tower, thereby reducing cooling tower makeup water requirements), spill prevention measures and a spill response plan, will be implemented to minimize the potential for environmental impacts to the fullest extent practicable.

The proposed CO_2 injection reservoirs are one mile deep or greater at each sequestration site, except for the Odessa site, where the injection zone is only 0.5 mile deep. Shale layers (and anhydrite layers at the Odessa site) appear sufficient to provide secure seals for the injected CO_2. Compared to the Illinois sites, the Texas sites have a greater number of existing wells that penetrate the seals, and therefore, these two sites may have a greater risk of CO_2 leakage along existing wells. Target formations are not underground sources of drinking water, and there are no sole-source

aquifers above them. The Alliance shall monitor the sequestration site and ensure that underground sources of drinking water above the target formation are not impacted by the injected CO_2, as expected to be required by the Underground Injection Control permit. Annual reports shall include summary information on the groundwater monitoring activities and results, along with summary information on other monitoring activities addressed by the sequestration program.

The Alliance shall use reasonable efforts to locate and verify the integrity of abandoned wells penetrating the primary seal over the CO_2 plume footprint and properly seal any wells that were not adequately abandoned. This mitigation effort shall occur prior to the start of injection operations for at least the Area of Review defined in the Underground Injection Control Permit. During injection operations, the Alliance must make reasonable efforts to track the CO_2 plume front and to verify and plug, as appropriate, abandoned wells that present a risk of becoming a leakage path (*i.e.,* if monitoring results obtained throughout the injection phase suggest that the actual area of plume spread would exceed the predicted plume footprint). This mitigation requirement shall be made a term and condition for future owners upon sale or donation of the injection facilities at the end of the Alliance's injection activities.

Surface Water

Surface water would be used directly for the Tuscola and Odessa sites, and these surface water resources can accommodate the demand. Mattoon proposes to use municipal wastewater treatment plant effluent, which otherwise would flow into two very small streams (Kickapoo and Cassell creeks) that drain away from Mattoon and Charleston. For both of these streams, the diversion of wastewater may result in more natural flow rates in the streams that now receive the wastewater, but downstream users would suffer a significant reduction in flow rates compared to current rates. Best management practices, such as water conservation (*e.g.,* a zero liquid discharge system to recycle wastewater and cooling tower blowdown for reuse in the cooling tower, thereby reducing cooling tower makeup water requirements), spill prevention measures and a spill response plan, will be implemented to minimize the potential for impacts. Annual reports shall include summary information on the releases of industrial wastewater from the Project and the effectiveness of the Project's water conservation program.

Wetlands and Floodplains

Power plant construction and operations will not affect floodplains since none of the proposed power plant sites include areas mapped as 100-yr floodplains. However, construction and operation of the power plant may impact small, low to moderate quality wetlands at two of the proposed sites, Mattoon and Jewett. The Project's layout will avoid wetlands located on the plant site to the maximum extent practicable.

While the region above the proposed sequestration reservoirs includes floodplains at some sites, tentatively selected well locations are not within 100-year floodplains. Above the proposed sequestration reservoirs at Jewett and Tuscola, there are both wetlands and floodplains. Within the region of influence above Tuscola's target reservoir, wetland areas may occupy up to five acres. Jewett's sequestration areas lay on both sides of the Trinity River, which has numerous wetlands (43 forested, scrub-shrub, and emergent wetlands) nearby and along its floodplains. About 25 percent of the region of influence above the Jewett target reservoirs is within a 100-year floodplain. Site characterization activities (*e.g.,* geophysical surveys) and monitoring programs that might impact wetlands could require avoidance or mitigation measures. Unavoidable impacts to wetlands would require mitigation in accordance with regulatory requirements. It is not anticipated that floodplains will be adversely affected.

Utility and transportation corridors include wetland areas at all four sites. While wetlands can be avoided to a great degree by locating structures outside of or routing around wetlands that are within the corridors, some wetland impacts may be unavoidable. Unavoidable impacts to wetlands would require mitigation in accordance with regulatory requirements. Wetland areas have been identified within utility and transportation corridors in the following amounts: Mattoon, up to 29.2 acres; Tuscola, up to 4.2 acres; Jewett, over 90 acres; and Odessa, up to 23.9 acres. These numbers include wetlands from multiple corridor options, whereby some corridor options may have no wetlands. Some of the corridors cross areas within the 100-year floodplain, but potential impacts are not considered to be significant, especially in light of mitigation measures that will be required for anticipated wetland impacts.

Impacts to wetland resources shall be avoided to the fullest extent practicable. Clean Water Act section 404 permits will be obtained for jurisdictional water bodies and wetland alterations. As a permit condition, mitigation of wetland impacts could be in the form of direct replacement or other approved Federal or state mitigation requirements.

In compliance with floodplain and wetland environmental review requirements (10 CFR Part 1022, Executive Order 11988, and Executive Order 11990), the EIS contains the floodplain and wetland assessments along with the floodplain statement of findings, as allowed under 10 CFR Part 1022.14(c). DOE assessed the potential impacts to wetland and floodplain resources based on field verification (wetland delineations) and National Wetland Inventory (NWI) mapping. The Mattoon and Tuscola sites included field verification for the power plant sites and other project components (*e.g.,* utility corridors), allowing for a quantitative analysis using potential acreage (hectares) of impacts. The Jewett and Odessa sites included field verification for only the power plant sites and relied on NWI mapping for all other project components, allowing for a qualitative assessment limited to the identification of wetland types within the project component areas.

Biological Resources

Land disturbance at the power plant and injection sites will result in up to 210 acres of permanent habitat loss. At the Illinois sites, there would be a loss of row crops (generally corn or soybean) on prime farmland. At the Jewett site, this would be primarily a loss of a mixture of grasslands and post oak forests. At Odessa, it would be a loss of arid habitat dominated by mesquite-lotebush brush and mesquite-juniper brush.

Additionally, temporary disturbances to terrestrial and aquatic organisms will occur along utility corridors. These disturbances and resulting habitat impacts are expected to displace or at least temporarily disturb wildlife and other biological resources. Potentially affected utility corridor lengths at each site are: Mattoon, up to 35.3 miles, with 18.8 miles of new ROW occupied primarily by row crops; Tuscola, up to 31.9 miles, with 16.9 miles of new ROW occupied primarily by row crops; Jewett, up to 63 miles, with 13 miles of new ROW occupied primarily by post oak forest and grasslands; Odessa, up to 128.5 miles with 68.7 miles of new ROW occupied primarily by non-arable brush lands. Best management practices

will be employed to reduce adverse impacts.

The potential for impacts on threatened and endangered species has been reviewed in the EIS, and there are no known occurrences of threatened and endangered species at the proposed sites. A biological survey of the selected FutureGen site will be conducted as required before construction begins to verify that no threatened or endangered species are present in the areas (including utility corridors) that will be disturbed.

Cultural Resources

Construction and operation of the FutureGen Project are not anticipated to impact cultural resources at any of the proposed power plant sites; however, utility corridors have not been thoroughly investigated and could have construction-related impacts. Phase I surveys may be needed for certain corridor segments associated with the Mattoon and Tuscola sites. Jewett has 35 known cultural resource sites along its proposed CO_2 corridors and 33 recorded sites within the region of influence of the sequestration site. Phase I surveys and consultation with the Texas State Historic Preservation Officer would be required for the CO_2 pipeline corridors and sequestration site. Odessa would require Phase I surveys and consultation for all new CO_2 pipeline, water supply pipeline, and electricity transmission line corridors. Furthermore, the Odessa site could have invertebrate and vertebrate fossil resources in the path of the corridors. No impacts to unique or irreplaceable invertebrate fossils would be expected. Vertebrate fossils, in comparison, are much less likely to be encountered. For the selected site, archaeological and paleontological surveys will be conducted, as required, to determine the location of cultural resources and the possible extent of impacts along utility corridor alignments after those alignments are identified.

Further consultation with the State Historic Preservation Officer for any unforeseen areas of construction or ground disturbance not included within the EIS will be completed before construction to determine the need for further cultural resource investigations and any appropriate mitigation measures.

Land Use

Depending on the site selected, the proposed power plant and related facilities will be located on 345 to 600 acres of land that will be acquired by the Alliance for the Project. (Note: the Alliance has purchased 420.5 acres at the Mattoon site.) Construction and operation activities are estimated to impact up to 200 acres of that land. Land at the selected power plant site will be converted from its current agricultural, ranch, industrial storage, or oil and gas production uses. At the Mattoon and Tuscola power plant sites, it is estimated that up to 200 acres of prime farmland would be converted to industrial uses. About 10 acres would be converted at the Tuscola sequestration site. At the Jewett power plant site, which is mostly reclaimed mine land, there may be a few acres of prime farmland converted. The Jewett power plant site is currently used for pasture and industrial storage. The Odessa power plant site is currently used for ranching and for oil and gas production.

There would be a direct impact to residential properties located adjacent to the proposed power plant sites: two residences adjacent to the Mattoon site, and three directly adjacent to the Tuscola site. Within one mile of the proposed power plant sites, there are: Mattoon, 20 residences; Tuscola, several dozen residences; Jewett, zero residences; and Odessa, three residences. The Odessa site is at the northern edge of Penwell, a mostly abandoned small oil town.

The Mattoon site has been established as an enterprise (business) zone. Tuscola's site is zoned for industrial uses and has two chemical plants immediately to the west. Jewett's site is unzoned and is partially located on reclaimed mine land with nearby active mine facilities and an existing large power plant adjacent to the proposed power plant site. Odessa's site is unzoned, with arid ranch land located to the north and east, a scrap yard and the abandoned town of Penwell to the south, and an oil and gas field to the west.

Except at Mattoon, where the injection well will be on the power plant site, construction and operations at the sequestration site are expected to impact up to an additional 10 acres of land, with current land uses being agricultural at the Tuscola sequestration site, ranching and state prison farmland at the Jewett sequestration site, and grazing land with scattered oil and gas activities on the Odessa sequestration site. Odessa's sequestration site is on land owned by the University of Texas and is ordinarily leased to others for oil and gas production and for ranching in an effort to generate income for the University.

Option contracts existed for the mineral rights to 444 acres at the Mattoon site; the Alliance has since exercised those options. Options for mineral rights at Tuscola, Jewett, and Odessa have expired.

For utility corridors, new ROWs would be needed in the following amounts: Mattoon, up to about 20 miles; Tuscola, up to about 17 miles; Jewett, between 10 and 13 miles; Odessa, approximately 71 miles. The exact amount of new ROW will be a function of the options selected at the site. Generally, current land uses will continue after installation of new utilities (*e.g.,* CO_2 pipeline, water supply pipeline, electricity transmission line).

The Alliance could receive options to purchase some onsite and adjacent residential properties. The Alliance would consider exercising these options on a case-by-case basis to meet Project needs.

Aesthetics

At Mattoon, Tuscola and Odessa, the proposed power plant may be perceived as a major visual intrusion within a 1-mile radius of the site. However, at Odessa, the visual intrusion would be moderated due to the presence of other industrial facilities that are visible in the general area of Penwell. The Jewett site would have the least visual intrusion for neighbors and motorists driving through the area. For all sites, the sequestration facilities will present minimal visual intrusion.

Within the budgetary limits of the Project, it is highly desirable that the Project's facilities will be designed and constructed to be as aesthetically pleasing as practicable to the people in the surrounding communities and to the public in general. Therefore, the Alliance shall implement appropriate mitigations that may include: enclosing or shielding some of the more ''industrial'' components of the plant; designing and constructing buildings and other structures to have a pleasing and appropriate appearance for the general public; landscaping around the perimeter of the plant site to partially screen the plant from nearby residences and local motorists; selecting appropriate transmission towers to reduce their visual profile; and choosing an appropriate lighting design (*e.g.,* luminaries with controlled candela distributions, well-shielded or hooded lighting, and directional lighting) to minimize light pollution.

Traffic and Transportation

Construction of the Project will create temporary, localized adverse traffic impacts due to the presence of additional truck traffic and commuting workers. Truck traffic impacts may be

mitigated through the use of designated truck routes to the power plant site. Continued use of these routes during operations would reduce operational impacts. During plant operation, traffic near the power plant will be heavier, but traffic will not degrade to unstable conditions at any site. Installation of new traffic controls or changes in traffic signal timing may be needed at a few intersections.

For rail traffic at each site, connection of new side tracks will have minimal and temporary impacts. At Odessa, temporary impacts would occur to rail operations during construction of a new underpass. During plant operation at any of the sites, rail traffic will increase by up to two trains per day along the rail line servicing the plant site. Each additional train trip across two at-grade crossings near the Mattoon site and across one at-grade crossing at the Tuscola site would delay traffic by an estimated 6 to 7 minutes, on average (for a 100-unit train traveling 10 miles per hour). Actuated gates and warning lights would be required at one at-grade crossing at the Tuscola site.

Noise and Vibration

The EIS estimates that during construction, noise would increase greatly at the nearest receptors: Mattoon, up to 41 decibels A-weighted (dBA) at the nearest two residences; Tuscola, up to 45.7 dBA at the nearest three residences; Jewett, less than 15 dBA at a nearby chapel; Odessa, less than 6 dBA at the nearest two residences in Penwell. An increase of 3 dBA or more (the criterion for a significant impact) above background levels could be experienced at greater distances and affect more people: Mattoon, one school and several dozen residences within 2.4 miles of the site boundary; Tuscola, numerous residences and much of downtown Tuscola within 1.5 miles; Jewett, no residences impacted; Odessa, as many as 12 churches, 5 schools and an undetermined number of residences affected by the pipeline construction noise but perhaps only 3 residences affected by construction at the power plant site. Additionally at all sites, noise increases would be experienced along the trucking routes and nearby roads leading construction traffic to the power plant site.

During routine plant operation, noise would increase for the nearest receptors: Mattoon, 6 to 9 dBA at the nearest two residences; Tuscola, up to 12 dBA at the nearest three residences; Jewett, less than 6 dBA at a nearby chapel; Odessa, less than 3 dBA at the nearest two residences. At greater distances, an increase of 3 dBA or more above background levels could be experienced: Mattoon, 12 residences within 1.5 miles of the site boundary; Tuscola, seven residences within 1 mile; Jewett, no residences impacted; Odessa, two residences near the power plant site. Plant startups will generate temporary noise that is greater at the nearest receptors: Mattoon, up to 21 dBA; Tuscola, up to 25 dBA; Jewett, less than 17 dBA; and Odessa, less than 4.1 dBA. Additionally, operational noise increases will be experienced along the trucking routes and nearby roads leading to the power plant site. Train noises along the rail delivery routes will increase from the movement of up to two additional trains per day. A special concern is that train rail car shakers could generate noise that would affect neighbors similar to the construction activities (described above), if unmitigated.

The Alliance will comply with all local noise ordinances and shall reduce operational noise impacts to nearby residences and sensitive receptors to the fullest extent practicable. The Alliance shall comply with applicable vibration standards to the extent practicable. To reduce noise impacts the Alliance may use some combination of sound enclosures, barrier walls, earthen berms, planted vegetation and landscaping, or dampening devices, with emphasis on facilities (*e.g.,* rail-car unloading facilities) that would generate very high levels of noise disturbance at nearby residences. In addition, alternate site configurations shall be considered in an effort to position noise-producing equipment away from or to shield residences and sensitive receptors. The design of coal-handling facilities shall be evaluated for opportunities to reduce noise impacts to adjacent residences and sensitive receptors.

Human Health, Safety, and Accidents

Adverse impacts to human health and safety, although unlikely, could result from various types of accidents or acts of sabotage and terrorism, ranging from small pipeline leaks to, in an extremely unlikely case, an explosion at the power plant. Two separate risk studies were completed to analyze these risks. The results of these assessments shall be used during the planning, design, construction, and operation of the FutureGen Project to help reduce risks.

The greatest risks to human health and safety are associated with catastrophic accidents or acts of sabotage or terrorism. Primarily, the concerns will be with sudden, unconstrained releases of carbon monoxide, SO_2 and H_2S, with SO_2 presenting the greatest risk for harm to people offsite. Exposure modeling of unmitigated catastrophic failure using worst-case atmospheric conditions indicates the following quantitative estimates of potential irreversible damage (*e.g.,* permanent neurological damage) resulting from SO_2 exposure: Mattoon, estimated 143 people (based on release modeling of the FutureGen facility located in the center of the proposed site; the Riddle Elementary School was outside of the perimeter of irreversible adverse effects); Tuscola, estimated 115 people; Jewett, estimated 92 people; and Odessa, estimated 12 people. While much lower in terms of estimated number of individuals potentially exposed, if there is a catastrophic failure of certain components, risks of life threatening impacts from H_2S exposure could be as high as 10 people (maximum number at Mattoon) offsite. These worst-case consequence analyses were made assuming no mitigations are used; therefore, these risks can be reduced with the appropriate measures, such as planning, design and engineering controls. While the probability of intentional acts like sabotage and terrorism cannot be easily predicted, the consequences could be similar to the accidents analyzed in the EIS.

Transport and storage of aqueous ammonia presents a risk of harm over a very long distance downwind, so three accident scenarios were analyzed under worst-case conditions of spill, wind, and temperatures. For example, downwind distances for adverse effects could exceed 15,500 ft for a tanker truck spill of large surface area during times of very hot weather with no wind turbulence.

The assessment of the risks associated with CO_2 sequestration revealed the fact that the greatest risks are associated with pipeline ruptures, where the small amount of H_2S present in the gas contributes the greatest health hazard. Primarily because of differences in the proximity of populations downwind of the pipeline corridors and differences in pipeline length, the risks of harm to people differ among the sites. The at-risk population would be essentially zero at Mattoon, which would not have an off-site CO_2 pipeline, and perhaps zero at Odessa due to the very sparse population present along the pipeline route. For the pipeline rupture scenario, up to seven people could experience adverse impacts for the Tuscola site and up to 52 people for the Jewett site. The chance of a pipeline rupture is estimated as being less than one occurrence in 100 years (unlikely to extremely unlikely). Compared to pipeline ruptures, fewer people would

be put at risk by pipeline punctures, wellhead failures, slow upward leakage around injection wells and slow upward leakage through other existing wells. Slow leaks through the injection wells or through other wells are extremely unlikely.

To reduce the potential for adverse impacts to the fullest extent practicable, the Project will be designed to provide safe egress from all confined areas, adequate ventilation, fire protection, pressure relief to safe locations, and real-time monitoring with an alarm system for hazardous chemicals. Safety training and evacuation policies for workers will be instituted to address accidents. The Alliance will abide by industry safety standards, best management practices, and Occupational Safety and Health Administration (OSHA) regulations, as part of their overarching ''zero accidents'' policy for the workplace.

In addition, the Alliance shall consider alternate operating and storage strategies that will minimize the risks for accidental releases of aqueous ammonia. These strategies shall consider reduced ammonia delivery, reduced on-site storage, and conducting transfer from the tanker truck to the pipeline leading to the tank within a secondary containment system. At a minimum, frequent inspections of the tanker truck and connecting pipe valves shall be required.

Due to the proximity of offsite people to the proposed power plant at all four sites, additional mitigation shall be considered to reduce risk associated with catastrophic accidents, sabotage, or terrorism at the power plant. At the chosen site, DOE will require that the power plant's higher-risk components, such as the Claus unit, be located at the maximum distance that is reasonable from the populated areas, particularly the most populated nearby area, given various risk factors and other environmental and cost considerations.

DOE will require that additional risk studies concerning accident scenarios at the power plant be performed as the site-specific power plant design is prepared. To the extent practicable, the Alliance shall use facility placement and layout, design, and/or engineering controls to minimize or eliminate the risks of irreversible effects to onsite and offsite people from a release of toxic gases from the power plant in the event of an accident or act of sabotage or terrorism.

At all four sites, the CO_2 pipeline will be designed, constructed and operated in compliance with state and Federal regulations and guidance (*e.g.,* Department of Transportation, Pipeline and Hazardous Material Safety Administration). DOE will require that additional studies concerning accident scenarios for the pipelines and wellheads be performed as the site-specific sequestration facility design is prepared. The CO_2 pipeline shall be designed with automatic emergency shut-off valves spaced at intervals of no more than 5-miles to reduce the quantity of gases that could be released in the event of a pipeline rupture. Automatic shut-off valves could be placed at closer intervals near populated areas to further reduce the quantity of gases that could be released in the unlikely event of a pipeline rupture or puncture. DOE will require application of an automated system (*e.g.,* a Supervisory Control and Data Acquisition system) for monitoring wellhead and pipeline pressure, temperature, and flow rate. This system shall be capable of automatically alerting the operator of possible leaks, in accordance with Federal regulations.

The Project's Emergency Response Plan shall include a section to address ruptures and large punctures of the CO_2 pipeline and rapid releases of fluids (*i.e.,* blowouts) through failed injection wells (or other wells) or through other routes from the target reservoir. The plan shall outline sequestration facility shutdown procedures, public notice and protection procedures, and responsible persons that would make decisions. It shall also identify teams that would respond to incidents, employee protection plans, contacts for governmental authorities (*e.g.,* Local Emergency Planning Committee), coordination with local authorities (including Memoranda of Understanding), and reporting requirements.

Socioeconomics

Construction of the FutureGen Project could decrease values of residential properties located within, and adjacent to, the proposed power plant site in Mattoon and Tuscola, Illinois. Furthermore, the facility would adversely impact residents living nearby in Mattoon and Tuscola through a potentially unobstructed view of the facility and increases in traffic, noise, and perhaps dust or vibrations.

To the fullest extent practicable and within the budgetary limits of the Project, the Alliance shall reduce the potential impacts to adjacent residences with appropriate mitigations, such as enclosing or shielding some of the more ''industrial'' components of the plant, landscaping around the plant site's perimeter to partially screen it from nearby residences and from motorists on the adjacent roads, selecting appropriate transmission towers to reduce the visual profile of the transmission towers, and lighting design (*e.g.,* luminaries with controlled candela distributions, shielded or hooded lighting, and directional lighting) to minimize light pollution.

Environmental Justice

Construction and operation of the proposed facility are not anticipated to have any disproportionately high and adverse impacts to minority or low-income populations in the areas around the four alternative power plant and sequestration sites.

Environmentally Preferred Alternative

The Proposed Action is also the environmentally preferred alternative because it could encourage and hasten the deployment of carbon capture and sequestration practices at power plants across the U.S. and around the world in an effort to reduce greenhouse gas emissions that otherwise will occur with the continued combustion of fossil fuels, especially coal, in power plants. As a research and development project, the FutureGen Project will provide an opportunity to foster new technologies that need to be tested at a commercial scale, or near commercial scale, if carbon capture and sequestration is to be successfully refined and rapidly deployed. As a test project, FutureGen will establish a cost and design basis, and support the development of a regulatory program, that will enable the planning, design and construction of other FutureGen-like power plants that will reduce greenhouse gas emissions per unit of energy produced.

As described in the summary of impacts for each affected resource area, there are differences in potential environmental impact among sites. These differences do not provide a clear basis for discrimination among the sites in terms of overall environmental preferability. The potential impacts for some resource areas, such as noise and risks to public health and safety in the unlikely event of a release of toxic gases from the plant site, are sensitive to distance to members of the public. Such impacts would be greater at the Illinois sites. On the other hand, the Texas sequestration sites have a greater number of existing wells that pose a potential risk of CO_2 leakage. As described in this ROD, DOE will require mitigation for these and other potential impacts.

Comments Received on the Final EIS

DOE received one comment from the general public on the Final EIS. This

comment stated that the EIS insufficiently responded to some previous comments, especially in regard to the environmental impacts caused by the mining and use of coal. The commenter urged DOE to select the No-Action Alternative, at least until the EIS is revised to more adequately address coal mining and use. The commenter further expressed the opinion that taxpayer money should be directed to projects on sustainable energy technologies, such as wind and solar power.

Environmental impacts associated with coal mining, coal use, and renewable sources of energy have not been analyzed in detail in the Final EIS. DOE acknowledges the potential environmental impacts associated with coal mining activities and coal use, as well as with renewable resources. However, DOE considers the environmental impacts associated with coal mining to be outside the scope of the FutureGen Project EIS, because the agency's decision-making does not extend to any identified coal mines or to the techniques for mining coal that will fuel the Project. The Presidential Initiatives that established the purpose and need for the FutureGen Project specifically require that this project address the issue of CO_2 capture and sequestration at coal-fueled power plants that can produce electricity and hydrogen gas. DOE has no reasonable means in its decision-making role to impose mitigation requirements on the coal suppliers.

As expressed in the ''Environmentally Preferred Alternative'' section of this ROD, DOE believes that balancing all environmental and societal benefits, as weighed against the Project's potential harms and cumulative adverse impacts, favors the selection of the Proposed Action. DOE does administer and fund other programs focused on energy efficiency and sustainable energy sources, such as wind and solar. Renewable energy alternatives are outside the scope of this EIS because the Presidential Initiatives expressly mandated the use of coal as the energy source for this project. When choosing programs and projects to fund within its discretion, DOE adheres to its belief that funding should be allocated to a variety of programs and projects that represent all promising energy sources (including renewable energy alternatives) and conservation measures that might best ensure future energy security for our society.

The use of coal raises concerns, in particular, about increasing atmospheric concentrations of CO_2 and the resulting global climate change. This topic was covered briefly in the Draft EIS; however, additional information was provided in the Final EIS to more fully address this topic. See the revised Section 3.3.1, Cumulative Impacts of FutureGen Technology, in the Final EIS regarding potential impacts of widespread deployment of carbon capture and geologic sequestration.

The U.S. EPA was the only Federal government agency to comment on the Final EIS. Based on the results of additional site-characterization and site-specific design, EPA understands that DOE will re-examine the potential risks as more information becomes available. DOE has committed to preparing a Supplement Analysis to determine whether a Supplemental EIS would be required in accordance with 10 CFR 1021.314.

Furthermore, EPA's comment recognized the early nature of the design work and site investigations. DOE believes that the existing conceptual design work and site investigations provide sufficient basis for site selection. EPA noted that DOE is funding research for mitigation techniques to address the displacement of native fluids by the injected carbon dioxide. The DOE Carbon Sequestration Program encompasses research on this topic. Based on its review of the Final EIS, EPA did not object to implementation of the Proposed Action.

The Texas Historical Commission submitted a copy of DOE's distribution letter for the Final EIS with a stamp and signature of concurrence by the State Historic Preservation Officer.

Decision

After careful consideration of the proposed project's potential environmental impacts at each of the four alternative sites, along with consideration of program goals and objectives in accordance with its obligations under the National Environmental Policy Act, and subject to future technical, cost, business and environmental decision points, DOE has decided to provide financial assistance to the FutureGen Industrial Alliance, Inc. to implement the FutureGen Project. DOE reached an agreement with the Alliance to complete a preliminary design, a revised cost estimate and a funding plan pursuant to a new eight to ten month limited-scope cooperative agreement. Prior to the expiration of this cooperative agreement, DOE and the Alliance will make a mutual decision on whether to move forward into the subsequent phases. If DOE and the Alliance mutually decide to go forward, Federal financial assistance for the subsequent phases (*i.e.,* detailed design, construction and operations) would occur under the terms of a new full-scope cooperative agreement to be negotiated sometime during early 2010.

Based on the information presented in the EIS, DOE finds all four alternative sites to be acceptable provided the Alliance implements the mitigation measures described in this ROD, best management practices common to the industry, and reasonable pollution prevention, recycling, and reuse measures. DOE has considered potential mitigation opportunities for each of the four sites in the EIS and during development of this ROD. The cooperative agreement in effect during 2007 gave the Alliance the right to select the site after DOE issued a ROD. The Alliance announced their preference for the Mattoon site in December 2007. DOE acknowledges that the Alliance intends to formally select Mattoon after the issuance of this ROD. DOE will prepare a Mitigation Action Plan, as required by regulation 10 CFR Part 1021.331 to address the mitigations specified in this ROD as applied to the selected site.

In compliance with floodplain and wetland environmental review requirements (10 CFR Part 1022, Executive Order 11988, Executive Order 11990), the FutureGen Project EIS contains the floodplain and wetland assessments along with the floodplain statement of findings. The NEPA process fulfilled the requirements for public notice and review opportunities. A brief statement of steps to be taken by the Alliance to minimize potential harm to or within the floodplains and wetlands has been included in this ROD.

DOE's decision was made after careful review of the potential environmental impacts presented in the EIS and incorporates all practicable means to avoid or minimize environmental harm. Based on mutual agreement between DOE and the Alliance, the Alliance will conduct further characterization studies of the selected site (Mattoon) to confirm the acceptability of the site and to gather additional information that will support the site-specific design. Based on the results of this site characterization effort and site-specific preliminary design to be produced by the Alliance, DOE will complete a Supplement Analysis pursuant to DOE's NEPA regulations to determine whether a Supplemental EIS must be prepared (10 CFR Part 1021.314). If DOE subsequently prepares a Supplemental EIS, DOE may issue a ROD at the conclusion of that process. Both the Supplement Analysis determination and a Supplemental ROD may contain mitigation requirements that supplement or change the

requirements presented in this ROD and shall be binding on the Alliance, as if they were included in this ROD. Through this process of future site characterization and NEPA activities, DOE will reconsider the potential environmental impacts analyzed in this EIS and may require the Alliance to implement the avoidance and mitigation measures required by a Supplement Analysis determination or Supplemental ROD as a condition to continued financial assistance.

Issued in Washington, DC, on this 14th day of July 2009.

Victor K. Der,

Acting Assistant Secretary, Office of Fossil Energy.

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DEPARTMENT OF ENERGY

Notice of Solicitation of Nominations for Appointment as a Member of the Biomass Research and Development Technical Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, the U.S. Department of Energy is soliciting nominations for candidates to fill vacancies on the Biomass Research and Development Technical Advisory Committee.

DATES: Deadline for Technical Advisory Committee member nominations is August 20, 2009.

ADDRESSES: The nominee's name, resume, biography, and any letters of support must be submitted via one of the following methods:

1. E-mail to *laura.neal@ee.doe.gov* or *theibel@bcs-hq.com*.
2. Facsimile to 202–586–1640, Attn: Laura Neal.
3. Overnight delivery service to the Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, Mail Stop EE–2E, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Laura Neal, Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586–0937; *E-mail: laura.neal@ee.doe.gov* or T.J. Heibel at (410) 997–7778 ext. 223; *E-mail: theibel@bcs-hq.com.*

SUPPLEMENTARY INFORMATION: The Biomass Research and Development Act of 2000 (Biomass Act) [Pub. L. 106–224] requires cooperation and coordination in biomass research and development (R&D) between the U.S. Department of Agriculture (USDA) and U.S. Department of Energy (DOE). The Biomass Act was repealed in June 2008 by Section 9001 of the Food, Conservation and Energy Act of 2008 (FCEA) [Pub. L. 110–246, 122 Stat. 1651, enacted June 18, 2008, H.R. 6124].

FCEA Section 9008(d) establishes the Biomass Research and Development Technical Advisory Committee (Committee) and lays forth its meetings, coordination, duties, terms and membership types. The Committee must meet quarterly and should not duplicate the efforts of other Federal advisory committees. The Committee advises the DOE and USDA points of contact with respect to the Biomass R&D Initiative (Initiative) and also makes written recommendations to the Biomass R&D Board (Board). Those recommendations regard whether: (A) Initiative funds are distributed and used consistent with Initiative objectives; (B) solicitations are open and competitive with awards made annually; (C) objectives and evaluation criteria of the solicitations are clear; and (D) the points of contact are funding proposals selected on the basis of merit, as determined by an independent panel of qualified peers.

The Committee members must include: (A) An individual affiliated with the biofuels industry; (B) an individual affiliated with the biobased industrial and commercial products industry; (C) an individual affiliated with an institution of higher education who has expertise in biofuels and biobased products; (D) 2 prominent engineers or scientists from government or academia who have expertise in biofuels and biobased products; (E) an individual affiliated with a commodity trade association; (F) 2 individuals affiliated with environmental or conservation organizations; (G) an individual associated with State government who has expertise in biofuels and biobased products; (H) an individual with expertise in energy and environmental analysis; (I) an individual with expertise in the economics of biofuels and biobased products; (J) an individual with expertise in agricultural economics; (K) an individual with expertise in plant biology and biomass feedstock development; (L) an individual with expertise in agronomy, crop science, or soil science; and (M) at the option of the points of contact, other members (REF: FCEA 2008 Section 9008(d)(2)(A). All nominees will be carefully reviewed for their expertise, leadership, and relevance to an expertise. Appointments will be made for three-year terms as dictated by the legislation.

Nominations are being solicited from organizations, associations, societies, councils, federations, groups, universities and companies that represent a wide variety of biomass research and development interests throughout the country. Nominations for one individual who fits several of the categories listed above *or* for more than one person who fits one category will be accepted. In your nomination letter, please indicate the specific membership category for each nominee. Each nominee must submit their resume and biography along with any letters of support by the deadline above. All nominees will be vetted before selection.

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure that recommendations of the Technical Advisory Committee take into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Appointments to the Biomass Research and Development Technical Advisory Committee will be made by the Secretary of Energy and the Secretary of Agriculture.

Issued at Washington, DC on July 14, 2009.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E9–17161 Filed 7–17–09; 8:45 am]

BILLING CODE 6450–01–P

EXPORT-IMPORT BANK OF THE U.S.

[Public Notice 122]

Agency Information Collection Activities: Final Collection; Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB review and comments request.

Form Title: Application for Exporter Short Term Single Buyer Insurance

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. Our customers will be able

to submit this form on paper or electronically. The form has been updated in order to standardize the outline of this application to those used for medium-term insurance and guarantees and financial institution short-term single sale insurance. The application also more explicitly states the financial information that is required to be submitted with the application. This form mirrors the on-line version of the application that Ex-Im Bank is developing.

DATES: Comments should be received on or before August 19, 2009 to be assured of consideration.

ADDRESSES: Direct all comments to Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20038, OMB Number 3048–0018.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 92–64 Application for Exporter Short Term Single Buyer Insurance.

OMB Number: 3048–0018.

Type of Review: Regular.

Need and Use: The information requested enables the application to provide Ex-Im Bank with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 310.

Estimated Time per Respondent: 6 hours.

Government Annual Burden Hours: 1,860.

Frequency of Reporting or Use: As needed—each time an exporter seeks to obtain Ex-Im Bank short term insurance for a single-buyer export sale.

Sharon A. Whitt,

Agency Clearance Officer.

[FR Doc. E9–17165 Filed 7–17–09; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE U.S.

[Public Notice 123]

Agency Information Collection Activities: Final Collection; Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB review and comments request.

Form Title: Application for Financial Institution Short Term Single Buyer Insurance.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. Our customers will be able to submit this form on paper or electronically. Legal certifications for this form have been updated.

DATES: Comments should be received on or before August 19, 2009 to be assured of consideration.

ADDRESSES: Direct all comments to Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20038, OMB Number 3048–0016.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 92–41 Application for Financial Institution Short Term Single Buyer Insurance.

OMB Number: 3048–0019.

Type of Review: Regular.

Need and Use: The information requested enables the financial institution applicant to provide Ex-Im Bank with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 300.

Estimated Time per Respondent: 6 hours.

Government Annual Burden Hours: 1,800.

Frequency of Reporting or Use: as needed—each time a financial institution seeks to Obtain Ex-Im Bank short term insurance for a single-buyer export sale.

Sharon A. Whitt,

Agency Clearance Officer.

[FR Doc. E9–17166 Filed 7–17–09; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE U.S.

[Public Notice 120]

Agency Information Collection Activities: Final Collection; Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB review and comments request.

Form Title: Report of Premiums Payable for Exporters Only, EIB 92–29.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

This form will be used by exporters to report and pay premiums on insured shipments to various foreign buyers. Our customers will be able to submit this form on paper or electronically.

DATES: Comments should be received on or before August 19, 2009 to be assured of consideration.

ADDRESSES: Direct all comments to Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20038, OMB Number 3048–0017.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 92–29. Report of Premiums Payable for Exporters Only.

OMB Number: 3048–0017.

Type of Review: Regular.

Need and Use: The information requested enables the application to provide Ex-Im Bank with the information necessary to record customer utilization and manage proposed insurance liability related to risk premiums received.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 1,850.

Estimated Time per Respondent: 30 minutes.

Government Annual Burden Hours: 11,100.

Frequency of Reporting or Use: Monthly.

Sharon A. Whitt,

Agency Clearance Officer.

[FR Doc. E9–17174 Filed 7–17–09; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE U.S.

[Public Notice 121]

Agency Information Collection Activities: Final Collection; Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB review and comments request.

Form Title: Application for Special Buyer Credit Limit (SBCL) Under Multi-Buyer Export credit Insurance Policies, EIB 92–51.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as a part

of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. This form will be used by customers who originally applied for a multi-buyer policy using EIB 92–50. Our customers will be able to submit this form on paper or electronically.

DATES: Comments should be received on or before August 19, 2009 to be assured of consideration.

ADDRESSES: Direct all comments to Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20038, OMB Number 3048–0015.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 92–51. Application for Special Buyer Credit Limit (SBCL) Under Multi-Buyer Export credit Insurance Policies.

OMB Number: 3048–0015.

Type of Review: Regular.

Need and Use: The information requested enables the application to provide Ex-Im Bank with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 1,778.

Estimated Time per Respondent: 30 minutes.

Government Annual Burden Hours: 889.

Frequency of Reporting or Use: 2–3 times a per year.

Sharon A. Whitt,

Agency Clearance Officer.

[FR Doc. E9–17173 Filed 7–17–09; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission Under Delegated Authority, Comments Requested

July 13, 2009.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before September 18, 2009. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B.Herman@fcc.gov,* Federal Communications Commission, or an e-mail to *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information, contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–0600.

Title: Application to Participate in a FCC Auction.

Form No.: FCC Form 175.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions; and State, local or tribal government.

Number of Respondents: 500 respondents; 500 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 154(i) and 309(j).

Total Annual Burden: 750 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. The Commission is requesting an extension (no change in the reporting requirements). The Commission is reporting a 15 hour burden reduction adjustment which is due to 60 fewer applicants filing a one-time certification which was approved by the OMB in 2006.

The FCC Form 175 is used to participate in a competitive bidding (auction), or for a license, authorization, assignment or transfer of control. The applicant shall follow the ownership disclosure requirements in 47 CFR sections 1.2105, 1.2110 and 1.2112 of the Commission's rules.

The Commission needs to use the information collected on the FCC Form 175 to determine whether applicants are legally, technically, and financially qualified to participate in Commission auctions for licenses or permits. In addition, if an applicant applies for status as a particular type of auction participant pursuant to Commission rules, the Commission uses the information to determine whether the applicant is eligible for the status requested. The Commission's auctions, including the collection of information to determine applicants' qualifications to participate pursuant to Commission rules and requirements, are designed to limit the competitive bidding to qualified applicants; to deter possible abuse of the bidding and licensing process; and to enhance the use of competitive bidding to assign Commission licenses and permits in furtherance of the public interest.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–17189 Filed 7–17–09; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (3064–0072)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (''PRA''), 44 U.S.C. 3501 *et seq.*, the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the revision of an existing information collection, as required by the PRA. On May 13, 2009 (74 FR 22547), the FDIC solicited public comment for a 60-day period on revisions to three forms included in its ''Acquisition Services Information Requirements'' information collection. No comments were received. Therefore, the FDIC hereby gives notice of its submission of the revisions to OMB for review.

DATES: Comments must be submitted on or before August 19, 2009.

ADDRESSES: Interested parties are invited to submit written comments. All comments should refer to the name of the collection. Comments may be submitted by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *E-mail: comments@fdic.gov.*
- *Mail:* Leneta G. Gregorie (202.898.3719), Counsel, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

A copy of the comments may also be submitted to the FDIC Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information about the revisions discussed in this notice, please contact Leneta G. Gregorie, by telephone, at (202) 898–3719, or by mail at the address identified above. In addition, copies of the proposed new Forms 3700/4A, 3700/12, and 3700/44 can be obtained at the FDIC's Web site (*http://www.fdic.gov/regulations/laws/federal/*).

SUPPLEMENTARY INFORMATION:

The FDIC is submitting for OMB review minor revisions to three of the forms used in support of its contracting and leasing activities. These revisions are generally intended to simplify the information collection and maintain consistency with recent changes to related Federal regulations.

Title: Acquisition Services Information Requirements.

Forms Currently In Use

FDIC Background Investigation Questionnaire for Contractor Personnel & Subcontractors, Form 1600/04.

FDIC Background Investigation Questionnaire for Contractors, Form 1600/07.

FDIC Past Performance Questionnaire, Form 3700/57.

FDIC Contractor Representation and Certifications, Form 3700/04A.

Integrity and Fitness Representations and Certifications, Form 3700/12.

Leasing Representations and Certifications Form 3700/44.

ESTIMATED NUMBER OF RESPONDENTS AND BURDEN HOURS

FDIC document	Hours per unit	Number of respondents	Burden hours
Background Investigation Questionnaire Management (1600/04)	.33	4,000	1,320
Background Investigation Questionnaire Contractors (1600/07)	.50	200	100
Contractor Representation and Certifications (3700/04A)	.50	360	180
Integrity and Fitness Representations and Certifications (3700/12)	.33	360	119
Leasing Representations and Certifications (3700/44)	1.0	35	35
FDIC Past Performance Questionnaire	.75	1,080	810
Total		6,035	2,564

General Description of Collection: The collection involves the submission of information on various forms by contractors who wish to do business, have done business, or are currently under contract with the FDIC. The information is used to: Ensure compliance with established contractor ethics regulations (12 CFR Part 366); obtain information on a contractor's past performance for proposal evaluation purposes; review a potential lessor's fitness and integrity prior to entering into a lease transaction; and perform background investigations on contractors and contractor personnel.

Current Action: The FDIC is proposing to modify three of the forms in the Acquisition Services Information Requirements collection: Contractor Representations and Certifications, Form 3700/4A; Integrity and Fitness Representations, Form 3700/12; and Leasing Representations and Certifications, Form 3700/44. Specifically, in Form 3700/4A, Contractor Representations and Certifications, the FDIC is proposing elimination of the ''Duplication of Cost'' representation as unnecessary; removal of the ''Clean Air and Water Certification'' based on its removal from the Federal Acquisition Regulation (FAR) in response to a recommendation by the Environmental Protection Agency; modification of the ''Small Disadvantaged Business (SDB) Concern Certification'' to reflect the Small Business Administration's recent announcement that it will discontinue SDB certifications; modification of the ''Equal Opportunity Certification'' and the ''Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions'' to mirror related FAR provisions; and substitution of an offeror's Data Universal Numbering System (DUNS) number for the previously requested Tax Identification Number (TIN) in the ''Signature'' section of the form. In Form 3700/12, Integrity and Fitness Representations, the FDIC proposes to insert a sentence in the preamble referencing FDIC regulations on *Minimum Standards of Integrity and Fitness For An FDIC Contractor* at 12 CFR Part 366; add a ''Retention of Information'' paragraph in Section III, instructing contractors on the retention period for records; and substitute a contractor's DUNS number for the previously requested TIN in the ''Signature'' section of the form. Finally, in Form 3700/44, Leasing Representations and Certifications, the FDIC proposes to clarify and highlight the various certifications currently covered under the general heading

''Environmental Condition'' by reclassifying them as certifications related to ''Asbestos-Containing Materials,'' ''Water Quality,'' ''Indoor Air Quality,'' and ''Hazardous Substances.'' The FDIC does not anticipate that any of these changes will impact its current burden estimates.

Request for Comment

Comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimate of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 15th day of July 2009.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E9–17148 Filed 7–17–09; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

[Notice 2009–15]

Filing Dates for the California Special Election in the 10th Congressional District

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: California has scheduled a special general election on September 1, 2009, to fill the U.S. House of Representatives seat in the Tenth Congressional District vacated by Representative Ellen O. Tauscher. Under California law, a majority winner in a special election is declared elected. Should no candidate achieve a majority vote, a special runoff election will be held on November 3, 2009, among the top vote-getters of each qualified political party, including qualified independent candidates.

Political committees participating in the California special elections are required to file pre- and post-election reports. Filing deadlines for these reports are affected by whether one or two elections are held.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin R. Salley, Information Division, 999 E Street, NW., Washington, DC 20463; *Telephone:* (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

All principal campaign committees of candidates who participate in the California Special General and Special Runoff Elections shall file a 12-day Pre-General Report on August 20, 2009; a Pre-Runoff Report on October 22, 2009; and a Post-Runoff Report on December 3, 2009. (See chart below for the closing date for each report.)

If only one election is held, all principal campaign committees of candidates in the Special General Election shall file a 12-day Pre-General Report on August 20, 2009; and a Post-General Report on October 1, 2009. (*See* chart below for the closing date for each report.)

Note that these reports are in addition to the campaign committee's quarterly filing in October and Year-End filing in January 2010. (*See* chart below for the closing date for each report.)

Unauthorized Committees (PACs and Party Committees)

Political committees filing on a semi-annual basis in 2009 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the California Special General Election and/or Special Runoff Election by the close of books for the applicable report(s). (*See* chart below for the closing date for each report.)

Political committees filing monthly that support candidates in the California Special General or Special Runoff Election continue to file according to the monthly reporting schedule.

Additional disclosure information in connection with the California Special Election may be found on the FEC Web site at *http://www.fec.gov/info/report_dates.shtml.*

Disclosure of Lobbyist Bundling Activity

Campaign committees, party committees and Leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of $16,000 during the special election reporting periods (see charts below for closing date of each period). 11 CFR 104.22(a)(5)(v). For more information on these requirements, see **Federal Register** Notice 2009–03, 74 FR 7285 (February 17, 2009).

CALENDAR OF REPORTING DATES FOR CALIFORNIA SPECIAL ELECTION

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
IF *ONLY* THE SPECIAL GENERAL IS HELD (09/01/09), QUARTERLY FILING POLITICAL COMMITTEES INVOLVED MUST FILE:			
Pre-General	08/12/09	08/17/09	08/20/09
Post-General	09/21/09	10/01/09	10/01/09
October Quarterly	09/30/09	10/15/09	10/15/09
IF *ONLY* THE SPECIAL GENERAL IS HELD (09/01/09), SEMI–ANNUAL FILING POLITICAL COMMITTEES INVOLVED MUST FILE:			
Pre-General	08/12/09	08/17/09	08/20/09
Post-General	09/21/09	10/01/09	10/01/09
Year-End	12/31/09	01/31/10	[2] 01/31/10
IF TWO ELECTIONS ARE HELD, QUARTERLY FILING POLITICAL COMMITTEES INVOLVED *ONLY* IN THE SPECIAL GENERAL (09/01/09) MUST FILE:			
Pre-General	08/12/09	08/17/09	08/20/09

CALENDAR OF REPORTING DATES FOR CALIFORNIA SPECIAL ELECTION—Continued

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
October Quarterly	09/30/09	10/15/09	10/15/09
IF TWO ELECTIONS ARE HELD, SEMI–ANNUAL FILING POLITICAL COMMITTEES INVOLVED *ONLY* IN THE SPECIAL GENERAL (09/01/09) MUST FILE:			
Pre-General	08/12/09	08/17/09	08/20/09
Year-End	12/31/09	01/31/10	[2] 01/31/10
QUARTERLY FILING POLITICAL COMMITTEES INVOLVED IN THE SPECIAL GENERAL (09/01/09) AND SPECIAL RUNOFF (11/03/09) MUST FILE:			
Pre-General	08/12/09	08/17/09	08/20/09
October Quarterly		WAIVED	
Pre-Runoff	10/14/09	10/19/09	10/22/09
Post-Runoff	11/23/09	12/03/09	12/03/09
Year-End	12/31/09	01/31/10	[2] 01/31/10
SEMI–ANNUAL FILING POLITICAL COMMITTEES INVOLVED IN THE SPECIAL GENERAL (09/01/09) AND SPECIAL RUNOFF (11/03/09) MUST FILE:			
Pre-General	08/12/09	08/17/09	08/20/09
Pre-Runoff	10/14/09	10/19/09	10/22/09
Post-Runoff	11/23/09	12/03/09	12/03/09
Year-End	12/31/09	01/31/10	[2] 01/31/10
QUARTERLY FILING POLITICAL COMMITTEES INVOLVED *ONLY* IN THE SPECIAL RUNOFF (11/03/09) MUST FILE:			
October Quarterly		WAIVED	
Pre-Runoff	10/14/09	10/19/09	10/22/09
Post-Runoff	11/23/09	12/03/09	12/03/09
Year-End	12/31/09	01/31/10	[2] 01/31/10
SEMI–ANNUAL FILING POLITICAL COMMITTEES INVOLVED *ONLY* IN THE SPECIAL RUNOFF (11/03/09) MUST FILE:			
Pre-Runoff	10/14/09	10/19/09	10/22/09
Post-Runoff	11/23/09	12/03/09	12/03/09
Year-End	12/31/09	01/31/10	[2] 01/31/10

[1] The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee with the Commission up through the close of books for the first report due.

[2] Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's close of business on the last business day before the deadline.

Dated: July 14, 2009.

On behalf of the Commission,

Steven T. Walther,

Chairman, Federal Election Commission.

[FR Doc. E9–17123 Filed 7–17–09; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 13, 2009.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. Central Bancorp, Inc., Colorado Springs, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers and Stockmens Bank of Clayton, Clayton, New Mexico, and The Citizens

National Bank of Akron, Akron, Colorado.

Applicant also has applied to retain voting shares of Elite Properties of America II, Inc.; CB&T Mortgage, LLC; and CB&T Wealth Management, all of Colorado Springs, Colorado; CB&T Trust, LLC, Sioux Falls, South Dakota, and thereby engage in, extending credit and servicing of loans, pursuant to section 225.28(b)(1); financial and investment advisory activities, pursuant to sections 225.28(b)(6)(i) and (b)(6)(v); and trust activities, pursuant to section 225.28(b)(5) of Regulation Y.

Board of Governors of the Federal Reserve System, July 14, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–17111 Filed 7–17–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 14, 2009.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. C–B–G, Inc., West Liberty, Iowa; to acquire additional voting shares, totaling up to 50.01 percent of Washington Bancorp, and thereby indirectly acquire additional voting shares of Federation Bank, both of Washington, Iowa.

Board of Governors of the Federal Reserve System, July 15, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–17176 Filed 7–17–09; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:30 a.m., Thursday, July 23, 2009.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street entrance between Constitution Avenue and C Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

We ask that you notify us in advance if you plan to attend the open meeting and provide your name, date of birth, and social security number (SSN) or passport number. You may provide this information by calling (202) 452–2474 or you may **register on–line**. You may pre–register until close of business July 22, 2009. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call (202) 452–2955 for further information. If you need an accommodation for a disability, please contact Penelope Beattie on (202) 452–3982. For the hearing impaired only, please use the Telecommunication Device for the Deaf (TDD) on (202) 263–4869.

Privacy Act Notice: Providing the information requested is voluntary; however, failure to provide your name, date of birth, and social security number or passport number may result in denial of entry to the Federal Reserve Board. This information is solicited pursuant to Sections 10 and 11 of the Federal Reserve Act and will be used to facilitate a search of law enforcement databases to confirm that no threat is posed to Board employees or property. It may be disclosed to other persons to evaluate a potential threat. The information also may be provided to law enforcement agencies, courts, and others, but only to the extent necessary to investigate or prosecute a violation of law.

MATTERS TO BE CONSIDERED:

Discussion Agenda:

1. Proposed Amendments to Regulation Z (Truth in Lending) Addressing Mortgage Loans and Home Equity Lines of Credit.

Note: 1. The staff memo to the Board will be made available to the public in paper and the background material will be made available on a computer disc in Word format. If you require a paper copy of the document, please call Penelope Beattie on (202) 452–3982.

2. This meeting will be recorded for the benefit of those unable to attend. Computer discs (CDs) will then be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $4 per disc by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members; at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call (202) 452–3206 for a **recorded announcement** of this meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an **electronic announcement**. (The Web site also includes procedural and other information about the open meeting.)

Board of Governors of the Federal Reserve System, July 16, 2009.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E9–17302 Filed 7–16–09; 4:15 pm]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The FTC plans to conduct a national study of the accuracy of consumer reports in connection with Section 319 of the Fair and Accurate Credit Transactions Act of 2003, Pub. L.108-159 (2003). This study is a follow-up to the Commission's two previous

pilot studies.[1] Before gathering this information, the FTC is seeking public comment on its proposed study. The FTC will consider comments before it submits a request for Office of Management and Budget (OMB) review under the Paperwork Reduction Act (PRA).

DATES: Comments must be received on or before September 18, 2009.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to ''National Accuracy Study: Paperwork Comment (FTC file no. P044804)'' to facilitate the organization of the comments. Please note that your comment—including your name and your state—will be placed on the public record of this proceeding, including on the publicly accessible FTC Website, at (*http://www.ftc.gov/os/publiccomments.shtm*).

Because comments will be made public, they should not include any sensitive personal information, such as an individual's Social Security Number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential. . . .,'' as provided in Section 6(f) of the Federal Trade Commission Act (''FTC Act''), 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c).[2]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following web link: (*https://secure.commentworks.com/ftc-FACTA319study*) (and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the web link (*https://secure.commentworks.com/ftc-FACTA319study*). If this Notice appears at (*http://www.regulations.gov/search/index.jsp*), you may also file an electronic comment through that website. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC Website at *http://www.ftc.gov* to read the Notice and the news release describing it.

A comment filed in paper form should include the ''National Accuracy Study: Paperwork Comment (FTC file no. P044804)'' reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex J), 600 Pennsylvania Avenue, NW, Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC Website, to the extent practicable, at (*http://www.ftc.gov/os/publiccomments.shtm*). As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Website. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at (*http://www.ftc.gov/ftc/privacy.shtm*).

FOR FURTHER INFORMATION CONTACT: Peter Vander Nat, Economist, (202) 326-3518, Federal Trade Commission, Bureau of Economics.

SUPPLEMENTARY INFORMATION: Section 319 of the Fair and Accurate Credit Transactions Act of 2003 (''FACT Act'' or the ''Act''), Pub. L.108-159 (2003) requires the FTC to study the accuracy and completeness of information in consumers' credit reports and to consider methods for improving the accuracy and completeness of such information. Section 319 of the Act also requires the Commission to issue a series of biennial reports to Congress over a period of eleven years. The first report was submitted to Congress in December 2004.[3] The second report was submitted to Congress in December 2006 (''December 2006 Report''), describing the results of a pilot study. The third report was submitted in December 2008 (''December 2008 Report''), describing the results of a second pilot study.

In July 2005, OMB approved the FTC's request to conduct a pilot study to evaluate the feasibility of a methodology that involves direct review by consumers of the information in their credit reports (OMB Control Number 3084-0133),[4] and the FTC conducted that pilot study in 2005-2006. As explained in the December 2006 report, FTC staff concluded that it was necessary to conduct a second pilot study to evaluate additional design elements prior to carrying out a nationwide survey. Upon receiving further OMB approval (reinstatement of Control No. 3084-0133), the FTC conducted the second pilot study in 2007-2008. The FTC's pilot studies used small samples and did not rely on the selection of a nationally representative sample of credit reports; accordingly, no statistical projections were made. The FTC now plans to conduct a national study of the accuracy of consumer reports in connection with Section 319 of the Fair and Accurate Credit Transactions Act of 2003, Pub. L.108-159 (2003). This study is a follow-up to the Commission's two previous pilot studies.

Proposed Information Collection Activities

Under the PRA, 44 U.S.C. 3501-3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. § 3502(3), 5 CFR

[1] Reports to Congress Under Sections 318 and 319 of the Fair and Accurate Credit Transactions Act of 2003, Federal Trade Commission, December 2006 and 2008. The reports may be accessed at the FTC's Web site. December 2006 Report: (*http://www.ftc.gov/reports/FACTACT/FACT_Act_Report_2006.pdf*); December 2008 Report: (*http://www.ftc.gov/opa/2008/12/factareport.shtm*).

[2] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

[3] Report to Congress Under Sections 318 and 319 of the Fair and Accurate Credit Transactions Act of 2003, Federal Trade Commission, December 2004. The December 2004 Report is available at (*http://www.ftc.gov/reports/facta/041209factarpt.pdf*).

[4] *See* 70 FR 24583 (May 10, 2005) for discussion of the initial pilot study and related public comments.

§ 1320.3(c). Because the number of entities affected by the Commission's requests will exceed ten, the Commission plans to seek OMB clearance under the PRA. As required by § 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB grant the clearance for the proposed information collection.

The FTC invites comments on: (1) whether the proposed collections of information are necessary for the proper performance of the functions of the FTC, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.*, permitting electronic submission of responses). More generally, the FTC invites comment on the various design elements for a national study set forth below. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before September 18, 2009.

1. Description of the Collection of Information and Proposed Use

A. Initial Pilot Study (2005-2006)

The goal of the initial pilot study was to assess the feasibility of directly engaging consumers in an in-depth review of their credit reports for the purpose of identifying alleged material errors and channeling such errors through the Fair Credit Report Act (''FCRA'') dispute resolution process. The FTC's contractor for the initial pilot study—a research team comprised of members from the Center for Business and Industrial Studies (University of Missouri-St Louis), Georgetown University Credit Research Center, and the Fair Isaac Corporation—engaged 30 randomly selected participants in an in-depth review of their credit reports. Study participants obtained their credit reports and credit scores [5] from each of the three nationwide consumer reporting agencies (Equifax, Experian, TransUnion—hereinafter, the ''CRAs''). The contractor reviewed these credit reports with the participants and after an evaluation of alleged errors for materiality by the research team, consumers were asked to channel disputed information through the FCRA dispute resolution process.[6]

The first pilot study demonstrated the general feasibility of the consumer interview methodology, but also revealed several challenges for a national study.[7] Challenges include identifying methods for achieving a more representative sampling frame, increasing the response rates, and easing the burden of completing the study. Compared to the national average for credit scores, consumers with relatively low scores were under-represented. Also, the majority of participants who alleged errors on their credit reports and indicated that they would file a dispute did not follow through with their stated intention to file. In consideration of these and other matters, the FTC conducted a follow-up pilot study.

B. The Second Pilot Study (2007-2008)

The second pilot study combined successful elements from the first pilot with new procedures designed to overcome shortcomings of the first pilot.

Through a variety of recruitment channels, 4,232 people were invited to participate. Multiple recruitment methods were employed and these were useful in identifying differences in response rates and credit scores of the respondents across various methods of recruitment. Of the 4,232 individuals contacted, 128 (3%) became participants. The contractor [8] helped participants obtain their 3 credit reports and conducted an in-depth review of the reports with each participant. The contractor also helped the participants to identify alleged inaccuracies and gave advice on the difference between a small inaccuracy and a material error that is likely to affect a credit score. Specific criteria for materiality were developed in consultation with Fair Isaac's analyst on the research team.[9] If the consumer alleged a material error, the individual was encouraged to file a formal FCRA dispute so as to obtain a review of the challenged items by data furnishers and CRAs. The contractor prepared a dispute letter for any consumer who wanted to file and allege an error, material or not (as the FCRA permits a consumer to dispute any credit report information that the person believes to be inaccurate).

Regarding the results of the study, 88 of the 128 participants (69%) found no errors in their credit reports. Of the 40 participants who alleged one or more errors that they wanted to dispute, 15 (or 12% of the 128) alleged a material error. For 7 of these latter cases, the FCRA dispute process rendered credit report changes that were made fully in keeping with all of the consumer's allegations.[10]

As noted above, the second pilot study (like the first) used a small sample and no statistical projections were made. Accordingly, no extensive statistical summaries were needed, nor were any given, in the FTC's report on the study. The primary purpose of the pilot studies was to refine the expert-

[5] A credit score is a numerical summary of the information in a credit report and is designed to be predictive of the risk of default. Credit scores are created by proprietary formulas that render the following result: the higher the credit score, the lower the risk of default. The contractor in the first and second pilot studies employed (and the proposed national study expects to employ) a score that is commonly used in credit reporting, namely a FICO score.

[6] The FCRA dispute resolution process involves the review of disputed items by data furnishers and CRAs. The formal dispute process renders a specific outcome for each alleged error. By direct instruction of the data furnisher, the following outcomes may occur: delete the item, change or modify the item (specifying the change), or maintain the item as originally reported. A CRA may also delete a disputed item due to expiration of the statutory time frame (the FCRA limits the process to 30 days, but the time may be extended to 45 days if a consumer submits relevant information during the 30-day period). These possible actions are tracked by a form called ''Online Solution for Complete and Accurate Reporting'' (e-OSCAR) that is used by CRAs for resolving FCRA disputes. A consumer may also dispute information directly with a data furnisher, as provided for by FCRA 623(a)(8). 15 U.S.C.1681s-2(a)(8). (*See also*, Federal Trade Commission and Board of Governors of the Federal Reserve System, *Report to Congress on the Fair Credit Reporting Act Dispute Process*, August 2006. The report is available at (*http://www.ftc.gov/os/comments/fcradispute/P044808fcradisputeprocessreporttocongress.pdf*).

[7] The FTC's December 2006 Report to Congress contains a more detailed review of the study and its results.

[8] Due to the similarity in design (*i.e.*, second pilot was constructed as a follow-up to first) the FTC employed the same contractor.

[9] December 2008 Report (at 3). The contractor used the following criteria for materiality: the consumer had a credit score less than 760 (a cutoff widely used to identify consumers with lowest credit risk and for extending credit on most favorable terms) AND the consumer alleged an error regarding any of the following matters: (i) negative items (such as late payments); (ii) public derogatories (such as bankruptcy); (iii) accounts sent to collection; (iv) number of inquiries for new credit; (v) outstanding balances not attributable to normal monthly reporting variation; (vi) accounts on the report not belonging to the person who is the subject of the report; or (vii) duplicate entries of the same information (*e.g.*, late payments or outstanding obligations) that were double-counted in the reported summaries of such items. To enhance the efficiency of the study process, the stated criteria modify somewhat the procedure used in the first pilot study (contractor's report on second pilot study at 27). In the proposed national study, we do not intend to use any cutoff score for materiality, but plan to retain the stated categories as indicating a dispute material to creditworthiness.

[10] Other cases (*i.e.*, some of the consumer's allegations were confirmed while other allegations were denied) are summarized in the December 2008 Report (at 2 & 8).

assisted survey approach for studying credit report information, in preparation for a national study.

The second pilot study confirmed the importance of having the contractor prepare dispute letters for consumers. This was not done in the first pilot study. In the first pilot study, only 1 of the 3 participants who alleged material errors on their credit reports filed a dispute. In the follow-up pilot study, all 15 of the participants who alleged material errors on their credit reports received dispute letters from the contractor, and the outcomes of these disputes are known for 12 of them. This is a significant improvement over the first pilot study.

As noted above, multiple recruitment methods were used to identify differences in response rates and in credit scores of respondents across various methods of recruitment. The second pilot study confirmed the difficulties of obtaining adequate numbers of participants with below-average credit scores. Purely random sampling of potential participants yielded too few actual participants with low credit scores.[11] A weighted random sampling approach, whereby more invitations were extended to groups of consumers who were likely to have lower credit scores, produced a sample closer to national norms.[12]

The second pilot study indicated that it would be feasible to base a measure of the accuracy of credit report information on confirmed material errors via the FCRA dispute process. Whenever it appeared that a consumer's credit score could be affected by ''correcting'' an alleged material error, the contractor marked the credit reports (the *frozen files*) [13] with explanations of the discrepancies and sent copies of the marked reports to Fair Isaac for rescoring. If, via the FCRA dispute process, changes were subsequently made by CRAs and lenders in keeping with the consumer's allegations, these changed items were then designated as *confirmed material errors*. We then rescore the frozen file to quantify the impact of the confirmed error(s) on the consumer's credit score. The difference between the rescore of the frozen file and the original score is a meaningful measure of the impact of inaccurate credit report information. We intend to use this type of methodology in a national study.[14]

As a final point of this summary of the pilot studies, the relatively low response rate (*i.e.*, approximately 3% of the individuals contacted became participants) raises concern for the design of a national study regarding a potential response bias. This matter is addressed below.

C. Proposed National Study

The proposed national study seeks to use a large representative sample of credit reports so that we may draw inferences, up to a certain level of statistical confidence, about the accuracy of credit reports in general. The need to employ a representative sample makes the initial steps of the proposed study different from the methodology of the second pilot study; in other respects, the methodologies of the two studies are largely the same. Our goal is to obtain approximately 1,000 participants who as a group display a diversity on credit scores and on major demographic characteristics in line with national norms.

The relevant population for the study is comprised of adult members of households who have credit histories with Equifax, Experian, and/or TransUnion. To study these credit histories we propose, as a first step, to obtain a very large random sample (with an order of magnitude of 200,000 names) from one of the consumer reporting agencies in order to determine a set of individuals *selected for possible contact* (the ''SPC list'').[15] From this SPC list, FTC staff will draw a further and considerably smaller random sample (*e.g.*, 10% sample) of individuals *selected for contact* (the ''SC list'').

There are several reasons for this two-step process. First, the vast majority of the names on the SPC list will not be sent invitations to participate and thus helps ensure that no CRA will know who is participating in the study. Further, using the SC list, we plan to send proportionally more invitation letters to individuals with lower credit scores. Use of this weighted random sampling approach is designed to obtain an ultimate set of participants having credit scores (specifically, the lower scores) in line with national norms, as suggested by the results of the second pilot study.[16]

After some substantial set of individuals have agreed to join the study (300 - 400 people), we will have an *initial sample*. This sample will be compared with the larger SPC list on credit scores and geographic diversity. Statistically significant differences between this initial sample and the larger SPC list would reflect the impact of non-participation. From this information, we can selectively draw individuals from the SC list in an effort to compensate for these differences as necessary.

As a further check on a potential bias in the decision to participate, we plan to obtain anonymized (redacted) credit reports (and related credit scores) [17] for *the entire class of non*-respondents, *i.e.*, all the people from the SC list who choose not to participate. Using the redacted reports and related scores we can determine, for example, whether non-respondents had significantly different credit scores or significantly different credit histories from those who agreed to participate.

Upon completion of the study, we will have a database with detailed demographic information about the participants, the type and quantity of alleged material errors on their credit reports, the type and quantity of confirmed material errors via the FCRA dispute process, and the impact of any such confirmed errors on the participants' credit scores.[18] Further, by

[11] Table III of the December 2008 Report (at 9).

[12] Table 9 of the contractor's report (appendix to the December 2008 Report).

[13] The files are called ''frozen'' because no new credit information was added to the consumer's original credit reports obtained in the study; any rescoring would thus apply only to potential changes or actual changes that were directly related to the contractor's review.

[14] Certain limitations regarding this methodology are discussed in the December 2008 Report (at 3 & 4). Yet, use of the FCRA dispute process appears to be the only feasible way of performing a nationwide survey, in view of the enormous difficulty and cost of attempting to ascertain the ultimate accuracy regarding alleged errors.

[15] The information in this sample, which would include names, addresses, and credit scores, is to be obtained under applicable law and protected from disclosure by, *e.g.*, Exemption 6 of the Freedom of Information Act, 5 U.S.C. 552. That information, as well as any credit reports that individual participants give permission to be analyzed for the study, will be maintained and used by the FTC and its contractors subject to appropriate information security procedures and safeguards (*e.g.*, maintaining credit-related data separately from personal identifying information, requiring the FTC's contractors to execute confidentiality agreements, and limiting access to those FTC and contractor staff who have a need to work with the data). As noted above, the study methodology is also designed to prevent disclosure of any individual's participation in the study to any credit reporting agency.

[16] December 2008 Report (at 9 &10).

[17] These credit reports and scores will be generated and maintained without name, address or personal identifiers other than ID numbers assigned by the study.

[18] Using the methodology of the pilot studies, we expect to obtain a variety of alleged errors: incorrect report of late payment; multiple reports of an account with late payment; paid account reported as delinquent; closed account reported as delinquent; incorrect financial account reported (''not mine''); incorrect collection balance; incorrect collection account reported; multiple reports of an account in bankruptcy; chapter 7 accounts discharged but reported as delinquent, as well as further types of alleged errors. For these same categories we can also tabulate confirmed material errors via the FCRA dispute process. As explained

analyzing the redacted credit reports and related scores of the non-respondents, we obtain a final check on the degree to which the enhanced procedures were effective in achieving a nationally representative sample of credit reports.

2. Estimated Hours Burden

Consumer participation in the proposed national study would involve an initial preparation for the in-depth interview and time spent by participants to understand, review, and if deemed necessary, dispute information in their credit reports. Invitation letters will be sent in progressive waves in order to obtain approximately 1,000 participants. The individuals who receive these letters are drawn from the SC list discussed above and will be asked to go directly to a designated Web site for enrollment if they wish to participate; registration is expected to take at most 15 minutes per participant.[19] The registration process thus comes to approximately 250 hours (reckoned at 1/4 hour for each of 1,000 consumers).

For the purpose of calculating burden under the PRA regarding the review process of the credit reports, FTC staff submits the following estimates that are based on the contractor's experience with the second pilot study. Some participants prepare thoroughly in advance of the in-depth interview of their credit reports. In such situations, even complicated reports may generally be finished under 30 minutes. Other consumers may not find time for significant preparation in advance of the in-depth review, and in such cases the interview could take up to an hour. The participants in the second pilot study reported taking an average of 69 minutes (median 53 minutes) to prepare for the interview, with 90% taking between 10 and 180 minutes. The interviews themselves took an average of 19 minutes (median 15 minutes) with 90% taking between 5 and 45 minutes. Overall, the average combined time for preparation and the interview was about 90 minutes (1.5 hours). For a national study involving 1,000 consumers, FTC staff thus estimates the burden hours for the review process to be approximately 1,500 hours (1,000 consumers x 1.5 hours). Further adding on the time spent for the registration process (0.25 hours per participant), the total burden hours come to approximately 1,750 hours.

3. Estimated Cost Burden

The cost per consumer for their participation should be negligible. Participation is voluntary and it will not require any start-up or capital expenditure. There is no labor time expenditure beyond the 1.75 hours per consumer estimated above. Participants may receive an honorarium to compensate them for their time. The amount will be determined by FTC staff in consultation with the contractor according to an analysis of customary procedures and a consideration of response rates within key categories, such as, response rates for consumers with impaired credit. As with the pilot studies, participants will not pay for their credit reports or credit scores.

Willard Tom,

General Counsel

[FR Doc. E9–17147 Filed 7–17–09: 8:45 am]

BILLING CODE: 6750 –01–S

above, the rescoring of the frozen files will then provide the impact of any confirmed errors on the participants' credit scores.

[19] At the registration Web site, a person may take the time to read several disclosures, including a privacy disclosure and an outline of the various steps of the study that every participant agrees to undertake. The consumer is then asked to enter basic contact information (*e.g.*, name, address, telephone number, best time to be contacted further about the study) and to enter an electronic signature certifying the consumer's consent to participate in the study. For those who may not have Internet access to register, the contractor would also have a procedure to mail the appropriate disclosures and study steps to the respondent and then receive back enrolment information and the consumer's signed consent in paper form.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; CareerTrac

Summary: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Fogarty International Center (FIC) and National Institute of Environmental Health Sciences (NIEHS), the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on May 12, 2009, page 22172, and allowed 60-days for public comment. No comments were received from this notification regarding the cost and hour burden estimates. The purpose of this announcement is to allow an additional 30 days for public comment.

The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: CareerTrac. *Type of Information Collection Request:* Revision (OMB No.: 0925–0568 Expiration: Aug. 31, 2009). *Need and Use of Information Collection:* This data collection system is being developed to track, evaluate and report short and long-term outputs, outcomes and impacts of international trainees involved in health research training programs—specifically tracking this for at least ten years following training by having Principal Investigators enter data after trainees have completed the program. The data collection system provides a streamlined, Web-based application permitting principal investigators to record career achievement progress by trainee on a voluntary basis. FIC and NIEHS management will use this data to monitor, evaluate and adjust grants to ensure desired outcomes are achieved, comply with OMB part requirements, respond to congressional inquiries, and as a guide to inform future strategic and management decisions regarding the grant program.

Frequency of Response: Annual and periodic *Affected Public:* none *Type of Respondents:* Principal Investigators and/or their administrators funded by FIC and NIEHS. The annual reporting burden is as follows: *Estimated Number of Respondents:* 275; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours per Response* 7.5 and *Estimated Total Annual Burden Hours Requested:* 2063. The annualized cost to respondents is estimated at $82,500. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, *Attention:* Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Linda Kupfer, Fogarty International Center, National Institutes of Health, 16 Center Drive, Building 16, Bethesda, MD 20892–6705 or call non-toll-free number 301–496–3288 or e-mail your request, including your address to *kupferl@mail.nih.gov*.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

Dated: July 13, 2009.

Timothy J. Tosten,

Executive Officer, Fogarty International Center, National Institutes of Health.

[FR Doc. E9–17214 Filed 7–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0544]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Record Retention Requirements for the Soy Protein and Coronary Heart Disease Health Claim

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Record Retention Requirements for the Soy Protein and Coronary Heart Disease Health Claim'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of Information Management (HFA–710), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–3794.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 14, 2009 (74 FR 2079), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0428. The approval expires on May 31, 2012. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain*.

Dated: July 10, 2009.

Jeffrey Shuren,

Associate Commissioner for Policy and Planning.

[FR Doc. E9–17094 Filed 7–17–09; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel; Review Predoctoral and Postdoctoral Fellowship Applications.

Date: July 28, 2009.

Time: 12 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Peter Kozel, PhD, Scientific Review Officer, NCCAM, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892–5475. 301–496–8004. *kozelp@mail.nih.gov.*

This notice is being published less than 15 days prior to meeting due to scheduling conflicts.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: July 14, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–17202 Filed 7–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Alternative Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the National Advisory Council for Complementary and Alternative Medicine (NACCAM) meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussion could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Complementary and Alternative Medicine.

Date: September 11, 2009.

Closed: 8:30 a.m. to 10:30 a.m.

Agenda: To review and evaluate grant applications and/or proposals.

Open: 11 a.m. to 4 p.m.

Agenda: Opening remarks by the Director of the National Center for Complementary and Alternative Medicine, presentation of a new research initiative, and other business of the Council.

Place: National Institutes of Health, Neuroscience Building, 6001 Executive Boulevard, Conference Rooms C & D, Bethesda, MD 20892.

Contact Person: Martin H. Goldrosen, PhD., Executive Secretary, Director, Division of Extramural Activities, National Center for Complementary and Alternative Medicine,

National Institutes of Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892. (301) 594–2014.

The public comments session is scheduled from 3:30–4 p.m., but could change depending on the actual time spent on each agenda item. Each speaker will be permitted 5 minutes for their presentation. Interested individuals and representatives of organizations are requested to notify Dr. Martin H. Goldrosen, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, Maryland, 20892, 301–594–2014, Fax: 301–480–9970. Letters of intent to present comments, along with a brief description of the organization represented, should be received no later than 5 p.m. on September 7, 2009. Only one representative of an organization may present oral comments. Any person attending the meeting who does not request an opportunity to speak in advance of the meeting may be considered for oral presentation, if time permits, and at the discretion of the Chairperson. In addition, written comments may be submitted to Dr. Martin H. Goldrosen at the address listed above up to ten calendar days (September 21, 2009) following the meeting.

Copies of the meeting agenda and the roster of members will be furnished upon request by contacting Dr. Martin H. Goldrosen, Executive Secretary, NACCAM, National Center for Complementary and Alternative Medicine, National Institutes of Health, 6707 Democracy Boulevard, Suite 401, Bethesda, Maryland 20892, 301–594–2014, Fax 301–480–9970, or via e-mail at *naccames@mail.nih.gov.*

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.701, ARRA Related Biomedical Research and Research Support Awards.; 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: July 14, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–17204 Filed 7–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel. ARRA Grant Opportunities (RC2) in CAM.

Date: August 5, 2009.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Martina Schmidt, PhD, Scientific Review Officer, Office of Scientific Review, National Center for Complementary & Alternative Medicine, NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, 301–594–3456, *schmidma@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.701, ARRA Related Biomedical Research and Research Support Awards; 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: July 14, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–17205 Filed 7–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Cardiac Translational Research Implementation Program.

Date: July 24, 2009.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Youngsuk Oh, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892–7924, 301–435–0277, *yoh@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: July 14, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–17206 Filed 7–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Cancellation of Meeting

Notice is hereby given of the cancellation of the National Cancer Institute Special Emphasis Panel, August 5, 2009, 8 a.m. to August 6, 2009, 5 p.m., Marriott Bethesda North Hotel & Conference Center, Bethesda, MD which was published in the **Federal Register** on June 26, 2009, 74FR30592.

This notice is to cancel the NCI–ARRA Grand Opportunities-Clinical/Translational Special Emphasis Panel that was to be held on August 5–6, 2009.

Dated: July 14, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–17207 Filed 7–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel; Biotechnology.

Date: August 17, 2009.

Time: 8 a.m. to 9 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy 1, 6701 Democracy Blvd., 1070, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Martha F. Matocha, PhD, Scientific Review Officer, Office of Review, National Center for Research Resources, National Institutes of Health, 6701 Democracy Blvd., 1 Democracy Plaza, Rm. 1070, Bethesda, MD 20892, 301–435–0810, *matocham@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333; 93.702, ARRA Related Construction Awards, National Institutes of Health, HHS)

Dated: July 14, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–17208 Filed 7–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center on Minority Health and Health Disparities; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center on Minority Health and Health Disparities Special Emphasis Panel; Panel 1: Bioethics Centers.

Date: July 27, 2009.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Prabha L. Atreya, PhD, Chief, Office of Scientific Review, National Center on Minority Health and Health Disparities, 6707 Democracy Boulevard, Suite 800, Bethesda, MD 20892, (301) 594–8696, *atreyapr@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Center on Minority Health and Health Disparities Special Emphasis Panel; Panel 2 Recovery Centers.

Date: July 27, 2009.

Time: 1:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Prabha L. Atreya, PhD, Chief, Office of Scientific Review, National Center on Minority Health and Health Disparities, 6707 Democracy Boulevard, Suite 800, Bethesda, MD 20892, (301) 594–8696, *atreyapr@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Center on Minority Health and Health Disparities Special Emphasis Panel; Panel 3 Data Centers.

Date: July 28, 2009.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Prabha L. Atreya, PhD, Chief, Office of Scientific Review, National Center on Minority Health and Health Disparities, 6707 Democracy Boulevard, Suite 800, Bethesda, MD 20892, (301) 594–8696, *atreyapr@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Center on Minority Health and Health Disparities Special Emphasis Panel; Panel 4: Social Determinants.

Date: July 28–30, 2009.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Prabha L. Atreya, PhD, Chief, Office of Scientific Review, National Center on Minority Health and Health Disparities, 6707 Democracy Boulevard, Suite 800, Bethesda, MD 20892, (301) 594–8696, *atreyapr@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program No. 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: July 14, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–17200 Filed 7–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Competitive Revision: Neuroscience Research.

Date: July 27, 2009.

Time: 11:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Julius Cinque, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892. (301) 435–1252. *cinquej@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neurodegenerative Disorders.

Date: July 27, 2009.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lawrence Baizer, PhD Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4152, MSC 7850, Bethesda, MD 20892. (301) 435–1257. *baizerl@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict Revisions.

Date: July 28–30, 2009.

Time: 7 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bernard F. Driscoll, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892. (301) 435–1242. *driscolb@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Sensory Neuroscience.

Date: July 30–31, 2009.

Time: 7 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bernard F. Driscoll, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892. (301) 435–1242. *driscolb@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Competitive Revision: Biobehavioral Regulation and Learning.

Date: July 30, 2009.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Biao Tian, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892. (301) 402–4411. *tianbi@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Biobehavioral Regulation and Learning.

Date: July 30, 2009.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Biao Tian, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892. (301) 402–4411. *tianbi@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Genes, Genomes and Genetics SEP.

Date: August 6–7, 2009.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Michael K. Schmidt, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2214, MSC 7890, Bethesda, MD 20892. (301) 435–1147. *mschmidt@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, AARR Member Conflicts.

Date: August 6–7, 2009.

Time: 11 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Jose H. Guerrier, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, CSR BDCN Special Emphasis Panel: ARRA Grand Opportunity (GO) Grant Applications.

Date: August 6, 2009.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Samuel C. Edwards, PhD, Chief, BDCN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7812, Bethesda, MD 20892, (301) 435–1152, *edwardss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ARRA Technologies.

Date: August 13, 2009.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard Panniers, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1741, *pannierr@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 14, 2009.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E9–17199 Filed 7–17–09; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Degestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; American Recovery and Reinvestment Act Competitive Revision Review NOT–OD–09–058.

Date: August 13, 2009.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John F. Connaughton, PHD, Chief, Chartered Committees Section, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: July 10 2009.

Jennifer Spaeth,

Director Office of Federal Advisory Committee Policy.

[FR Doc. E9–17025 Filed 7–17–09; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) National Advisory Council (NAC) will meet on August 5, 2009 from 2 p.m. to 4 p.m. via teleconference.

The meeting will include the review, discussion, and evaluation of grant applications reviewed by Initial Review Groups. Therefore, the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App.2, Section 10(d).

Substantive program information, a summary of the meeting and a roster of Council members may be obtained as soon as possible after the meeting, either by accessing the SAMHSA Committee Web site at *http://www.samhsa.gov/council/csap/csapnac.aspx*, or by contacting the CSAP National Advisory Council's Acting Designated Federal Official, Ms. Joyce Weddington (*see* contact information below).

Committee Name: SAMHSA Center for Substance Abuse Prevention National Advisory Council.

Date/Time/Type: August 5, 2009, 2 p.m. to 4 p.m.: Closed.

Place: SAMHSA Building, 1 Choke Cherry Road, Conference Room 4–1058, Rockville, Maryland 20857.

Contact: Joyce Weddington, Acting Designated Federal Official, SAMHSA CSAP National Advisory Council, 1 Choke Cherry Road, Room 4–1065, Rockville, Maryland 20857, *Telephone:* (240) 276–2448, *Fax:* (240)276–2430, *E-mail: joyce.weddington@samhsa.hhs.gov*.

Dated: July 10, 2009.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. E9–17143 Filed 7–17–09; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2009–0086]

Collection of Information Under Review by Office of Management and Budget: OMB Control Number: 1625–0071

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) requesting an extension of its approval for the following collection of information: 1625–0071, Boat Owner's Report, Possible Safety Defect. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before August 19, 2009.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2009–0086] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) or to OIRA. To avoid duplication, please submit your comments by only one of the following means:

(1) *Electronic submission.* (a) To Coast Guard docket at *http://www.regulations.gov*. (b) To OIRA by e-mail via: *oira_submission@omb.eop.gov*.

(2) *Mail or Hand delivery.* (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Hand deliver between the hours of 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. (b) To OIRA, 725 17th Street, NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax.* (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–6566. To ensure your comments are received in time, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov*.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov*. Additionally, copies are available from:

Commandant (CG–611), Attn Paperwork Reduction Act Manager, U.S. Coast Guard, 2100 2nd St., SW., Stop 7101, Washington, DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523 or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION: The Coast Guard invites comments on whether this ICR should be granted based on it being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request [USCG 2009–0086]. For your comments to OIRA to be considered, it is best if they are received on or before August 19, 2009.

Public participation and request for comments: We encourage you to respond to this request by submitting comments and related materials. We will post all comments received,

without change, to *http://www.regulations.gov*. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2009–0086], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. In response to your comments, we may revise the ICR or decide not to seek an extension of approval for this collection. The Coast Guard and OIRA will consider all comments and material received during the comment period.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Enter the docket number [USCG–2009–0086] in the Search box, and click, ''Go>>. You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Privacy Act statement regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard has published the 60-day notice (74 FR 10751, March 12, 2008) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

Information Collection Request

Title: Boat Owner's Report, Possible Safety Defect.

OMB Control Number: 1625–0071.

Type of Request: Revision of a currently approved collection.

Respondents: Owners and users of recreational boats and items/designated associated equipment.

Abstract: Title 46 U.S.C. 4310 gives the Coast Guard authority to require manufacturers of recreational boats and certain items/designated associated equipment to notify owners and remedy: (1) Defects that create a substantial risk of personal injury to the public; and (2) failures to comply with applicable Federal safety standards.

Forms: CG–5578.

Burden Estimate: The estimated annual burden has increased from 13.2 hours to 17.8 per year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 13, 2009.

M.B. Lytle,

Captain, U.S. Coast Guard Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E9–17095 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2009–0588]

Information Collection Request to Office of Management and Budget; OMB Control Numbers: 1625–0012

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) and Analysis to the Office of Management and Budget (OMB) requesting an extension of its approval for the following collection of information: 1625–0012, Certificate of Discharge to Merchant Mariners. Before submitting this ICR to OMB, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 18, 2009.

ADDRESSES: To avoid duplicate submissions to the docket [USCG–2009–0588], please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* Docket Management Facility (DMF) (M–30), U.S. Department of Transportation (DOT), West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(3) *Hand deliver:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, a copy is available from: Commandant (CG–611), Attn Paperwork Reduction Act Manager, US Coast Guard, 2100 2nd St., SW Stop 7101, Washington DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

The Coast Guard invites comments on whether this ICR should be granted based on the collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of the collections on respondents, including the use of automated collection techniques or other forms of information technology.

We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov.* They will

include any personal information you provide. We have an agreement with DOT to use their DMF. *Please see* the ''Privacy Act'' paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2009–0588], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Enter the docket number for this Notice [USCG–2009–0588] in the Search box, and click ''Go>>.'' You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Privacy Act statement regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Information Collection Request

Title: Certificate of Discharge to Merchant Mariners.

OMB Control Number: 1625–0012.

Summary: This information collection provides the basis for determining eligibility for issuance of a merchant mariner's credential(s); to determine eligibility for various benefits such as medical and retirement; and to provide information to the U.S. Maritime Administration (MARAD) on the availability of mariners in a time of national emergency.

Need: In accordance with 46 U.S.C. part 10311, each master or individual in charge of a vessel shall, for each merchant mariner being discharged from the vessel, prepare a certificate of discharge and two copies; whether by writing or typing on the prescribed form with permanent ink, or by using a computer-generated form to be signed with permanent ink.

Forms: CG–718A.

Respondents: Masters and operators of vessels.

Frequency: One for every credentialed mariner for each voyage.

Burden Estimate: The estimated burden has increased from 1,743.33 hours to 2,443 hours a year.

Dated: July 13, 2009.

M.B. Lytle,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E9–17099 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2009–0116]

Collection of Information Under Review by Office of Management and Budget: OMB Control Numbers: 1625–0033 and 1625–0039

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the U.S. Coast Guard is forwarding two Information Collection Requests (ICRs), abstracted below, to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) requesting an extension of its approval for the following collections of information: (1) 1625–0033, Display of Fire Control Plans for Vessels; and (2) 1625–0039, Declaration of Inspection Before Transfer of Liquid Cargo in Bulk. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before August 19, 2009.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2009–0116] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) or to OIRA. To avoid duplication, please submit your comments by only one of the following means:

(1) Electronic submission. (a) To Coast Guard docket at *http://www.regulation.gov*. (b) To OIRA by e-mail via: *oira_submission@omb.eop.gov.*

(2) Mail or Hand delivery. (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. Hand deliver between the hours of 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. (b) To OIRA, 725 17th Street, NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) Fax. (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–6566. To ensure your comments are received in time, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov*.

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov*. Additionally, copies are available from: Commandant (CG–611), Attn Paperwork Reduction Act Manager, US Coast Guard, 2100 2nd St., SW., Stop 7101, Washington, DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523 or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION: The Coast Guard invites comments on whether these ICRs should be granted based on it being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection

techniques or other forms of information technology.

Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG 2009–0116]. For your comments to OIRA to be considered, it is best if they are received on or before the August 19, 2009.

Public participation and request for comments: We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov*. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2009–0116], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. In response to your comments, we may revise the ICR or decide not to seek an extension of approval for this collection. The Coast Guard and OIRA will consider all comments and material received during the comment period.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Enter the docket number [USCG–2009–0116] in the Search box, and click, ''Go>>.'' You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Privacy Act statement regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard has published the 60-day notice (74 FR 10750, March 12, 2009) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

Information Collection Request

1. *Title:* Display of Fire Control Plans for Vessels.

OMB Control Number: 1625–0033.

Type of Request: Revision of a currently approved collection.

Respondents: Owners and operators of vessels.

Abstract: Under 46 U.S.C. 3305 and 3306, the Coast Guard is responsible for the safety of inspected vessels and has promulgated regulations to ensure standards are met.

Forms: None.

Burden Estimate: The estimated burden has decreased from 859 hours to 514 hours a year.

2. *Title:* Declaration of Inspection Before Transfer of Liquid Cargo in Bulk.

OMB Control Number: 1625–0039.

Type of Request: Revision of a currently approved collection.

Respondents: Persons-in-charge of transfers.

Abstract: Title 33 U.S.C. 1221 authorizes the Coast Guard to establish regulations preventing the discharge of oil and hazardous material from vessels and facilities. The Declaration of Inspection regulations appear at 33 CFR 156.150 and 46 CFR 35.35–30.

Forms: None.

Burden Estimate: The estimated burden has decreased from 68,534 hours to 67,825 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 13, 2009.

M.B. Lytle,

Captain, U.S. Coast Guard, Acting Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. E9–17096 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5300–N–13]

Notice of Availability: Notice of Funding Availability (NOFA) for Fiscal Year (FY) 2009 Self-Help Homeownership Opportunity Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: Through this notice, HUD announces the availability on its Web site of the application information, submission deadlines, funding criteria, and other requirements for the FY2009 Self-Help Homeownership Opportunity Program (SHOP) NOFA. The FY2009 SHOP NOFA makes $26.5 million in assistance to national and regional nonprofit organizations and consortia which facilitate and encourage innovative homeownership opportunities for low-income individuals and families. The notice providing information regarding the application process, funding criteria and eligibility requirements is available on *Grants.gov* Web site *http://apply07.grants.gov/apply/forms_apps_idx.html.* A link to *Grants.gov* is also available on the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The Catalogue of Federal Domestic Assistance (CFDA) number for the Self-Help Homeownership Opportunity Program is 14.247. Applications must be submitted electronically through *Grants.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information concerning the Self-Help Homeownership Opportunity Program (SHOP), contact Lou Thompson, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7168, Washington, DC 20410–7000; telephone 202–402–4594 (this is not a toll-free number). Persons with speech or hearing impairments may access this telephone number via TTY by calling the toll-free Federal Information Relay Service during working hours at 800–877–8339.

Dated: June 12, 2009.

Nelson R. Bregòn,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. E9–17109 Filed 7–14–09; 4:15 pm]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Applications for Renewable Energy Leases and Grants and Alternate Use Grants on the Outer Continental Shelf

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice.

SUMMARY: This notice provides office addresses for filing applications for renewable energy leases and grants on the Outer Continental Shelf.

FOR FURTHER INFORMATION CONTACT: Maureen A. Bornholdt, Program Manager, Office of Offshore Alternative Energy Programs, 703–787–1300.

SUPPLEMENTARY INFORMATION:

On April 22, 2009, President Obama announced that the Department of the Interior finalized the framework for renewable energy production on the Outer Continental Shelf (OCS). A final rule, published in the **Federal Register** on April 29, 2009 (74 FR 19638), established a program to grant leases, rights-of-use and easements (RUEs), and rights-of-way (ROWs) for orderly, safe, and environmentally responsible renewable energy activities, such as the siting and construction of offshore wind farms, on the OCS.

Applications for renewable energy leases, RUEs and ROWs and alternate use RUEs on the OCS are to be filed with the appropriate MMS Office as outlined in the following table.

Project location by state (offshore)	Filing address
• Delaware • Massachusetts • New Hampshire • New Jersey • New York • North Carolina • Maine • Maryland • Rhode Island • Virginia	Office of Offshore Alternative Energy Programs, Minerals Management Service, Mail Stop 4090, 381 Elden Street, Herndon, Virginia 20170–4817 *Phone:* 703–787–1300.
• Alabama • Florida • Georgia • Mississippi • Louisiana • South Carolina • Texas	Minerals Management Service, Gulf of Mexico OCS Regional Office, Attn: Renewable Energy Program, Lease Applications—Mail Stop 5400, RUEs—Mail Stop 5231, ROWs—Mail Stop 5232, 1201 Elmwood Park Blvd, New Orleans, Louisiana 70123, *Phone:* 800–200–GULF.
• California • Hawaii • Oregon • Washington	Minerals Management Service, Pacific OCS Regional Office, Mail Stop 7000, 770 Paseo Camarillo, 2nd Floor, Camarillo, California 93010, *Phone:* 800–672–2627.
• Alaska	Minerals Management Service, Alaska OCS Regional Office, Mail Stop 8200, Centerpoint Building, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503, *Phone:* 907–334–5200.

Dated: June 23, 2009.

Chris C. Oynes,

Associate Director for Offshore Energy and Minerals Management.

[FR Doc. E9–17163 Filed 7–17–09; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–465 and 731–TA–1161 (Preliminary)]

Certain Steel Grating From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to section 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from China of certain steel grating, provided for in subheading 7308.90.70 of the Harmonized Tariff Schedule of the United States, that is alleged to be subsidized by the Government of China and sold in the United States at less than fair value (LTFV).

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in these investigations under sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) and 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Background

On May 29, 2009, a petition was filed with the Commission and Commerce by Alabama Metal Industries, Corp., of Birmingham, AL and Fisher & Ludlow, Inc., of Wexford, PA, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized and less-than-fair-value imports of certain steel grating from China. Accordingly, effective May 29, 2009, the Commission instituted countervailing duty investigation No. 701–TA–465 (Preliminary) and antidumping duty investigation No. 731–TA–1161 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 5, 2009 (74 FR 27049). The conference was held in Washington, DC, on June 19, 2009, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on July 13, 2009. The views of the Commission are contained in USITC Publication 4087 (July 2009), entitled *Certain Steel Grating From China: Investigation Nos. 701–TA–465 and 731–TA–1161 (Preliminary).*

By order of the Commission.

Issued: July 15, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–17142 Filed 7–17–09; 8:45 am]

BILLING CODE 7020–02–P

LEGAL SERVICES CORPORATION

Sunshine Act Meetings of the Board of Directors and the Board's Five Committees; Notice

TIMES AND DATES: The Legal Services Corporation Board of Directors and the Board's five Committees will meet on July 24 & 25, 2009 in the order set forth in the following schedule, with each meeting commencing promptly upon adjournment of the immediately preceding meeting.

PUBLIC OBSERVATION: The five committee meetings and most of the full board meeting will be open to public observation, and members of the public who are unable to attend but wish to listen to the proceedings may do so by following the telephone call-in directions given below. You are asked to keep your telephone muted to eliminate background noises. From time to time comments from the public may be solicited by the presiding Chairman.

Call-In Directions for Open Sessions

Friday, July 24, 2009

- Call toll-free number: 1–800–247–9979;
- When prompted, enter the following numeric pass code: 20342797;
- When connected to the call, please *''MUTE''* your telephone immediately.

Saturday, July 25, 2009

- Call toll-free number: 1–800–247–9979;
- When prompted, enter the following numeric pass code: 20342797;
- When connected to the call, please *''MUTE''* your telephone immediately.

MEETING SCHEDULE

Friday, July 24, 2009	Time
1. Provision for the Delivery of Legal Services Committee (''Provisions Committee''). 2. Audit Committee. 3. Finance Committee.	1:30 p.m.
Saturday, July 25, 2009	
4. Operations & Regulations Committee. 5. Governance and Performance Review Committee. 6. Board of Directors.	9:00 a.m.

LOCATION: Capitol Plaza Hotel, 1717 S. Topeka Blvd., Topeka, KS.

STATUS OF MEETINGS: Open, except as noted below.[1]

July 25, 2009 Board of Directors Meeting—Open, except that a portion of the meeting of the *Board of Directors* may be closed to the public pursuant to a vote of the *Board of Directors* to consider and perhaps act on the General Counsel's report on potential and pending litigation involving LSC. The closed will also include a briefing by LSC's Inspector General. A *verbatim* written transcript of the session will be made. However, the transcript of any portions of the closed session falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(10), and the corresponding provisions of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(h), will not be available for public inspection. A copy of the General Counsel's Certification that in his opinion the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Friday, July 24, 2009

Provision for the Delivery of Legal Services Committee

Agenda

1. Approval of agenda.
2. Approval of the Committee's meeting minutes of April 24, 2009.
3. Presentation by Kansas Legal Services on Enhancing Leadership and Training through use of Legal Meetings, an LSC TIG-funded project.
4. Staff Update on activities implementing the *LSC Private Attorney Involvement Action Plan—Help Close the Justice Gap: Unleash the Power of Pro Bono.*
5. Staff Report and Recommendation on Continuation of the Herbert S. Garten Loan Repayment Assistance Program.
6. Staff Report and Recommendation on Native American Delivery and Funding for FY 2010.
7. Public comment.
8. Consider and act on other business.
9. Consider and act on adjournment of meeting.

Audit Committee

July 24, 2009

Agenda

1. Approval of agenda.
2. Approval of minutes of the Committee's October 31, 2008 meeting.
3. Approval of minutes of the Committee's April 24, 2009 meeting.
4. Follow-up to FY 2008 Annual Audit finding on classification of consultants and update on Management response to OIG Audit of LSC's Consultant Contracts.
   - Victor M. Fortuno, General Counsel.
   - Charles Jeffress, Chief Administrative Officer.
   - Jeffrey Schanz, Inspector General.
   - Ronald Merryman, Assistant Inspector General for Audit.
5. Report on selection of outside auditor for FY 2009.
   - Jeffrey Schanz, Inspector General.
6. Public comment.
7. Consider and act on other business.
8. Consider and act on adjournment of meeting.

[1] Please note that all times in this notice are *Central Daylight Time.*

[2] Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552b(a)(2) and (b). See also 45 CFR 1622.2 & 1622.3

Finance Committee

July 24, 2009

Agenda

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of April 24, 2009.
3. Staff report on repayment of LRAP funds.
■ Victor M. Fortuno, General Counsel.
■ John Constance, Director, Government Relations and Public Affairs.
4. Consider and act on revisions to the Consolidated Operating Budget for FY 2009 including internal budgetary adjustments and recommend Resolution # 2009–005 to the full Board.
■ Presentation by David Richardson, Treasurer/Comptroller.
■ Comments by Charles Jeffress, Chief Administrative Officer.
5. Presentation on LSC's Financial Reports for the first six months of FY 2009.
■ Presentation by David Richardson, Treasurer/Comptroller.
■ Comments by Charles Jeffress, Chief Administrative Officer.
6. Consider and act on proposed 2009 pay increase.
■ Presentation by David Richardson, Treasurer/Comptroller.
■ Comments by Charles Jeffress, Chief Administrative Officer.
■ Comments by Jeffrey Schanz, Inspector General.
7. Report on FY 2010 appropriations process.
■ Presentation by John Constance, Director, Government Relations and Public Affairs.
8. Consider and Act on the Temporary Operating Budget for FY 2010 and recommend Resolution # 2009–006 to the full Board for action.
■ Presentation by David Richardson, Treasurer/Comptroller.
■ Comments by Charles Jeffress, Chief Administrative Officer.
9. Consider and act on a date for a September 2009 Finance Committee meeting to consider the LSC FY 2011 budget request.
10. Public comment.
11. Consider and act on other business.
12. Consider and act on adjournment of meeting.

Saturday, July 25, 2009

Operations & Regulations Committee

Agenda

1. Approval of agenda.
2. Approval of the minutes of the Committee's April 25, 2009 meeting.
3. Consider and act on proposed grant assurances for 2010 grants.
4. Staff report on follow-up to January 30, 2009 presentation on grantee board governance and oversight.
5. Discussion of need for and wisdom of requiring grantees' governing bodies to establish audit committees.
6. Staff report on LSC's FOIA function.
7. Staff report on program visits and oversight.
■ Presentation on 2009 OPP and OCE grantee oversight visits.
■ Report on select compliance issues.
■ Presentation on 2009 OIG visits to grantees.
8. Staff report on IPAs' competence to perform tasks assigned by Congress.
■ Jeffrey Schanz, Inspector General.
9. Other public comment.
10. Consider and act on other business.
11. Consider and act on adjournment of meeting.

Governance and Performance Review Committee

July 25, 2009

Agenda

1. Approval of agenda.
2. Approval of the minutes of the Committee's April 25, 2009 meeting.
3. Consider and act on procedures for conducting the performance review of the Inspector General.
4. Consider and act on protocol for compliance with Sunshine Act in deliberations and handling of information concerning performance review of senior officials.
■ Victor M. Fortuno, General Counsel.
■ Jeffrey Schanz, Inspector General.
5. Consider and act on notice of proposed rulemaking to amend 45 CFR part 1622, LSC's Sunshine regulation.
6. Staff report on update of list of Transition Materials and availability for examination on web.
7. Staff report on proposed format and agenda of orientation meetings for newly-appointed Board members.
8. Consider and act on procedure for oversight of LSC officers' compensation.
9. Other public comment.
10. Consider and act on other business.
11. Consider and act on adjournment of meeting.

Board of Directors

July 25, 2009

Agenda

1. Approval of agenda.
2. Approval of the minutes of the *Board's* Open Session meeting of April 25, 2009.
3. Approval of the minutes of the *Board's* Open Session Telephonic meeting of May 26, 2009.
4. *Chairman's* Report.
5. *Members'* Reports.
6. *President's* Report.
7. *Inspector General's* Report.
8. Consider and act on the report of the *Provision for the Delivery of Legal Services Committee.*
9. Consider and act on the report of the *Finance Committee.*
10. Consider and act on the report of the *Operations & Regulations Committee.*
11. Consider and act on the report of the *Audit Committee.*
12. Consider and act on the report of the *Governance & Performance Review Committee.*
13. Public comment.
14. Consider and act on whether to authorize an executive session of the Board to address items listed below under Closed Session.

Closed Session

15. Briefing by the Inspector General.
16. Consider and act on General Counsel's report on potential and pending litigation involving LSC.
24. Consider and act on other business.
25. Consider and act on motion to adjourn meeting.

Contact Person for Information: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Katherine Ward, at (202) 295–1500.

Dated: July 14, 2009.

Victor M. Fortuno,

Vice President & General Counsel.

[FR Doc. E9–17265 Filed 7–16–09; 4:15 pm]

BILLING CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–

13. This is the second notice for public comment; the first was published in the **Federal Register** at 74 FR 20740, and one comment was received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain*. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, should be addressed to: Office of Information and Regulatory Affairs of OMB, *Attention:* Desk Officer for National Science Foundation, 725 17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *splimpto@nsf.gov*. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

FOR FURTHER INFORMATION CONTACT: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to *splimpto@nsf.gov*.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Comment: On May 5, 2009, we published in the **Federal Register** (74 FR 20740) a 60-day notice of our intent to request reinstatement of this information collection authority from OMB. In that notice, we solicited public comments for 60 days ending July 6, 2009. One comment came from B. Sachau of Florham Park, NJ, via e-mail on May 5, 2009, who suggested that this information collection was already being conducted by the Department of Education.

Response: NSF assures OMB that the Information Science Education Program is not also duplicated by the Department of Education. NSF believes that because the comment does not contain suggestions for altering the collection of information for which NSF is seeking OMB approval, NSF is proceeding with the clearance request.

Title of Collection: Informal Science Education (ISE) Management Information System.

OMB Control No.: 3145–0158.

Abstract

This document has been prepared to support the clearance of a Management Information System for the Informal Science Education (ISE) program. The goals for the program are to encourage and support projects that (1) Engage the interest of children and adults in science, technology, engineering, and mathematics (STEM) in daily life so that they develop capabilities; scientific and technological literacy, mathematical competence, problem-solving skills, and the desire to learn; (2) bring together individuals and organizations from the informal and formal education communities, as well as from the private and public sectors, to strengthen STEM education in all settings; and (3) develop and implement innovative strategies that support the development of a socially responsible and informed public, and demonstrate promise of increasing participation of all citizens in STEM.

The ISE Management Information System is comprised of three Web-based surveys, an initial survey that obtains background information about the ISE project, an annual survey, and a final survey. The survey that obtains background information would be completed soon after project grants are awarded (*i.e.,* within 45 days), the annual would be completed at the end of each program year, and the final would be completed soon after the ISE grant period has ended (*i.e.,* within 45 days). Through the use of these three surveys, the system will collect data from each ISE-funded project about the project, its grant recipient and partner organizations, participants, activities, deliverables, and impacts. Information from the system will be used by ISE program officers to evaluate the collective impact of the ISE portfolio of funded projects, to monitor project-related activities and projects' progress over time, and to obtain information that can inform the design of future ISE projects.

Expected Respondents

The expected respondents are principal investigators of any ISE projects that have been funded since 2004.

Burden on the Public

The estimated annual response burden is 2,508 person-hours. The estimated annual response burden has increased from the original request for clearance in 2006. In 2006, the annual burden was estimated at 1,920 hours. The reason for this change is the inclusion of additional ISE project types in the OPMS that were not included in prior rounds of data collection. Whereas only full-scale development and broad implementation projects were included in the 2006 estimates, the ISE program has added several new project types to its project portfolio, including Pathways, EAGER, and RAPID awards, all of which will be asked to complete the OPMS. In addition, the program has decided to include several categories of pre-existing ISE awards (*i.e.,* Research, CRPA, Conferences) in the OPMS for the first time, which represents a change in policy from prior years. The inclusion of these categories will allow the ISE program to generate an exhaustive set of information about ISE-funded projects, regardless of their size or scope, on an annual basis.

In all cases, the respondents are PIs on ISE-supported projects. Burden hours per response are estimated on the basis of discussions with NSF program officers, a sample of ISE PIs, and experience in administrating similar surveys. The calculations used to determine the overall response burden of 2,508 hours are shown in the table. The differences in the number of hours per respondent type shown in the table are due to the fact that Research, Pathways, CRPA, Conference, EAGER, and RAPID awards are exempt from the section in the OPMS pertaining to project impacts.

CALCULATIONS USED TO ESTIMATE OVERALL RESPONSE BURDEN FOR THE ISE ONLINE COLLECTION [1]

Respondent type	Number of respondents	Hours per respondent type	Annual person hour total
Initial submission:			
PIs—Full-scale and Broad Implementation	23	24	552
PIs—Research, Pathways, CRPA	17	16	272
PIs—Conferences, EAGER, RAPID	15	16	240
Annual report:			
PIs—Full-scale and Broad Implementation	69	8	552
PIs—Research, Pathways, CRPA	51	4	204
PIs—Conferences, EAGER, RAPID	0	N/A	0
Closeout report:			
PIs—Full-scale and Broad Implementation	23	16	368
PIs—Research, Pathways, CRPA	17	10	170
PIs—Conferences, EAGER, RAPID	15	10	150
Total	230		2,508

[1] Estimates are provided for a typical annual collection cycle. Hours per respondent type figures and annual person hour totals are based on an average duration of 3.5 years for all award types excluding Conference, EAGER, and RAPID awards (*i.e.,* 40 awards per year). Conference, EAGER, and RAPID awards each have an average duration of 1 year. Therefore, the 69 Full-scale and Broad Implementation respondents listed as completing an annual report are comprised of those projects who received Full-scale and Broad Implementation awards (23 each year) during the prior three years. Similarly, the 51 Research, Pathways, and CRPA respondents listed as completing an annual report are comprised of those projects who received these types of awards (17 each year) over the prior three years.

Dated: July 14, 2009.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. E9–17102 Filed 7–17–09; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATE: Week of July 20, 2009.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

ADDITIONAL ITEMS TO BE CONSIDERED:

Week of July 20, 2009

Thursday, July 23, 2009

1:25 p.m. Affirmation Session (Public Meeting) (Tentative).

a. Southern Nuclear Operating Co. (Vogtle Electric Generating Plant, Units 3 and 4), LBP–09–3 (Ruling on Standing and Contention Admissibility); Virginia Electric and Power Co. (North Anna Unit 3), LBP–08–15 (Ruling on Standing and Contention Admissibility) (Tentative).

b. Draft Notice and Order for Areva Enrichment Services, LLC (Tentative).

* * * * *

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292.

CONTACT PERSON FOR MORE INFORMATION: Rochelle Bavol, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301–492–2279, TDD: 301–415–2100, or by e-mail at *rohn.brown@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an e-mail to *darlene.wright@nrc.gov.*

Dated: July 15, 2009.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. E9–17260 Filed 7–16–09; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0317]

Proposed Generic Communication; Emergency Response Data System Upgrade From Modem to Virtual Private Network Appliance

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to issue a regulatory issue summary (RIS) to notify current and future power reactor licensees of pending changes to the technology used to transmit data from power reactor facility sites to the emergency response data system (ERDS) server at NRC Headquarters (HQ) and to solicit licensees to transition voluntarily to the new technology.

The RIS is available through the NRC's Agencywide Documents Access and Management System (ADAMS) under accession number ML091350153.

DATES: Comment period expires September 3, 2009. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to the Chief, Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Mail Stop TWB 5B01M, Washington, DC 20555–0001, and cite the publication

date and page number of this **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: Robert Stransky, Senior Emergency Response Coordinator, Operations Branch, Division of Preparedness and Response, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555. *Telephone:* (301) 415–6411; *fax number:* (301) 415–6382; *e-mail: Robert.Stransky@nrc.gov.*

SUPPLEMENTARY INFORMATION:

NRC Regulatory Issue Summary 2009–XX; Emergency Response Data System Upgrade From Modem to Virtual Private Network Appliance

Addressees

All holders of operating licenses for nuclear power reactors under the provisions of Title 10 of the Code of Federal Regulations (10 CFR) Part 50, ''Domestic Licensing of Production and Utilization Facilities,'' except those that have ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

All holders of, and applicants for, nuclear power plant construction permits under the provisions of 10 CFR Part 50, ''Domestic Licensing of Production and Utilization Facilities.'' All holders of, and applicants for, combined licenses under the provisions of 10 CFR Part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.''

Intent

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to notify current and future power reactor licensees of pending changes to the technology used to transmit data from power reactor facility sites to the emergency response data system (ERDS) server at NRC Headquarters (HQ) and to solicit licensees to transition voluntarily to the new technology.

Background

In Appendix E to 10 CFR Part 50, the NRC requires power reactor licensees to transmit ERDS data to a server at NRC HQ. Licensees currently use analog modulator/demodulators (modems) to establish point-to-point data connections. Although this technology was state of the art when ERDS was first implemented, it is now obsolete, and replacement equipment is no longer readily available. In addition, the use of modems inherently introduces a cyber security vulnerability to the systems to which they are attached.

As part of the NRC's current effort to modernize the ERDS infrastructure, the NRC has been working with individual licensees to develop an acceptable solution to replace the existing modems. The most promising technology explored was virtual private network (VPN) technology used to create a secure point-to-point data pathway between the licensee site and NRC HQ. This VPN technology is a current, stable, and reliable information technology industry standard. In addition, this technology will permit all ERDS-enabled facilities to connect to NRC HQ simultaneously, thus, enhancing the NRC's ability to respond to incidents that may affect multiple licensees simultaneously, such as grid instability events.

From September 2008 through December 2008, the NRC conducted prototype testing with several licensees (*i.e.,* Exelon Nuclear Corporation, Progress Energy, and the Tennessee Valley Authority) to investigate the viability of using a VPN for the secure transmission of data from power reactor facilities to the ERDS server located at NRC HQ. The NRC provided VPN appliances and configuration support to these licensees. All major test objectives were met. Based on the success of the prototype testing and on the interest expressed by numerous licensees, the NRC intends to proceed with the replacement of existing analog modems with VPN devices. The purpose of this RIS is to solicit licensees to transition voluntarily to the VPN technology.

Summary of Issues

This RIS informs licensees of a voluntary program that they can participate in to upgrade the technology used to transmit plant information to the ERDS server in order to address the following two issues:

(1) The modem technology currently employed to transmit ERDS data from power reactor sites to NRC HQ is obsolete. In addition, replacement modems are no longer readily available.

(2) The use of modems inherently introduces cyber security vulnerabilities to the systems to which they are attached.

Based on the success of the prototype testing, the NRC has decided to enter into a voluntary program with individual licensees to replace the current NRC-supplied modem with an NRC supplied VPN appliance. As of May 1, 2009, licensees representing 19 sites have already expressed interest in transitioning to the VPN solution.

Although ongoing implementation of the ERDS modernization project will change the device used to transmit data, it does not affect the criteria for transmitting ERDS data, the transmission frequency, the data point library, or any other aspect of ERDS implementation as described in 10 CFR 50.72(a)(4); Appendix E, ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' to 10 CFR Part 50; and NUREG–1394, Revision 1, ''Emergency Response Data System Implementation,'' published in June 1991. The NRC staff also notes that the use of an NRC-provided VPN appliance, when properly configured, is consistent with guidance provided in Regulatory Guide 5.71, ''Cyber Security Programs for Nuclear Facilities,'' (Official Use Only-Security Related Information)

Licensees interested in participating in the voluntary program to replace their modems with an NRC-supplied VPN appliance are encouraged to contact the ERDS support desk by telephone at (301) 415–0467 or through e-mail at *ERDS.Resource@nrc.gov.* The NRC will support licensee requests in the order in which they are received.

Backfit Discussion

The intent of this RIS is to inform stakeholders of a change to the data transmission technology for ERDS information. This change is a part of the continuing ERDS modernization project, and it will provide improved technology and cyber security for both licensees and the NRC. This RIS informs stakeholders of the change to the technology to transmit ERDS data to the NRC in accordance with 10 CFR Part 50 and to solicit voluntary participation by licensees in a program to replace obsolete technology with modern equipment.

This RIS provides licensees an opportunity to schedule a replacement of NRC-provided obsolete modems with NRC-provided VPN technology. The staff is not imposing any new positions on licensees. This RIS is not providing any new regulatory requirements. This RIS only conveys the NRC's plan to address issues with the current ERDS modem technology. No action is required on the part of any licensee; therefore, this document does not constitute a backfit under 10 CFR 50.109, ''Backfitting.'' Consequently, the staff did not perform a backfit analysis.

Federal Register Notification

Although this RIS is informational and does not represent a departure from current regulatory requirements, a notice of opportunity for public comment on this RIS was published in the **Federal Register** (74 FR xxxxx).

Congressional Review Act

This RIS is not a rule as designated by the Congressional Review Act (5 U.S.C. 801–808) and, therefore, is not subject to the Act.

Paperwork Reduction Act Statement

This RIS does not contain information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a current valid Office of Management and Budget control number.

Contact

Please direct any questions about this matter to one of the technical contacts listed below:

Glenn M. Tracy, Director, Division of Construction Inspection and Operational Programs, Office of New Reactors;

Timothy J. McGinty, Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

Technical Contacts:

Roberto Figueroa, (301) 415–6075, *E-mail: roberto.figueroa@nrc.gov*.

Robert Stransky, (301) 415–6411, *E-mail: robert.stransky@nrc.gov*.

End of Draft Regulatory Issue Summary

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if you have problems in accessing the documents in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1–800–397–4209 or 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 13th day of July 2009.

For the Nuclear Regulatory Commission.

Martin C. Murphy,

Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. E9–17164 Filed 7–17–09; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. N2009–1; Order No. 244]

Postal Retail Network Consolidation

AGENCY: Postal Regulatory Commission.

ACTION: Notice related to postal retail network consolidation initiative.

SUMMARY: This document addresses a recent Postal Service filing seeking Commission action on matters related to a retail network consolidation plan affecting certain postal stations and branches and postal patrons, primarily through consolidation of facilities. It includes information on several related procedural steps, including intervention and a prehearing conference.

DATES: Deadline for notices of intervention, requests for hearings, and required statements: July 28, 2009; prehearing conference (9:30 a.m.): July 30, 2009.

ADDRESSES: Submit filings electronically via the Commission's Filing Online system at *http://www.prc.gov*.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharman, general counsel, 202–789–6820.

SUPPLEMENTARY INFORMATION: On July 2, 2009, the United States Postal Service (Postal Service) filed a request with the Postal Regulatory Commission (Commission) asking for a determination whether a plan to optimize the postal retail network by consolidating the operations of some retail stations and branches into nearby facilities constitutes a change in the nature of postal services, substantially on a nationwide basis, within the meaning of 39 U.S.C. 3661(c).[1] The Postal Service describes the plan as the Postal Service Station and Branch Optimization and Consolidation Initiative (Initiative). Request at 1.

If the Commission determines that the Initiative will likely generate changes in the nature of postal services on a substantially nationwide basis, the Postal Service then requests that the Commission issue an advisory opinion under section 3661(c) which concurs that such service changes would conform to the policies reflected in title 39 of the United States Code. *Id.* at 2.

The Postal Service states that the Initiative already began in May with the examination of the portion of the retail network consisting of stations and branches that report to Postmasters at or above the USPS Executive & Administrative Schedule level 24 pay grade. USPS–T–2 at 8. It asserts that the stations and branches that meet this criterion are located primarily in urban and suburban population centers and comprise approximately two-thirds of the over 4,800 stations and branches nationwide. Request at 5–6. The stated objective of the Initiative is to ''realign the postal retail network with current and future postal customer service needs, to reduce inefficiency and redundancy, and to capture the resulting cost savings.'' *Id.* at 6. The results will be used to inform any decisions on whether to expand the Initiative to a broader pool of stations and branches. *Id.* The Postal Service states that if the Initiative results in a decision to change the nature of any postal service provided at any postal facility, such changes will not be implemented before October 2, 2009. *Id.* at 7.

The Postal Service's Request is accompanied and supported by two pieces of testimony and four library references. The Postal Service states that the reasons underlying the pursuit of the objectives contained within the Initiative are described in the Direct Testimony of Alice M. VanGorder on Behalf of United States Postal Service (USPS–T–1), July 2, 2009. It states that the process to be employed in making decisions to achieve the objectives are described in the Direct Testimony of Kimberly I. Matalik on Behalf of United States Postal Service (USPS–T–2), July 2, 2009. The library references provide public and non-public versions of the official records for the closings of the Buhl, PA classified station[2] and the Washburn, IA classified branch.[3]

The Request and all supporting public materials are on file in the

[1] Request of the United States Postal Service for an Advisory Opinion on Changes in Postal Services, July 2, 2009; and Notice of the United States Postal Service of Filing Erratum to Request [Erratum], July 2, 2009 (Request).

[2] USPS–LR–N2009–1/1 Official Record to Close the Buhl, PA Classified Station, Docket No. 16146 (Public Version); and USPS–LR–N2009–1/NP1 Official Record to Close the Buhl, PA Classified Station, Docket No. 16146 (Non-Public Version). The public version excludes the names of customers and postal patrons providing comments to the Postal Service.

[3] USPS–LR–N2009–1/2 Official Record to Close the Washburn, IA Classified Branch, Docket No. 50706 (Public Version); and USPS–LR–N2009–1/NP2 Official Record to Close the Washburn, IA Classified Branch, Docket No. 50706 (Non-Public Version). The public version excludes the names of customers and postal patrons providing comments to the Postal Service.

Commission's docket room for inspection during regular business hours, and are available on the Commission's Web site at *http://www.prc.gov*.

Further procedures. Section 3661(c) of title 39 requires that the Commission afford an opportunity for formal, on-the-record hearing of the Postal Service's Request under the terms specified in sections 556 and 557 of title 5 of the United States Code before issuing its advisory opinion. All interested parties are hereby notified that notices of intervention in this proceeding shall be due on July 28, 2009. Any participant requesting a hearing in this matter shall so state in conformance with 39 CFR 3001.20(b).

At this time, the Commission cannot anticipate the duration, or even the exact form, proceedings on this matter will take. Participants who wish to offer their views on these issues may do so in their interventions. Due to the nature of this Initiative, the Commission may consider holding public hearings outside of Washington, DC.

The Postal Service indicates that its Initiative was fostered, in part, by the current financial crisis and the continuing decline in mail volume. In light of this, it requests that the Commission expeditiously issue its opinion. However, a proposal for changes which could impact the nature of postal service on a nationwide basis must be examined carefully. The Commission urges participants to carefully consider, prior to the prehearing conference, the justification for any proposed discovery period.

The Commission will hold a prehearing conference in this docket on July 30, 2009 at which these questions will be discussed.

Public participation. Section 3661(c) of title 39 requires the participation of an ''officer of the Commission who shall be required to represent the interests of the general public'' in these proceedings. Robert Sidman is designated to serve as Public Representative to represent the interests of the general public.

It is ordered:

1. The Commission establishes Docket No. N2009–1 to consider the Postal Service Request referred to in the body of this order.

2. The Commission will act *en banc* in this proceeding.

3. Notices of intervention shall be filed no later than July 28, 2009.

4. Participants who wish to request a hearing on the Postal Service's Request in this docket shall submit such a request, together with statements in conformance with 39 CFR 3001.20(b), on or before July 28, 2009.

5. A prehearing conference is scheduled for July 30, 2009, at 9:30 a.m., in the Commission's hearing room.

6. Pursuant to 39 U.S.C. 3661(c), the Commission appoints Robert Sidman to represent the interests of the general public in this proceeding.

7. The Secretary shall arrange for publication of this notice in the **Federal Register**.

Issued: July 10, 2009.

By the Commission.

Judith M. Grady,

Acting Secretary.

[FR Doc. E9–17155 Filed 7–17–09; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28818; File No. 812–13200]

Reaves Utility Income Fund, et al.; Notice of Application

July 14, 2009.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 19(b) of the Act and rule 19b–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit a registered closed-end investment company to make periodic distributions of long-term capital gains with respect to its common shares as often as monthly in any one taxable year, and as frequently as distributions are specified by or in accordance with the terms of its preferred shares.

APPLICANTS: Reaves Utility Income Fund (''UTG'') and W.H. Reaves & Co., Inc. (''Investment Adviser'').

DATES: *Filing Dates:* June 14, 2005, and amended on February 14, 2007, October 15, 2008, April 20, 2009, and July 10, 2009.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 10, 2009, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants: Reaves Utility Income Fund, 1290 Broadway, Suite 1100, Denver, CO 80203, and W.H. Reaves & Co., Inc., 10 Exchange Place, 18th Floor, Jersey City, NJ 07302.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 551–6812, or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. UTG is a registered closed-end management investment company organized as a Delaware statutory trust.[1] UTG's primary investment objective is to provide a high level of after-tax income and total return consisting primarily of tax-advantaged dividend income and capital appreciation. The common shares issued by UTG are listed on the NYSE Amex. UTG currently has three series of preferred shares outstanding, which are not listed or traded on any stock exchange. Applicants believe that the shareholders of UTG are generally conservative, dividend-sensitive investors who desire current income periodically and may favor a fixed distribution policy.

2. The Investment Adviser is a Delaware corporation registered under the Investment Advisers Act of 1940 (''Advisers Act''). The Investment Adviser serves as investment adviser to

[1] UTG is the only closed-end investment company that currently intends to rely on the order. Applicants request that the order also apply to any registered closed-end investment company that in the future: (a) Is advised by the Investment Adviser (including any successor in interest) or by any entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with the Investment Adviser; and (b) complies with the terms and conditions of the requested order (collectively with UTG, ''Funds''). A successor in interest is limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

UTG and may in the future serve as investment adviser to one or more additional Funds. Each Fund will be advised by an investment adviser that is registered under the Advisers Act.

3. Applicants state that on December 12, 2006, the Board of Trustees (the ''Board'') of UTG, including a majority of the members of the Board who are not ''interested persons'' of UTG as defined in section 2(a)(19) of the Act (the ''Independent Trustees''), reviewed information regarding the purpose and terms of a proposed distribution policy, the reasonably foreseeable effect of such policy on UTG's long-term total return (based on market price and net asset value (''NAV'') per common share) and the expected relationship between UTG's distribution rate on its common shares under the policy and UTG's total return (in relation to NAV per share). Applicants state that the Independent Trustees also considered information about any potential or actual conflicts of interest that the Investment Adviser, any affiliated persons of the Investment Adviser, or any other affiliated persons of UTG may have relating to the adoption or implementation of such policy. Applicants further state that after considering such information the Board, including the Independent Trustees, approved a distribution policy with respect to UTG's common shares (the ''Plan'') and determined that such Plan is consistent with UTG's investment objectives and policies and in the best interests of UTG's common shareholders. Prior to implementing the Plan, the Board of UTG, including the Independent Trustees, will review the factors considered in connection with its approval of the Plan, as well as any changes in such factors since the date of its approval, and will confirm that the Plan is consistent with UTG's investment objectives and policies and in the best interests of UTG's common shareholders.

4. Applicants state that the purpose of the Plan is to provide to UTG's common shareholders a regular, monthly distribution that is not dependent on the timing or amount of investment income earned or capital gains realized by UTG. Applicants note that under the Plan, UTG will distribute all available investment income to shareholders, consistent with UTG's primary investment objective of providing a high level of after-tax income and total returns. Applicants state that if and when sufficient investment income is not available on a monthly basis, UTG will distribute long-term capital gains and/or return of capital to its shareholders to maintain the level distribution rate that has been approved by the Board. Applicants further state that the minimum annual distribution rate will be independent of UTG's performance during any particular period, but is expected to correlate with UTG's performance over time. Applicants represent that the amount and frequency of distributions may be amended at any time by the Board without prior notice to UTG's shareholders. Applicants state that if UTG's net investment income and net realized capital gains for any year exceed the amount required to be distributed under the Plan, UTG will at a minimum make distributions necessary to comply with the distribution requirements of subchapter M of the Internal Revenue Code of 1986 (''Code''). Applicants note that the Plan provides that it can be amended, suspended, or terminated at any time by the Board without prior notice to UTG's shareholders.

5. Applicants state that at the December 12, 2006 meeting, the Board adopted policies and procedures under rule 38a–1 under the Act that are reasonably designed to ensure that all notices required to be sent to UTG's shareholders pursuant to section 19(a) of the Act, rule 19a–1 under the Act, and condition IV below (''19(a) Notices'') comply with condition II below, and that all other written communications by UTG or its agents regarding distributions under the Plan include the disclosure required by condition III below. Applicants state that the Board also adopted policies and procedures at that meeting that require UTG to keep records that demonstrate its compliance with all of the conditions of the requested order and that are necessary for UTG to form the basis for, or demonstrate the calculation of, the amounts disclosed in its 19(a) Notices.

Applicants' Legal Analysis

1. Section 19(b) of the Act generally makes it unlawful for any registered investment company to make long-term capital gains distributions more than once every twelve months. Rule 19b–1 under the Act limits the number of capital gains dividends, as defined in section 852(b)(3)(C) of the Code (''distributions''), that a fund may make with respect to any one taxable year to one, plus a supplemental ''clean up'' distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, plus one additional capital gain dividend made in whole or in part to avoid the excise tax under section 4982 of the Code.

2. Section 6(c) provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants state that one of the concerns underlying section 19(b) and rule 19b–1 is that shareholders might be unable to differentiate between frequent distributions of capital gains and dividends from investment income. Applicants state, however, that rule 19a–1 effectively addresses this concern by requiring that a separate statement showing the sources of a distribution (*e.g.,* estimated net income, net short-term capital gains, net long-term capital gains and/or return of capital) accompany any distributions (or the confirmation of the reinvestment of distributions) estimated to be sourced in part from capital gains or capital. Applicants state that the same information also is included in UTG's annual reports to shareholders and on its IRS Form 1099–DIV, which is sent to each common and preferred shareholder who received distributions during a particular year (including shareholders who have sold shares during the year).

4. Applicants further state that UTG will make the additional disclosures required by the conditions set forth below, and has adopted compliance policies and procedures in accordance with rule 38a–1 to ensure that all required 19(a) Notices and disclosures are sent to shareholders. Applicants argue that by providing the information required by section 19(a) and rule 19a–1, and by complying with the procedures adopted under the Plan and the conditions listed below, UTG's shareholders are provided sufficient information to understand that their periodic distributions are not tied to UTG's net investment income (which for this purpose is UTG's taxable income other than from capital gains) and realized capital gains to date, and may not represent yield or investment return. Applicants also state that compliance with UTG's compliance procedures and condition III set forth below will ensure that prospective shareholders and third parties are provided with the same information. Accordingly, applicants assert that continuing to subject UTG to section 19(b) and rule 19b–1 would afford shareholders no extra protection.

5. Applicants note that section 19(b) and rule 19b–1 also were intended to

prevent certain improper sales practices, including, in particular, the practice of urging an investor to purchase shares of a fund on the basis of an upcoming capital gains dividend (''selling the dividend''), where the dividend would result in an immediate corresponding reduction in NAV and would be in effect a taxable return of the investor's capital. Applicants assert that the ''selling the dividend'' concern should not apply to closed-end investment companies, such as UTG, that do not continuously distribute shares. According to applicants, if the underlying concern extends to secondary market purchases of shares of closed-end funds that are subject to a large upcoming capital gains dividend, adoption of a periodic distribution plan actually helps minimize the concern by avoiding, through periodic distributions, any buildup of large end-of-the-year distributions.

6. Applicants also note that common shares of closed-end funds that invest primarily in equity securities often trade in the marketplace at a discount to the funds' NAV. Applicants believe that this discount may be reduced for closed-end funds that pay relatively frequent dividends on their common shares at a consistent rate, whether or not those dividends contain an element of long-term capital gain.

7. Applicants assert that the application of rule 19b–1 to the Plan actually could have an undesirable influence on portfolio management decisions. Applicants state that, in the absence of an exemption from rule 19b–1, the implementation of a periodic distribution plan imposes pressure on management (a) not to realize any net long-term capital gains until the point in the year that the fund can pay all of its remaining distributions in accordance with rule 19b–1, and (b) not to realize any long-term capital gains during any particular year in excess of the amount of the aggregate pay-out for the year (since as a practical matter excess gains must be distributed and accordingly would not be available to satisfy pay-out requirements in following years), notwithstanding that purely investment considerations might favor realization of long-term gains at different times or in different amounts. Applicants thus assert that the limitation on the number of capital gain distributions that a fund may make with respect to any one year imposed by rule 19b–1, may prevent the efficient operation of a periodic distribution plan whenever that fund's realized net long-term capital gains in any year exceed the total of the periodic distributions that may include such capital gains under the rule.

8. Applicants also assert that rule 19b–1 may cause fixed regular periodic distributions under a periodic distribution plan to be funded with returns of capital [2] (to the extent net investment income and realized short-term capital gains are insufficient to fund the distribution), even though realized net long-term capital gains otherwise could be available. To distribute all of a fund's long-term capital gains within the limits in rule 19b–1, a fund may be required to make total distributions in excess of the annual amount called for by its periodic distribution plan, or to retain and pay taxes on the excess amount. Applicants thus assert that the requested order would minimize these effects of rule 19b–1 by enabling UTG to realize long-term capital gains as often as investment considerations dictate without fear of violating rule 19b–1.

9. Applicants state that Revenue Ruling 89–81 under the Code requires that a fund that has both common stock and preferred stock outstanding designate the types of income, *e.g.,* investment income and capital gains, in the same proportion as the total distributions distributed to each class for the tax year. To satisfy the proportionate designation requirements of Revenue Ruling 89–81, whenever a fund has realized a long-term capital gain with respect to a given tax year, the fund must designate the required proportionate share of such capital gain to be included in common and preferred stock dividends. Applicants state that although rule 19b–1 allows a fund some flexibility with respect to the frequency of capital gains distributions, a fund might use all of the exceptions available under the rule for a tax year and still need to distribute additional capital gains allocated to the preferred stock to comply with Revenue Ruling 89–81.

10. Applicants assert that the potential abuses addressed by section 19(b) and rule 19b–1 do not arise with respect to preferred stock issued by a closed-end fund. Applicants assert that such distributions are fixed or determined in periodic auctions by reference to short-term interest rates rather than by reference to performance of the issuer, and Revenue Ruling 89–81 determines the proportion of such distributions that are comprised of the long-term capital gains.

11. Applicants also submit that the ''selling the dividend'' concern is not applicable to preferred stock, which entitles a holder to no more than a periodic dividend at a fixed rate or the rate determined by the market, and, like a debt security, is priced based upon its liquidation value, dividend rate, credit quality, and frequency of payment. Applicants state that investors buy preferred shares for the purpose of receiving payments at the frequency bargained for, and do not expect the liquidation value of their shares to change.

12. Applicants request an order under section 6(c) granting an exemption from section 19(b) and rule 19b–1 to permit UTG to make periodic long-term capital gains distributions (as defined in section 852(b)(3)(C) of the Code) as often as monthly in any one taxable year in respect of its common shares and as often as specified by or determined in accordance with the terms thereof in respect of its preferred shares.[3]

Applicants' Conditions:

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

I. Compliance Review and Reporting

Each Fund's chief compliance officer will: (a) Report to the Fund's Board, no less frequently than once every three months or at the next regularly scheduled quarterly Board meeting, whether (i) the Fund and its Investment Adviser have complied with the conditions of the order, and (ii) a material compliance matter, as defined in rule 38a–1(e)(2) under the Act, has occurred with respect to such conditions; and (b) review the adequacy of the policies and procedures adopted by the Board no less frequently than annually.

II. Disclosures to Fund Shareholders

A. Each 19(a) Notice disseminated to the holders of the Fund's common shares, in addition to the information required by section 19(a) and rule 19a–1:

1. Will provide, in a tabular or graphical format:

(a) The amount of the distribution, on a per share basis, together with the amounts of such distribution amount, on a per share basis and as a percentage of such distribution amount, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

[2] Returns of capital as used in the application means return of capital for financial accounting purposes and not for tax accounting purposes.

[3] Applicants state that a future Fund that relies on the requested order will satisfy each of the representations in the application except that such representations will be made in respect of actions by the board of directors or trustees of such future Fund and will be made at a future time.

(b) The fiscal year-to-date cumulative amount of distributions, on a per share basis, together with the amounts of such cumulative amount, on a per share basis and as a percentage of such cumulative amount of distributions, from estimated: (A) Net investment income; (B) net realized short-term capital gains; (C) net realized long-term capital gains; and (D) return of capital or other capital source;

(c) The average annual total return in relation to the change in NAV for the 5-year period (or, if the Fund's history of operations is less than five years, the time period commencing immediately following the Fund's first public offering) ending on the last day of the month prior to the most recent distribution record date compared to the current fiscal period's annualized distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date; and

(d) The cumulative total return in relation to the change in NAV from the last completed fiscal year to the last day of the month prior to the most recent distribution record date compared to the fiscal year-to-date cumulative distribution rate expressed as a percentage of NAV as of the last day of the month prior to the most recent distribution record date.

Such disclosure shall be made in a type size at least as large and as prominent as the estimate of the sources of the current distribution; and

2. Will include the following disclosure:

(a) ''You should not draw any conclusions about the Fund's investment performance from the amount of this distribution or from the terms of the Fund's Plan'';

(b) ''The Fund estimates that it has distributed more than its income and net realized capital gains; therefore, a portion of your distribution may be a return of capital. A return of capital may occur for example, when some or all of the money that you invested in the Fund is paid back to you. A return of capital distribution does not necessarily reflect the Fund's investment performance and should not be confused with 'yield' or 'income' '';[4] and

(c) ''The amounts and sources of distributions reported in this 19(a) Notice are only estimates and are not being provided for tax reporting purposes. The actual amounts and sources of the amounts for tax reporting purposes will depend upon the Fund's investment experience during the remainder of its fiscal year and may be subject to changes based on tax regulations. The Fund will send you a Form 1099–DIV for the calendar year that will tell you how to report these distributions for federal income tax purposes.''

Such disclosure shall be made in a type size at least as large as and as prominent as any other information in the 19(a) Notice and placed on the same page in close proximity to the amount and the sources of the distribution.

B. On the inside front cover of each report to shareholders under rule 30e–1 under the Act, the Fund will:

1. Describe the terms of the Plan (including the fixed amount or fixed percentage of the distributions and the frequency of the distributions);

2. Include the disclosure required by condition II.A.2(a) above;

3. State, if applicable, that the Plan provides that the Board may amend or terminate the Plan at any time without prior notice to Fund shareholders; and

4. Describe any reasonably foreseeable circumstances that might cause the Fund to terminate the Plan and any reasonably foreseeable consequences of such termination.

C. Each report provided to shareholders under rule 30e–1 under the Act and in each prospectus filed with the Commission on Form N–2 under the Act, will provide the Fund's total return in relation to changes in NAV in the financial highlights table and in any discussion about the Fund's total return.

III. Disclosure to Shareholders, Prospective Shareholders and Third Parties

A. Each Fund will include the information contained in the relevant 19(a) Notice, including the disclosure required by condition II.A.2 above, in any written communication (other than a communication on Form 1099) about the Plan or distributions under the Plan by the Fund, or agents that the Fund has authorized to make such communication on the Fund's behalf, to any Fund common shareholder, prospective common shareholder or third-party information provider;

B. Each Fund will issue, contemporaneously with the issuance of any 19(a) Notice, a press release containing the information in the 19(a) Notice and will file with the Commission the information contained in such 19(a) Notice, including the disclosure required by condition II.A.2 above, as an exhibit to its next filed Form N–CSR; and

C. Each Fund will post prominently a statement on its (or the Investment Adviser's) web site containing the information in each 19(a) Notice, including the disclosure required by condition II.A.2 above, and will maintain such information on such web site for at least 24 months.

IV. Delivery of 19(a) Notices to Beneficial Owners

If a broker, dealer, bank or other person (''financial intermediary'') holds common stock issued by a Fund in nominee name, or otherwise, on behalf of a beneficial owner, the Fund: (a) Will request that the financial intermediary, or its agent, forward the 19(a) Notice to all beneficial owners of the Fund's shares held through such financial intermediary; (b) will provide, in a timely manner, to the financial intermediary, or its agent, enough copies of the 19(a) Notice assembled in the form and at the place that the financial intermediary, or its agent, reasonably requests to facilitate the financial intermediary's sending of the 19(a) Notice to each beneficial owner of the Fund's shares; and (c) upon the request of any financial intermediary, or its agent, that receives copies of the 19(a) Notice, will pay the financial intermediary, or its agent, the reasonable expenses of sending the 19(a) Notice to such beneficial owners.

V. Additional Board Determinations for Funds Whose Shares Trade at a Premium

If:

A. A Fund's common shares have traded on the stock exchange that they primarily trade on at the time in question at an average premium to NAV equal to or greater than 10%, as determined on the basis of the average of the discount or premium to NAV of the Fund's common shares as of the close of each trading day over a 12-week rolling period (each such 12-week rolling period ending on the last trading day of each week); and

B. the Fund's annualized distribution rate for such 12-week rolling period, expressed as a percentage of NAV as of the ending date of such 12-week rolling period, is greater than the Fund's average annual total return in relation to the change in NAV over the 2-year period ending on the last day of such 12-week rolling period; then:

1. At the earlier of the next regularly scheduled meeting or within four months of the last day of such 12-week rolling period, the Board including a majority of the Independent Trustees:

(a) Will request and evaluate, and the Investment Adviser will furnish, such

[4] The disclosure in this condition II.A.2(b) will be included only if the current distribution or the fiscal year-to-date cumulative distributions are estimated to include a return of capital.

information as may be reasonably necessary to make an informed determination of whether the Plan should be continued or continued after amendment;

(b) Will determine whether continuation, or continuation after amendment, of the Plan is consistent with the Fund's investment objective(s) and policies and in the best interests of the Fund and its shareholders, after considering the information in condition V.B.1(a) above; including, without limitation:

(1) Whether the Plan is accomplishing its purpose(s);

(2) The reasonably foreseeable material effects of the Plan on the Fund's long-term total return in relation to the market price and NAV of the Fund's common shares; and

(3) The Fund's current distribution rate, as described in condition V.B above, compared with the Fund's average annual taxable income or total return over the 2-year period, as described in condition V.B, or such longer period as the Board deems appropriate; and

(c) Based upon that determination, will approve or disapprove the continuation, or continuation after amendment, of the Plan; and

2. The Board will record the information considered by it, including its consideration of the factors listed in condition V.B.1(b) above, and the basis for its approval or disapproval of the continuation, or continuation after amendment, of the Plan in its meeting minutes, which must be made and preserved for a period of not less than six years from the date of such meeting, the first two years in an easily accessible place.

VI. Public Offerings

A Fund will not make a public offering of the Fund's common shares other than:

A. A rights offering below NAV to holders of the Fund's common shares;

B. An offering in connection with a dividend reinvestment plan, merger, consolidation, acquisition, spin-off or reorganization of the Fund; or

C. An offering other than an offering described in conditions VI.A and VI.B above, provided that, with respect to such other offering:

1. The Fund's annualized distribution rate for the six months ending on the last day of the month ended immediately prior to the most recent distribution record date,[5] expressed as a percentage of NAV per share as of such date, is no more than 1 percentage point greater than the Fund's average annual total return for the 5-year period ending on such date;[6] and

2. The transmittal letter accompanying any registration statement filed with the Commission in connection with such offering discloses that the Fund has received an order under section 19(b) to permit it to make periodic distributions of long-term capital gains with respect to its common stock as frequently as twelve times each year, and as frequently as distributions are specified in accordance with the terms of any outstanding preferred stock as such Fund may issue.

VII. Amendments to Rule 19b–1

The requested relief will expire on the effective date of any amendment to rule 19b–1 that provides relief permitting certain closed-end investment companies to make periodic distributions of long-term capital gains with respect to their outstanding common stock as frequently as twelve times each year.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–17140 Filed 7–17–09; 8:45 am]

BILLING CODE 8010–01–P

[5] If the Fund has been in operation fewer than six months, the measured period will being immediately following the Fund's first public offering.

[6] If the Fund has been in operation fewer than five years, the measured period will being immediately following the Fund's first public offering.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, July 22, 2009 at 2 p.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

The Commission will consider whether to propose a rule to address ''pay to play'' practices by investment advisers. The proposal is designed, among other things, to prohibit advisers from seeking to influence the award of advisory contracts by public entities through political contributions to or for those officials who are in a position to influence the awards.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551–5400.

Dated: July 15, 2009.

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9–17234 Filed 7–17–09; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60295; File No. SR–CBOE–2009–049]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Market-Maker Guidelines

July 13, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 9, 2009, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend Rule 8.7, *Obligations of Market-Makers,* to: (i) Eliminate the provision providing for bids (offers) to be no more than $1 lower (higher) than the last preceding transaction plus or minus the aggregate change in the last sale price of the underlying, and (ii) amend the provision pertaining to trades that are more than $0.25 below parity. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/Legal*), at the Exchange's Office of the Secretary and at the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 8.7, in part, provides that Market-Makers are expected ordinarily, except in unusual market conditions, not to bid more than $1 lower or offer more than $1 higher than the last preceding transaction price for the particular option contract plus or minus the aggregate change in the last sale price of the underlying security since the time of the last preceding transaction for the particular option contract (the ''one point'' rule). In addition, Market-Makers are expected ordinarily, except in usual market conditions, to refrain from purchasing a call option or a put option at a price more than $0.25 below parity. In the case of calls, parity is measured by the bid in the underlying security, and in the case of puts, parity is measured by the offer in the underlying security (the ''parity'' rule).

First, the Exchange is proposing to eliminate the one point rule. The one point rule was originally adopted as a guideline in 1987.[5] Since that time, various market changes have rendered the rule obsolete and unnecessary. For example, Market-Makers now stream electronic quotes and are subject to various electronic quotation requirements, including bid/ask quote width requirements contained elsewhere in Rule 8.7. In addition, the options intermarket linkage plan was adopted and contains trade-through and locked/crossed market requirements (*e.g.,* Rules 6.83 and 6.84). The Exchange has also adopted an obvious error rule that contains provisions on erroneous pricing errors (*e.g.,* Rule 6.25) and has in place certain price check parameters that will not permit the automatic execution of certain orders if the execution would take place outside an acceptable price range (*e.g.,* Rule 6.13(b)(v)).

Second, at this time the Exchange is proposing to retain the parity rule (which was also adopted in 1987)[6] as a guideline but to modify it to provide that an amount larger than $0.25 may be appropriate considering the particular market conditions (not just unusual market conditions as the rule currently states). The text is also being revised to provide that the $0.25 guideline may be increased, or the parity rule waived, by the Exchange on a series-by-series basis. The Exchange believes that revising the $0.25 parity rule in this manner modernizes the guideline to reflect market changes (including those discussed above) and will provide more flexibility to take into consideration the particular trading in a security, including but not limited to the underlying market price, market conditions, and applicable minimum bid/ask width requirements for a given options series.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act[7] and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest, because it will eliminate the outdated one point rule and update the parity rule to incorporate more flexibility and recognize changing market conditions.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,[10] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2009–049 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

[5] *See* Securities Exchange Act Release No. 24040 (January 30, 1987), 52 FR 4070 (February 9, 1987) (SR–CBOE–86–34).

[6] *Id.*

[7] 15 U.S.C. 78s(b)(1).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] The Exchange has fulfilled this requirement.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

All submissions should refer to File Number SR–CBOE–2009–049. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2009–049 and should be submitted on or before August 10, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–17134 Filed 7–17–09; 8:45 am]

BILLING CODE 8010–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60296; File No. SR–NYSEAmex–2009–37]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE Amex LLC Adopting Rule 968NY–Cabinet Trades

July 13, 2009.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 30, 2009, NYSE Amex (''NYSE Amex'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[4] and Rule 19b–4(f)(6) thereunder,[5] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt Rule 968NY–Cabinet Trades. The text of the proposed rule change is attached as Exhibit 5 to the 19b–4 form. A copy of this filing is available on the Exchange's Web site at *http://www.nyse.com,* at the Exchange's principal office and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Amex proposes to adopt new Rule 968NY which will govern cabinet trading.[6] The proposed rule is substantially similar to NYSE Arca Rule 6.80.

On March 2, 2009 NYSE Amex (f/k/a NYSE Alternext US LLC, f/k/a The American Stock Exchange LLC (collectively ''Amex'')) adopted a new rule set governing the trading of options.[7] Much of the new rule set was based on the rules of NYSE Arca Inc. (''NYSE Arca''). In conjunction with the filing of the new rule set, the Exchange filed a separate proposal deleting many out-of-date and/or obsolete rules.[8] Included as part of this filing was the deletion of former Amex Rule 959–Accommodation [sic] Transactions, which contained provisions governing both cabinet trading and position transfers. However, when filing the new rule set the Exchange inadvertently failed to include new rules governing cabinet trading.

The Exchange now proposes to add a new rule governing the trading of cabinet orders.[9] A brief description of the rules change is shown below.

Cabinet Trading

A cabinet order is a limit order in a non-Penny Pilot issue, which has been priced at $1.00.[10] Cabinet orders serve as a way for market participants to liquidate a worthless, or near worthless position, at a minimal cost.

Prior to the adoption of the present NYSE Amex trading system, all cabinet trading on the Amex was done on a manual basis. Therefore, previous Rule Amex 959(a) dealt only with cabinet trading in open outcry. The Exchange now proposes to adopt new Rule 968NY which will govern both manual and electronic cabinet trading. This proposed rule is similar in all material respects to NYSE Arca Rule 6.80, which also governs both manual and electronic cabinet trading.

2. Statutory Basis

The Exchange believes that for these reasons the proposed rule change is consistent with Section 6(b) of the Act[11] in general, and furthers the objectives of Section 6(b)(5) of the Act[12] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. This proposal adds a new rule governing the

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

[6] A Cabinet Trade is also known as an Accommodation Transaction.

[7] *See* Securities Exchange Act Release No. 59472 (February 27, 2009), 74 FR 9843 (March 6, 2009) (order approving NYSEALTR–2008–14, as amended).

[8] *See* Securities Exchange Act Release No. 59454 (February 25, 2009), 74 FR 9461 (March 4, 2009) (notice of filing and immediate effectiveness of NYSEALTR–2009–17).

[9] NYSE Amex proposes to adopt new rules related to the transfer of options positions as part of a separate rule filing.

[10] Certain option issues on NYSE Amex are traded pursuant to a Penny Pilot Program scheduled to run through July 3, 2009.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

trading of cabinet orders, based on NYSE Arca Rule 6.80.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14]

The Exchange has requested the Commission to waive the 30-day operative delay because the proposal will afford market participants on the Exchange the same opportunity to execute cabinet trades as is afforded to market participants on other exchanges. The Commission notes that the Exchange deleted its former rule on cabinet trading in March of this year and inadvertently failed to include a new rule on cabinet trading in its new rule set governing options trading.[15] The Commission believes waiving the 30-day operative delay to provide NYSE Amex market participants the ability to immediately engage in cabinet trading, as necessary, is consistent with the protection of investors and the public interest.[16] Accordingly, the Commission designates the proposed rule change operative upon filing with the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEAmex–2009–37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAmex–2009–37. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAmex–2009–37 and should be submitted on or before August 10, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Florence E. Harmon,

Deputy Secretary.

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BILLING CODE 8010–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the self-regulatory organization to submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] *See supra* notes 7 and 8 and accompanying text.

[16] For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60298; File No. SR–FICC–2008–07]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fee Schedules

July 13, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 31, 2009, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') and on January 12, 2009, May 11, 2009, and June 24, 2009, amended the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by FICC. FICC filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act [2] and Rule 19b–4(f)(2) thereunder [3] so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will amend FICC's Government Securities Division's (''GSD'') and Mortgage Backed Securities Division's (''MBSD's'') fees.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(ii).

[3] 17 CFR 240.19b–4(f)(2).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FICC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this filing is to amend GSD's and MBSD's fees.

1. GSD Trade Submission

The GSD fee structure currently charges $.30 per submission of a side of a trade or submission of a Repo Transaction. FICC is modifying this fee by reducing this charge according to the following volume-based fee structure:

(a) $.16 per submission for up to 50,000 submissions per month.

(b) $.08 per submission for 50,001 to 100,000 submissions per month.

(c) $.01 per submission for 100,001 or greater submissions per month.

2. GSD Netting Fee

The GSD fee structure currently provides that the charge for each Deliver Obligation and Receive Obligation created as a result of the netting process is a fee of $0.052 per $1 million of par value. This fee is being increased to $0.06 per $1 million.

3. GSD Demand and Locked-In Trade Data

Data received by FICC on a demand or locked-in basis from a Demand Trade Source or a Locked-in Trade Source related to a side of a trade or Repo Transaction entered into by a member or entered into by a non-member for which the member is clearing results in a charge for processing and reporting by FICC to the member of $0.50 per $50 million increment of such side or Repo Transaction. This fee is being reduced to $0.16 per $50 million increment of such side or Repo Transaction.

4. MBSD Trade Processing

FICC is reducing the MBSD Trade Processing fees for trade creates as follows:

Items	From	To
01–2,500	$1.58/MM	$1.44/MM
2,501–5,000	1.46/MM	1.32/MM
5,001–7,500	1.33/MM	1.19/MM
7,501–10,000	1.25/MM	1.11/MM
10,001–12,500 ..	1.12/MM	0.98/MM
12,501 and over	0.99/MM	0.85/MM

FICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act [4] and the rules and regulations thereunder because it updates FICC's fee schedule and provides for the equitable allocation of fees among its participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact or impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [5] and Rule 19b–4(f)(2) [6] thereunder because it establishes or changes a due, fee, or other charge applicable only to a member. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an e-mail to *rule-comment@sec.gov*. Please include File No. SR–FICC–2008–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–FICC–2008–07. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. to 3 p.m. Copies of such filing also will be available for inspection and copying at FICC's principal office and on FICC's Web site at *http://ficc.com/gov/gov.docs.jsp?NS-query=#rf.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to SR–FICC–2008–07 and should be submitted on or before August 10, 2009.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–17137 Filed 7–17–09; 8:45 am]

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[4] 15 U.S.C. 78q–1.

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(f)(2).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60305; File No. SR–NYSE–2009–66]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange LLC To Lower Its Market Capitalization Continued Listing Standard

July 14, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 2, 2009, New York Stock Exchange, LLC (the ''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal eligible for immediate effectiveness pursuant to Rule 19b–4(f)(6)[3] under the Exchange Act. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to permanently lower its market capitalization continued listing standard set forth in Section 802.01B of the Exchange's Listed Company Manual (the ''Manual'') from $25 million to $15 million. The text of the proposed rule change is available on the Exchange's Web site (*http://www.nyse.com*), at the Exchange's Office of the Secretary and at the Commission's Public Reference room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NYSE has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In response to the unusual market conditions over the last twelve months, the Exchange previously adopted a policy (by means of an immediately effective rule filing[4]) providing that, through April 22, 2009, its average global market capitalization continued listing standard will apply only to companies (including limited partnerships and real estate investment trusts (''REITs'')) whose average global market capitalization over a consecutive 30 trading-day period falls below $15 million.[5] In a subsequent filing, the Exchange extended the period for which it temporarily lowered its market capitalization continued listing standard, so that the lower standard is currently in place through June 30, 2009.[6] The Exchange now proposes to make permanent this lowering of its market capitalization continued listing standard (including as it applies to limited partnerships and REITs).

The Exchange notes that it adopted its $25 million average global market capitalization requirement as recently as 2004—at a time when stock prices were far higher than they are currently—and that the requirement prior to that date was $15 million.[7] In addition, the temporary lowering of the standard through June 30, 2009, has provided the Exchange with more recent experience with the continued listing of companies whose average global market capitalization exceeds $15 million but is lower than $25 million. This experience has made the Exchange comfortable allowing the continued listing of companies that have a market capitalization above $15 million but below $25 million, because the Exchange's experience has been that, where these companies are otherwise in compliance with all of the Exchange's other qualitative and quantitative continued listing standards, they remain viable enterprises and suitable for auction market trading. The Exchange also notes that, unlike with the Exchange's other quantitative listing standards, Section 802.01B does not provide companies with any period of time to take steps to attempt to regain compliance with the standard. The Exchange further notes that its continued listing standards after permanent adoption of the $15 million market capitalization continued listing standard will continue to be at least as stringent as those of any other national securities exchange. Consequently, the Exchange believes that the proposed amendment is consistent with the protection of investors and the public interest and does not raise any novel regulatory issues. In addition, the proposed amendment does not affect the status of NYSE listed securities under Securities Exchange Act Rule 3a51–1(a) (the ''Penny Stock Rule''),[8] as the Exchange's initial listing standards satisfy the requirements of Rule 3a51–1(a)(2)(i)[9] and the continued listing standards as amended are reasonably related to those initial listing standards, as required by 3a51–1(a)(2)(ii).[10] In particular, the $15 million market capitalization continued listing standard is reasonably related to (i) the market value of listed securities of $50 million for 90 consecutive days prior to applying for listing initial listing requirement of Rule 3a51–1(a)(2)(i)(A)(*2*)[11] and (ii) the market value of listed securities of $50 million initial listing requirement of Rule 3a51–1(a)(2)(i)(B).[12]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)[13] of the Securities Exchange Act of 1934 (the ''Act''),[14] in general, and furthers the objectives of Section 6(b)(5)[15] of the Act in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and

[4] *See* Securities Exchange Act Release No. 59299 (January 27, 2009), 74 FR 5709 (January 30, 2009) (SR–NYSE–2009–06).

[5] Section 802.01B of the Manual provides that the Exchange will promptly delist any company (including limited partnerships and REITs) if it is determined that the company has an average global market capitalization over a consecutive 30 trading-day period of less than $25 million, regardless of the original listing standard under which it listed. A company is not eligible to utilize the cure procedures set forth in Sections 802.02 and 802.03 with respect to this criterion and instead is immediately subject to the Exchange's delisting procedures set forth in Section 804 of the Manual.

[6] *See* Securities Exchange Act Release No. 59510 (March 4, 2009), 74 FR 10636 (March 11, 2009) (SR–NYSE–2009–21).

[7] *See* Securities Exchange Act Release No. 49154 (January 29, 2004), 69 FR 5633 (February 5, 2004) (SR–NYSE–2003–43).

[8] 17 CFR 240.a51–1(a). [sic]

[9] 17 CFR 240.a51–1(a)(2)(i). [sic]

[10] 17 CFR 240.a51–1(a)(2)(ii). [sic]

[11] 3a51–1(a)(2)(i)(A)(2). [sic]

[12] Rule 3a51–1(a)(2)(i)(B).

[13] 15 U.S.C. 78f(b).

[14] *See* 15 U.S.C. 78a.

[15] 15 U.S.C. 78f(b)(5).

open market and a national market system, and, in general, to protect investors and the public interest. The NYSE's continued listing requirements as amended by the proposed rule change remain at least as stringent as those of any other national securities exchange and, consequently, the proposed amendment is consistent with the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [18] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [19] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal will return the Exchange's market capitalization continued listing standard to the same level that it was in 2004 to $15 million.[20] In addition, the Commission notes that the $15 million market capitalization standard, which immediately subjects a company failing to meet this standard to the Exchange's delisting procedures in Section 804 of the Manual, is at least as stringent as the continued listing requirements of another national securities exchange.[21] For these reasons, the Commission believes that the proposed rule change does not raise any new regulatory issues. Accordingly, the Commission designates that the proposed rule change become operative immediately upon filing.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2009–66 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2009–66. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2009–66 and should be submitted on or before August 10, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–17139 Filed 7–17–09; 8:45 am]

BILLING CODE 8010–01–P

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). Pursuant to Rule 19b–4(f)(6)(iii) under the Act, the Exchange is required to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has determined to waive this requirement.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] *See supra* note 7.

[21] *See* The NASDAQ Stock Market LLC Rule 5450.

[22] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60304; File No. SR–DTC–2009–11]

Self-Regulatory Organizations; the Depository Trust Company; Notice of Filing of Proposed Rule Change To Eliminate One of the Indemnity Surety Programs in the Profile Modification System

July 14, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder [2] notice is hereby given that on June 11, 2009, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change seeks to eliminate one of the Indemnity Surety Programs (''PSP II'') of DTC's Profile Modification System (''Profile'').[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Current MMI Maturity Payment Procedure

On April 19, 2000, the Commission approved a DTC rule filing to establish Profile,[5] an electronic communication medium between transfer agents that are DRS Limited Participants (''Limited Participants'') and brokers that are DRS Participants (''Participants''). In May 2000, DTC implemented Profile. Profile allows Participants to submit electronically an investor's instruction to move a share position from the investor's Limited Participant account to the investor's Participant account at DTC (''Electronic Participant Instruction''). Profile also allows Limited Participants to submit an investor's instruction for the movement of its share positions from the investor's Participant account at DTC to an account maintained by the Limited Participant (''Electronic Limited Participant Instruction'' and, together with Electronic Participant Instruction, ''Electronic Instruction''). A user submitting an Electronic Instruction through Profile is required to agree to a Participant Terminal System (''PTS'') screen indemnity (''Screen Indemnity'').

On November 17, 2000, the Commission approved a DTC rule filing to establish the Profile Indemnity Surety Program (''PSP'').[6] Under PSP, all users of Profile who agree to the Screen Indemnity as part of their use of Profile must procure a surety bond (''Surety Bond'') to back the representations under the Screen Indemnity. Participation in PSP requires the payment of an annual premium of $3,150 to a surety provider and an administration fee of $250 to DTC. The PSP surety provider provides for a coverage limit of $3 million per transaction with an annual aggregate limit of $6 million.

On September 14, 2005, the Commission approved a DTC rule filing to establish the Profile Indemnity Insurance Program (''PIP''),[7] which serves as an alternative to PSP. PIP allows users of Profile who agree to the Screen Indemnity to have the option to procure insurance relating to a particular securities transaction according to the value of the securities transaction. PIP provides a coverage limit of $25 million per transaction with an annual aggregate limit of $100 million. In addition to any pass-through fee from the insurer, DTC charges users participating in PIP an annual administration fee of $250 and a per transaction fee of $27.50.

On June 26, 2008, the Commission approved a DTC rule filing to establish PSP II,[8] which provides for a coverage limit of $7.5 million per transaction with an annual aggregate limit of $15 million. Users of PSP II are required to pay an annual premium of $6,000 to a surety provider and a DTC administration fee of $250.

On June 3, 2009, the Commission approved a DTC rule filing to establish a new Profile Indemnity Insurance Program (''PIP II'').[9] The intent of PIP II is to account for the additional, larger value Profile transactions that DRS currently handles and to serve as a replacement for PSP II. PIP II provides the same coverage limits as PSP II, a coverage limit of $7.5 million per transaction with an annual aggregate limit of $15 million, and requires payment of the same fees, an annual premium of $6,000 to an insurance provider and a DTC administration fee of $250. PIP II does not require users of Profile to procure a surety bond.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[10] and the rules and regulations thereunder because the proposed change will modify an existing DTC service in order to provide a more suitable choice of insurance and surety policies. As such, it is a change to an existing service that does not adversely affect the safeguarding of securities and funds in DTC's custody or control.

B. Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have any impact or impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or

[3] DTC has created a Profile Indemnity Insurance Program (''PIP II'') to replace the PSP II. Securities Exchange Act Release No. 60036 (Jun. 3, 2009), 74 FR 28085 (Jun. 12, 2009) [File No. SR–DTC–2009–09].

[4] The Commission has modified the text of the summaries prepared by DTC.

[5] Securities Exchange Act Release No. 42704 (Apr. 19, 2000), 65 FR 24242 (Apr. 25, 2000) [File No. SR–DTC–2000–04].

[6] Securities Exchange Act Release No. 43586 (Nov. 17, 2000), 65 FR 70745 (Nov. 27, 2000) [File No. SR–DTC–2000–09].

[7] Securities Exchange Act Release No. 52422 (Sep. 14, 2005), 70 FR 55196 (Sep. 20, 2005) [File No. SR–DTC–2005–11].

[8] Securities Exchange Act Release No. 58042 (Jun. 26, 2008), 73 FR 39067 (July 8, 2008) [File No. SR–DTC–2008–04].

[9] Securities Exchange Act Release No. 60036 (Jun. 3, 2009) 74 FR 28085 (Jun. 12, 2009) [File No. DTC–2009–09.

[10] 15 U.S.C. 78q–1.

• Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–DTC–2009–11 on the subject line.

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–DTC–2009–11. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filings also will be available for inspection and copying at the principal office of DTC and on DTC's Web site at *http://dtcc.com/downloads/legal/rule_filings/2009/dtc/2009-11.pdf.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–2009–11 and should be submitted on or before August 10, 2009.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–17138 Filed 7–17–09; 8:45 am]

BILLING CODE 8010–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–60297; File No. SR–NYSE Amex–2009–42]

Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing of Proposed Rule Change To Propose New Rules To Govern Electronic Complex Order Trading

July 13, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 9, 2009, NYSE Amex LLC (''NYSE Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes new rules to govern Electronic Complex Order trading.

The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.nyse.com*, at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Amex proposes new rules that describe Electronic Complex Order Trading. Electronic Complex Orders are Complex Orders and Stock/option Orders that are entered electronically into the NYSE Amex System.

Proposed Rule 980NY describes the entry of Electronic Complex Orders in the Consolidated Book and the operation of a Complex Matching Engine. The Complex Matching Engine is the mechanism in which Electronic Complex Orders are executed against each other or against individual quotes and orders in the Consolidated Book. Electronic Complex Orders in the Consolidated Book will be available to all market participants via an electronic interface. NYSE Amex proposes that Electronic Complex Orders be ranked in the Consolidated Book in price/time priority based on the strategy and the total or net debit or credit, provided that Electronic Complex Orders on behalf of Customers shall be ranked ahead of same price Electronic Complex Orders for non-Customers.

Electronic Complex Orders eligible for execution in the Complex Matching Engine are defined to be consistent with the Linkage Plan Trade Through exemption;[3] they therefore may report execution prices for the individual legs of a Complex Trade that are outside of the National Best Bid or Offer. However, the Complex Matching Engine will never execute any of the legs of a Complex Trade at a price outside of the NYSE Amex best bid/offer for that leg.

NYSE Amex also proposes that Electronic Complex Orders attempt to execute against other Electronic Complex Orders in the Consolidated Book, before attempting to execute against the individual leg markets in the Consolidated Book, provided that for purposes of priority, where the total or net debit or credit derived from Customer orders in the individual leg market is better than or equal to the price of the Electronic Complex Order, the Customer orders in the individual leg markets will maintain priority.

NYSE Amex notes that the various options exchange rule sets recognize that investors wishing to complete a complex strategy should not be encumbered by orders for a single leg.

For instance, the markets for two call series is as follows:

XYZ July 30: 2.20–2.40 10 × 10
XYZ July 35: 1.10–1.25 10 × 10

An Electronic Complex Order is entered to Buy 10 July 30/Sell 10 July 35 for a Net Debit of 1.30. The Complex Matching Engine checks the Consolidated Book, and seeing there are

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] They are also defined to be consistent with the proposed exemption described in the Proposed Options Order Protection and Locked/Crossed Market Plan (File No. 4–546, Exchange Act Release No. 34–59647).

no Electronic Complex Orders willing to sell the strategy, executes against the leg markets, at prices of 2.40 for the July 30 calls, and 1.10 for the July 35 calls.

With the same leg markets available, another Electronic Complex Order is sent to NYSE Amex to Buy 10 July 30/ Sell 10 July 35 for a Net Debit of 1.00. Since the screen market is .95–1.30, the order would not execute, but route to the Consolidated Book, and post with a Debit of 1.00. This would be disseminated to all NYSE Amex market participants.

An order to Sell July 30/Buy July 35 for a credit of 1.00 arrives. It is routed directly to the Complex Matching Engine, where it is matched against the posted order with a debit of 1.00, and priced at the first available prices found in the Complex Matching Engine. For example, under this scenario, it is possible to execute at 2.20 and 1.20.

The Exchange proposes, however, that if Customer orders in the individual leg markets are pricing the strategy at the same price as the posted Electronic Complex Order, an Electronic Complex Order sent to be executed against the posted order will instead execute against the individual Customer orders in the leg markets. For instance, suppose that before the second order described above arrives, the individual leg markets in the options change as follows, with Customer orders at the best prices in the Consolidated Book:

XYZ July 30: 2.20–2.40 10×10
XYZ July 35: 1.10–1.20 10×10

The Customer orders in the individual leg markets are now pricing the strategy at the same price as the posted Electronic Complex Order. Even though the Electronic Complex Order net debit has been disseminated and advertised, the Customer orders in the individual leg markets will maintain priority over the posted Electronic Complex Order. The Complex Matching Engine will execute the incoming Electronic Complex Order with a credit of 1.00 against the 1.00 debit price of the Customer orders in the leg markets, and then any residual will be matched against the Electronic Complex Order in the Consolidated Book at the same 1.00 debit.

Electronic Complex Orders that are not executable are entered into the Consolidated Book. The Complex Matching Engine will monitor the markets in the individual legs of Electronic Complex Orders in the Consolidated Book. If the market prices in the legs move so that the Electronic Complex Order is now executable in full (or in a permissible ratio), the Electronic Complex Order will be executed against the individual orders and quotes in the leg markets.

The Exchange proposes that Specialists not be afforded any guaranteed allocation either in the execution of a complex strategy nor if present at the NYSE Amex BBO when an Electronic Complex Order executes against the individual leg markets. There is no obligation for Specialists (or any Market Maker) to quote prices for complex strategies; therefore there is no need for a guaranteed allocation. A market participant that establishes a price for a strategy should be rewarded for setting that price by being granted time priority, provided that Electronic Complex Orders on behalf of Customers are ranked ahead of same price Complex Orders for non-Customers. Similarly, the Specialist's quotes in the individual leg markets are available to all orders, but are not advertising a particular strategy. They should not be granted a guaranteed allocation in any of the leg markets resulting from the execution of a Complex Order. Complex Orders will thus execute against Customer Orders in the individual legs of the Consolidated Book, and then against non-Customer trading interest in the leg markets on a size pro-rata basis.

For purposes of the firm quote rule, Electronic Complex Orders in the Consolidated Book shall be considered ''firm'' at the posted debit or credit.[4]

The Exchange also proposes clarifying Commentaries to the proposed Rule. Commentary .01 clarifies that Complex bids and offers may be expressed and executed in one cent increments, regardless of the minimum price variation of the component series. Commentary .02 clarifies that at least one leg of a Complex Order transaction must trade at a price that is at least one minimum price variation better than all Customer bids and offers in the Consolidated Book for the that series.

Proposed Commentary .03 outlines special provisions for Stock/option orders. Among these are that a Complex Order with a stock component is considered a Stock/option order. Additionally, a Stock/option order may not trade on the price of a Customer order in the Consolidated Book in the option leg unless it trades with the Customer order.

Commentary .03 also outlines that the stock component must be executed in accordance with the rules of the executing venue, and that Stock/option orders may be executed in one cent increments regardless of the minimum price increment in the option leg.

[4] *See* Exchange Act Rule 602.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5)[6] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism for a free and open market and a national market system. NYSE Amex believes the proposed rule, related to Electronic Complex Orders, are appropriate in that Complex Orders are widely recognized by market participants as invaluable, both as an investment, and a risk management strategy. The proposed rule will provide the opportunity for a more efficient mechanism for carrying out these strategies.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE Amex–2009–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE Amex–2009–42. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NYSE Amex–2009–42 and should be submitted on or before August 10, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–17136 Filed 7–17–09; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L.) 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions to OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and the SSA Reports Clearance Officer to the addresses or fax numbers shown below: (OMB) Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* 202–395–6974, *E-mail address: OIRA_Submission@omb.eop.gov.* (SSA) Social Security Administration, DCBFM, *Attn:* Reports Clearance Officer, 1332 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410–965–6400, *E-mail address: OPLM.RCO@ssa.gov.*

SSA has submitted the information collection we list below to OMB for clearance. Your comments on the information collection would be most useful if OMB and SSA receive them within 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than August 19, 2009. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer at 410–965–3758 or by writing to the above e-mail address.

Integrated Registration Services (IRES) System—20 CFR 401.45—0960–0626

The IRES System verifies the identity of individuals, businesses, organizations, entities, and government agencies to use SSA's eService Internet and telephone applications for requesting and exchanging business data with SSA. The requestor provides information, prescribed by SSA, to establish his or her identity. Once SSA verifies identity, IRES will issue the requestor a user identification number (User ID) and a password to conduct business with SSA. Respondents are employers and third party submitters of wage data, business entities providing taxpayer identification information, and data exchange partners conducting business in support of SSA programs.

Type of Request: Revision of an OMB-approved information collection.

Respondent types	Number of respondents	Average burden per response (minutes)	Estimated annual burden (hours)
Appointed Representatives Registering via Internet	200,000	5	16,667
All Other Business Services Online (BSO) Respondents Registering via Internet	1,300,000	5	108,333
Appointed Representatives Registering via CSA	88,000	11	16,133
All Other BSO Respondents Registering via CSA	120,794	11	22,146
Total	1,708,794		163,279

Dated: July 15, 2009.

John Biles,

Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.

[FR Doc. E9–17224 Filed 7–17–09; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

Agency Announcement

The Social Security Administration (SSA) is announcing the following information about one of its information collections:

[7] 17 CFR 200.30–3(a)(12).

Consent Based Social Security Number Verification Service (CBSV)—0960–0760

The Social Security Administration (SSA) is hereby giving notice that effective October 1, 2009, the transaction fee for SSA's CBSV service will increase to $5.00 per transaction.

CBSV is a fee-based service that provides instant, automated Social Security number (SSN) verification to private businesses and government agencies who obtain a valid, signed consent form from the SSN holder. These parties may only use verification results for the reason that the number holder specifies on the consent form. CBSV can easily handle large volume requests and is currently open for enrollment.

We charge a fee to cover the cost of providing this service. To use CBSV, companies must pay a one-time, non-refundable enrollment fee of $5,000 and a transaction fee per SSN verification request. The transaction fee is presently 56 cents based on our assumption that we would receive 5.7 million SSN verification requests annually. That volume, however, did not materialize, and we now estimate receiving 1 million requests. Effective October 1, 2009, the transaction fee will increase to $5.00 due to significantly fewer requests. Based on the revised estimate of 1 million annual transactions, this adjustment is necessary to recover our costs to develop and operate the system. Periodically, we will recalculate CBSV operational costs, review the number of transactions, and adjust the transaction fee as needed. We will notify subscribers in writing of any change in the transaction fee.

Dated: July 15, 2009.

John Biles,

Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.

[FR Doc. E9–17225 Filed 7–17–09; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 6701]

Additional Designation of an Entity Pursuant to Executive Order 13382

AGENCY: Department of State.

ACTION: Designation of North Korea's Namchongang Trading Corporation Pursuant to Executive Order 13382.

SUMMARY: Pursuant to the authority in section 1(ii) of Executive Order 13382, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'', the State Department, in consultation with the Secretary of the Treasury and the Attorney General, has determined that one North Korean entity, Namchongang Trading Corporation, has engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern.

DATES: The designation by the Deputy Secretary of State of the entity identified in this notice pursuant to Executive Order 13382 is effective on June 30, 2009.

FOR FURTHER INFORMATION CONTACT: Director, Office of Counterproliferation Initiatives, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, *tel.:* 202–647–5193.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 30, 2005. In the Order the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, and person whose property and interests in property are blocked pursuant to the Order.

Information on the additional designees is as follows:

Namchongang Trading Corporation, (a.k.a. NCG, a.k.a. Namchongang Trading, a.k.a. Nam Chon Gang Corporation, a.k.a. Nomchongang Trading Co.), Pyongyang, North Korea [NPWMD].

Dated: June 30 2009.

James B. Steinberg,

Deputy Secretary, Department of State.

[FR Doc. E9–17192 Filed 7–17–09; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice 6703]

Culturally Significant Objects Imported for Exhibition Determinations: ''Georgia O'Keeffe: Abstraction''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Georgia O'Keeffe: Abstraction,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Whitney Museum of American Art, New York,

NY, from on or about September 17, 2009, until on or about January 17, 2010; at the Phillips Collection, Washington, DC, from on or about February 6 until on or about May 9, 2010; at the Georgia O'Keeffe Museum, Santa Fe, NM, from on about May 28 until on or about September 12, 2010; and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (*telephone:* 202/453–8048). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: July 14, 2009.

C. Miller Crouch,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E9–17194 Filed 7–17–09; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6702]

Culturally Significant Objects Imported for Exhibition Determinations: ''Kandinsky''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Kandinsky'', imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Solomon R. Guggenheim Museum, New York, NY, from on or about September 18, 2009, until on or about January 17, 2010, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: (202–453–8050)). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, D.C. 20547–0001.

Dated: July 14, 2009.

C. Miller Crouch,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E9–17193 Filed 7–17–09; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Seeking OMB Approval

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) revision of a current information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on February 2, 2009, vol. 74, no. 20, pages 5884–5885. The information determines if applicant proposals for conducting commercial space launches can he accomplished according to regulations issued by the Office of the Associate Administrator for Commercial Space Transportation.

DATES: Please submit comments by August 19, 2009.

FOR FURTHER INFORMATION CONTACT: Carla Mauney at *Carla.Mauney@faa.gov.*

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Commercial Space Transportation Licensing Regulations.

Type of Request: Extension without change of a currently approved collection.

OMB Control Number: 2120–0608.

Form(s): Form 8800–1.

Affected Public: An estimated 2 Respondents.

Frequency: This information is collected on occasion.

Estimated Average Burden per Response: Approximately 1,544.5 hours per response.

Estimated Annual Burden Hours: An estimated 3,089 hours annually.

Abstract: The information determines if applicant proposals for conducting commercial space launches can be accomplished according to regulations issued by the Office of the Associate Administrator for Commercial Space Transportation.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_suhmission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility: the accuracy of the Department's estimates of the burden of the proposed information collection: ways to enhance the quality, utility, and clarity of the information to be collected: and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on July 13, 2009.

Carla Mauney,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. E9–17112 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2009–0053]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for public comment on the reinstatement of a collection of information for which has Office of Management and Budget (OMB) approval has expired.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the OMB. Under procedures established

by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before September 18, 2009.

ADDRESSES: You may submit comments [identified by DOT Docket No. NHTSA–2009–0053] by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail: Docket Management Facility:* U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1–800–647–5527.
- *Fax:* 202–493–2251.

Instructions: All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov*.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and follow the online instructions for assessing the dockets. Alternately, you may visit in person the Docket Management Facility at the street address listed above.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance (NVS–223), National Highway Traffic Safety Administration, West Building—4th Floor—Room W43–481, 1200 New Jersey Avenue, SE., Washington, DC 20590. Mr. Sachs' telephone number is (202) 366–3151. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information:

Title: 49 CFR part 566 Manufacturer Identification.

OMB Control Number: 2127–0043.

Affected Public: Business or other for profit organization.

Form Number: None.

Abstract: If a motor vehicle or item of replacement motor vehicle equipment contains a defect related to motor vehicle safety or fails to comply with an applicable Federal motor vehicle safety standard (FMVSS), the manufacturer is required under 49 U.S.C. 30118 to furnish notification of the defect or noncompliance to the Secretary of Transportation, as well as to owners, purchasers, and dealers of the motor vehicle or replacement equipment, and to remedy the defect or noncompliance without charge to the owner. To ensure that manufacturers are meeting these and other responsibilities under the statutes and regulations administered by NHTSA, the agency issued 49 CFR part 566, Manufacturer Identification. The regulations in part 566 require manufacturers of motor vehicles or motor vehicle equipment, other than tires, to which a FMVSS applies, to submit to NHTSA, on a one-time basis, identifying information on themselves and on the products that they manufacture to those standards. The information must be submitted no later than 60 days after the manufacturer begins to manufacture motor vehicles or motor vehicle equipment subject to the FMVSS. No specific form need be used for the submission of this information. Manufacturers who have previously submitted identifying information must ensure that the information on file is accurate and complete by submitting revised information no later than 30 days after a change in the business that affects the validity of that information has occurred.

Estimated Annual Burden: 33 hours.

Number of Respondents: 200 new manufacturers per year.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: July 14, 2009.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E9–17113 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Delays in Processing of Special Permits Applications

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more.

The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: Delmer F. Billings, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue, Southeast, Washington, DC 20590–0001, (202) 366–4535.

Key to "Reason for Delay"

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of special permit applications.

Meaning of Application Number Suffixes

N—New application.

M—Modification request.

PM—Party to application with modification request.

Issued in Washington, DC, on July 10, 2009.

Delmer Billings,

Director, Office of Hazardous Materials, Special Permits and Approvals.

MODIFICATION TO SPECIAL PERMITS

Application No.	Applicant	Reason for delay	Estimated date of completion
14167–M	Trinityrail Dallas, TX	4	08–01–2009
14467–M	Brenner Tank, LLC Fond Du Lac, WI	1,4	10–01–2009
14436–M	BNSF Railway Company Topeka, KS	4	10–01–2009
New Special Permit Applications			
14733–N	GTM Technologies, Inc. San Francisco, CA	1,3	10–01–2009

[FR Doc. E9–17074 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Federal Railroad Administration

Rescission of Notice of Intent

SUMMARY: This notice rescinds the previous notice of intent issued on April 2, 2001 to prepare an environmental impact statement for a proposed rail corridor improvement project on the BNSF Railway main line between the City of Kelso and Martin's Bluff (south of Kalama, Washington).

FOR FURTHER INFORMATION CONTACT: Dean Moberg, Area Engineer, Federal Highway Administration, Evergreen Plaza Building, 711 South Capitol Way, Suite 501, Olympia, Washington 98501, Telephone: (360) 534–9344; David Valenstein, Federal Railroad Administration, 1200 New Jersey Ave., SE., MS–20, Washington, DC 20590, Telephone: (202) 493–6368; Scott Witt, Washington State Department of Transportation, 310 Maple Park Ave., Southeast, Olympia, Washington 98504, *Telephone:* (360) 705–7938.

SUPPLEMENTARY INFORMATION: On October 22, 1992, the U.S. Department of Transportation designated the existing rail corridor from Eugene, Oregon through Portland, Oregon and Seattle, Washington to Vancouver, British Columbia, Canada as a high-speed rail corridor pursuant to section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). As part of phase one of the long-term plan to develop high-speed intercity passenger service on the corridor, the Washington State Department of Transportation (WSDOT) proposed to improve the Burlington Northern Santa Fe (now BNSF) mainline between the City of Kelso and Martin's Bluff (south of Kalama, Washington). FHWA and FRA published the notice of intent to prepare an environmental impact statement for the Kelso-Martin's Bluff Rail Project in the **Federal Register** on April 2, 2001. When anticipated federal funding for the project did not become available, the 2007 Washington State Legislature (Legislature) instructed the WSDOT to reduce the scope of the project to match state funding amounts. In 2008, the Legislature moved state project funds to the 2013–2017 biennia. As a result of these legislative actions, WSDOT is no longer proposing improvement to this rail corridor and FHWA and FRA are rescinding the notice of intent to prepare an environmental impact statement.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of federal programs and activities apply to this program)

Issued on: May 26, 2008.

Mark E. Yachmetz,

Associate Administrator for Railroad Development, Federal Railroad Administration.

Dean Moberg,

Area Engineer, FHWA.

[FR Doc. E9–17144 Filed 7–17–09; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 13, 2009.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before August 19, 2009 to be assured of consideration.

Financial Crimes Enforcement Network (FinCEN)

OMB Number: 1506–0001.
Type of Review: Extension.

Title: Suspicious Activity Report by Depository Institutions.

Description: FinCEN and the five Federal financial institutions supervisory agencies require banks, to report on a consolidated, uniform form, to a single location, reports of suspicious transactions.

Respondents: Businesses or other for-profits.

Estimated Total Reporting Burden: 1,344,594 hours.

Clearance Officer: Russell Stephenson (202) 354–6012, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183.

OMB Reviewer: Shagufta Ahmed (202) 395–7873, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E9–17168 Filed 7–17–09; 8:45 am]

BILLING CODE 4810–02–P

UNITED STATES INSTITUTE OF PEACE

Notice of Meeting

AGENCY: United States Institute of Peace.

Date/Time: Thursday—July 23, 2009 (9 a.m.–8 p.m.). Friday—July 24, 2009 (9 a.m.–2:15 p.m.).

Location: NDU—Fort McNair, 300 5th Avenue, Marshall Hall, Washington, DC 20319.

Status: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

Agenda: July 2009 Board Meeting; Approval of Minutes of the One Hundred and Thirty-Third Meeting (April 23, 2009) of the Board of Directors; Chairman's Report; President's Report; Review; Program Updates; Discussion of Programmatic Priorities and the Strategic Plan; Other General Issues.

Contact: Tessie Higgs, Executive Office, Telephone: (202) 429–3836.

Dated: July 13, 2009.

Michael Graham,

Vice President for Management, United States Institute of Peace.

[FR Doc. E9–17175 Filed 7–17–09; 8:45 am]

BILLING CODE 6820–AR–M

Federal Register

Monday,
July 20, 2009

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Parts 410, 416, and 419

Medicare Program: Proposed Changes to the Hospital Outpatient Prospective Payment System and CY 2010 Payment Rates; Proposed Changes to the Ambulatory Surgical Center Payment System and CY 2010 Payment Rates; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 410, 416, and 419

[CMS–1414–P]

RIN 0938–AP41

Medicare Program: Proposed Changes to the Hospital Outpatient Prospective Payment System and CY 2010 Payment Rates; Proposed Changes to the Ambulatory Surgical Center Payment System and CY 2010 Payment Rates

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the Medicare hospital outpatient prospective payment system (OPPS) to implement applicable statutory requirements and changes arising from our continuing experience with this system. In this proposed rule, we describe the proposed changes to the amounts and factors used to determine the payment rates for Medicare hospital outpatient services paid under the prospective payment system. These changes would be applicable to services furnished on or after January 1, 2010.

In addition, this proposed rule would update the revised Medicare ambulatory surgical center (ASC) payment system to implement applicable statutory requirements and changes arising from our continuing experience with this system. In this proposed rule, we set forth the applicable relative payment weights and amounts for services furnished in ASCs, specific HCPCS codes to which these proposed changes would apply, and other pertinent ratesetting information for the CY 2010 ASC payment system. These proposed changes would be applicable to services furnished on or after January 1, 2010.

DATES: To be assured consideration, comments on all sections of this proposed rule must be received at one of the addresses provided in the **ADDRESSES** section no later than 5 p.m. EST on August 31, 2009.

ADDRESSES: In commenting, please refer to file code CMS–1414–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (no duplicates, please):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' and enter the file code to find the document accepting comments.

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1414–P, P.O. Box 8013, Baltimore, MD 21244–1850.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1414–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the comment period to one of the following addresses:

a. Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, please call the telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Alberta Dwivedi, (410) 786–0378, Hospital outpatient prospective payment issues.

Dana Burley, (410) 786–0378, Ambulatory surgical center issues.

Michele Franklin, (410) 786–4533, and Jana Lindquist, (410) 786–4533, Partial hospitalization and community mental health center issues.

James Poyer, (410) 786–2261, Reporting of quality data issues.

SUPPLEMENTARY INFORMATION:

Submitting Comments: We welcome comments from the public on all issues set forth in this proposed rule to assist us in fully considering issues and developing policies. You can assist us by referencing file code CMS–1414–P for all issues on which you wish to comment.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, on Monday through Friday of each week from 8:30 a.m. to 4 p.m. EST. To schedule an appointment to view public comments, phone 1–800–743–3951.

Electronic Access

This **Federal Register** document is also available from the Federal Register online database through *GPO Access*, a service of the U.S. Government Printing Office. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents'' home page address is *http://www.gpoaccess.gov/index.html,* by using local WAIS client software, or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required).

Alphabetical List of Acronyms Appearing in This Proposed Rule

ACEP American College of Emergency Physicians
AHA American Hospital Association
AHIMA American Health Information Management Association
AMA American Medical Association
AMP Average manufacturer price
AOA American Osteopathic Association
APC Ambulatory payment classification
ASC Ambulatory Surgical Center
ASP Average sales price

AWP Average wholesale price
BBA Balanced Budget Act of 1997, Public Law 105–33
BBRA Medicare, Medicaid, and SCHIP [State Children's Health Insurance Program] Balanced Budget Refinement Act of 1999, Public Law 106–113
BCA Blue Cross Association
BCBSA Blue Cross and Blue Shield Association
BIPA Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, Public Law 106–554
CAH Critical access hospital
CAP Competitive Acquisition Program
CBSA Core-Based Statistical Area
CCR Cost-to-charge ratio
CERT Comprehensive Error Rate Testing
CKD Chronic kidney disease
CMHC Community mental health center
CMS Centers for Medicare & Medicaid Services
CORF Comprehensive outpatient rehabilitation facility
CPT [Physicians] Current Procedural Terminology, Fourth Edition, 2009, copyrighted by the American Medical Association
CR Cardiac rehabilitation
CRNA Certified registered nurse anesthetist
CY Calendar year
DMEPOS Durable medical equipment, prosthetics, orthotics, and supplies
DMERC Durable medical equipment regional carrier
DRA Deficit Reduction Act of 2005, Public Law 109–171
DSH Disproportionate share hospital
EACH Essential Access Community Hospital
E/M Evaluation and management
EPO Erythropoietin
ESRD End-stage renal disease
FACA Federal Advisory Committee Act, Public Law 92–463
FAR Federal Acquisition Regulations
FDA Food and Drug Administration
FFS Fee-for-service
FSS Federal Supply Schedule
FTE Full-time equivalent
FY Federal fiscal year
GAO Government Accountability Office
GME Graduate medical education
HCPCS Healthcare Common Procedure Coding System
HCRIS Hospital Cost Report Information System
HHA Home health agency
HIPAA Health Insurance Portability and Accountability Act of 1996, Public Law 104–191
HOPD Hospital outpatient department
HOP QDRP Hospital Outpatient Quality Data Reporting Program
ICD–9–CM International Classification of Diseases, Ninth Edition, Clinical Modification
ICR Intensive cardiac rehabilitation
IDE Investigational device exemption
IME Indirect medical education
I/OCE Integrated Outpatient Code Editor
IOL Intraocular lens
IPPS [Hospital] Inpatient prospective payment system
IVIG Intravenous immune globulin
KDE Kidney disease education
MAC Medicare Administrative Contractors
MedPAC Medicare Payment Advisory Commission
MDH Medicare-dependent, small rural hospital
MIEA–TRHCA Medicare Improvements and Extension Act under Division B, Title I of the Tax Relief Health Care Act of 2006, Public Law 109–432
MIPPA Medicare Improvements for Patients and Providers Act of 2008, Public Law 110–275
MMA Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108–173
MMSEA Medicare, Medicaid, and SCHIP Extension Act of 2007, Public Law 110–173
MPFS Medicare Physician Fee Schedule
MSA Metropolitan Statistical Area
NCCI National Correct Coding Initiative
NCD National Coverage Determination
NTIOL New technology intraocular lens
OIG [HHS] Office of the Inspector General
OMB Office of Management and Budget
OPD [Hospital] Outpatient department
OPPS [Hospital] Outpatient prospective payment system
PHP Partial hospitalization program
PM Program memorandum
PPI Producer Price Index
PPS Prospective payment system
PR Pulmonary rehabilitation
PRA Paperwork Reduction Act
QAPI Quality Assessment and Performance Improvement
QIO Quality Improvement Organization
RFA Regulatory Flexibility Act
RHQDAPU Reporting Hospital Quality Data for Annual Payment Update [Program]
RHHI Regional home health intermediary
SBA Small Business Administration
SCH Sole community hospital
SDP Single Drug Pricer
SI Status indicator
TEFRA Tax Equity and Fiscal Responsibility Act of 1982, Public Law 97–248
TOPS Transitional outpatient payments
USPDI United States Pharmacopoeia Drug Information
WAC Wholesale acquisition cost

In this document, we address two payment systems under the Medicare program: The hospital outpatient prospective payment system (OPPS) and the revised ambulatory surgical center (ASC) payment system. The provisions relating to the OPPS are included in sections I. through XIV., and XVI. through XXI. of this proposed rule and in Addenda A, B, C (Addendum C is available on the Internet only; we refer readers to section XVIII.A. of this proposed rule), D1, D2, E, L, and M to this proposed rule. The provisions related to the revised ASC payment system are included in sections XV., XVI., and XVIII. through XXI. of this proposed rule and in Addenda AA, BB, DD1, DD2, and EE to this proposed rule. (Addendum EE is available on the Internet only; we refer readers to section XVIII.B. of this proposed rule.)

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Regulation Text

Addenda

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I. Background and Summary of the CY 2010 OPPS/ASC Proposed Rule

A. Legislative and Regulatory Authority for the Hospital Outpatient Prospective Payment System

When the Medicare statute was enacted, Medicare payment for hospital outpatient services was based on hospital-specific costs. In an effort to ensure that Medicare and its beneficiaries pay appropriately for services and to encourage more efficient delivery of care, the Congress mandated replacement of the reasonable cost-based payment methodology with a prospective payment system (PPS). The Balanced Budget Act (BBA) of 1997 (Pub. L. 105–33) added section 1833(t) to the Social Security Act (the Act) authorizing implementation of a PPS for hospital outpatient services. The OPPS was first implemented for services furnished on or after August 1, 2000. Implementing regulations for the OPPS are located at 42 CFR Part 419.

The Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act (BBRA) of 1999 (Pub. L. 106–113) made major changes in the hospital outpatient prospective payment system (OPPS). The following Acts made additional changes to the OPPS: the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA) of 2000 (Pub. L. 106–554); the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 (Pub. L. 108–173); the Deficit Reduction Act (DRA) of 2005 (Pub. L. 109–171), enacted on February 8, 2006; the Medicare Improvements and Extension Act under Division B of Title I of the Tax Relief and Health Care Act (MIEA–TRHCA) of 2006 (Pub. L. 109–432), enacted on December 20, 2006; the Medicare, Medicaid, and SCHIP Extension Act (MMSEA) of 2007 (Pub. L. 110–173), enacted on December 29, 2007; and the Medicare Improvements for Patients and Providers Act (MIPPA) of 2008 (Pub. L. 110–275), enacted on July 15, 2008.

Under the OPPS, we pay for hospital outpatient services on a rate-per-service basis that varies according to the ambulatory payment classification (APC) group to which the service is assigned. We use the Healthcare Common Procedure Coding System (HCPCS) codes (which include certain Current Procedural Terminology (CPT) codes) and descriptors to identify and group the services within each APC group. The OPPS includes payment for most hospital outpatient services, except those identified in section I.B. of this proposed rule. Section 1833(t)(1)(B)(ii) of the Act provides for payment under the OPPS for hospital outpatient services designated by the Secretary (which includes partial hospitalization services furnished by community mental health centers (CMHCs)) and hospital outpatient services that are furnished to inpatients who have exhausted their Part A benefits, or who are otherwise not in a covered Part A stay. Section 611 of Public Law 108–173 added provisions for coverage for an initial preventive physical examination, subject to the applicable deductible and coinsurance, as an outpatient department service, payable under the OPPS.

The OPPS rate is an unadjusted national payment amount that includes the Medicare payment and the beneficiary copayment. This rate is divided into a labor-related amount and a nonlabor-related amount. The labor-related amount is adjusted for area wage differences using the hospital inpatient wage index value for the locality in which the hospital or CMHC is located.

All services and items within an APC group are comparable clinically and with respect to resource use (section 1833(t)(2)(B) of the Act). In accordance with section 1833(t)(2) of the Act, subject to certain exceptions, services and items within an APC group cannot be considered comparable with respect to the use of resources if the highest median (or mean cost, if elected by the Secretary) for an item or service in the APC group is more than 2 times greater than the lowest median cost for an item or service within the same APC group (referred to as the ''2 times rule''). In implementing this provision, we generally use the median cost of the item or service assigned to an APC group.

For new technology items and services, special payments under the OPPS may be made in one of two ways. Section 1833(t)(6) of the Act provides for temporary additional payments, which we refer to as ''transitional pass-through payments,'' for at least 2 but not more than 3 years for certain drugs, biological agents, brachytherapy devices used for the treatment of cancer, and categories of other medical devices. For new technology services that are not eligible for transitional pass-through payments, and for which we lack sufficient data to appropriately assign them to a clinical APC group, we have established special APC groups based on costs, which we refer to as New Technology APCs. These New Technology APCs are designated by cost bands which allow us to provide appropriate and consistent payment for designated new procedures that are not yet reflected in our claims data. Similar to pass-through payments, an assignment to a New Technology APC is temporary; that is, we retain a service within a New Technology APC until we acquire sufficient data to assign it to a clinically appropriate APC group.

B. Excluded OPPS Services and Hospitals

Section 1833(t)(1)(B)(i) of the Act authorizes the Secretary to designate the hospital outpatient services that are paid under the OPPS. While most hospital outpatient services are payable under the OPPS, section 1833(t)(1)(B)(iv) of the Act excludes payment for ambulance, physical and occupational therapy, and speech-language pathology services, for which payment is made under a fee schedule. Section 614 of Public Law 108–173 amended section 1833(t)(1)(B)(iv) of the Act to exclude payment for screening and diagnostic mammography services from the OPPS. The Secretary exercised the authority granted under the statute to also exclude from the OPPS those services that are paid under fee schedules or other payment systems. Such excluded services include, for

example, the professional services of physicians and nonphysician practitioners paid under the Medicare Physician Fee Schedule (MPFS); laboratory services paid under the clinical diagnostic laboratory fee schedule (CLFS); services for beneficiaries with end-stage renal disease (ESRD) that are paid under the ESRD composite rate; and services and procedures that require an inpatient stay that are paid under the hospital inpatient prospective payment system (IPPS). We set forth the services that are excluded from payment under the OPPS in § 419.22 of the regulations.

Under § 419.20(b) of the regulations, we specify the types of hospitals and entities that are excluded from payment under the OPPS. These excluded entities include: Maryland hospitals, but only for services that are paid under a cost containment waiver in accordance with section 1814(b)(3) of the Act; critical access hospitals (CAHs); hospitals located outside of the 50 States, the District of Columbia, and Puerto Rico; and Indian Health Service hospitals.

C. Prior Rulemaking

On April 7, 2000, we published in the **Federal Register** a final rule with comment period (65 FR 18434) to implement a prospective payment system for hospital outpatient services. The hospital OPPS was first implemented for services furnished on or after August 1, 2000. Section 1833(t)(9) of the Act requires the Secretary to review certain components of the OPPS, not less often than annually, and to revise the groups, relative payment weights, and other adjustments that take into account changes in medical practices, changes in technologies, and the addition of new services, new cost data, and other relevant information and factors.

Since initially implementing the OPPS, we have published final rules in the **Federal Register** annually to implement statutory requirements and changes arising from our continuing experience with this system. These rules can be viewed on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/*. We published in the **Federal Register** on November 18, 2008 the CY 2009 OPPS/ASC final rule with comment period (73 FR 68502). In that final rule with comment period, we revised the OPPS to update the payment weights and conversion factor for services payable under the CY 2009 OPPS on the basis of claims data from January 1, 2007, through December 31, 2007, and to implement certain provisions of Public Law 110–173 and Public Law 110–275. In addition, in that final rule we also responded to public comments received on the provisions of the November 27, 2007 final rule with comment period (72 FR 66580) pertaining to the APC assignment of HCPCS codes identified in Addendum B to that rule with the new interim (''NI'') comment indicator, and to public comments received on the July 18, 2008 OPPS/ASC proposed rule for CY 2009 (73 FR 41416).

Subsequent to publication of the CY 2009 OPPS/ASC final rule with comment period, we published in the **Federal Register** on January 26, 2009, a correction notice (74 FR 4343 through 4344) to correct certain technical errors in the CY 2009 OPPS/ASC final rule with comment period.

D. Advisory Panel on Ambulatory Payment Classification Groups

1. Authority of the APC Panel

Section 1833(t)(9)(A) of the Act, as amended by section 201(h) of Public Law 106–113, and redesignated by section 202(a)(2) of Public Law 106–113, requires that we consult with an outside panel of experts to review the clinical integrity of the payment groups and their weights under the OPPS. The Act further specifies that the panel will act in an advisory capacity. The Advisory Panel on Ambulatory Payment Classification (APC) Groups (the APC Panel), discussed under section I.D.2. of this proposed rule, fulfills these requirements. The APC Panel is not restricted to using data compiled by CMS, and it may use data collected or developed by organizations outside the Department in conducting its review.

2. Establishment of the APC Panel

On November 21, 2000, the Secretary signed the initial charter establishing the APC Panel. This expert panel, which may be composed of up to 15 representatives of providers (currently employed full-time, not as consultants, in their respective areas of expertise) subject to the OPPS, reviews clinical data and advises CMS about the clinical integrity of the APC groups and their payment weights. The APC Panel is technical in nature, and it is governed by the provisions of the Federal Advisory Committee Act (FACA). Since its initial chartering, the Secretary has renewed the APC Panel's charter four times: on November 1, 2002; on November 1, 2004; on November 21, 2006; and on November 2, 2008. The current charter specifies, among other requirements, that: The APC Panel continues to be technical in nature; is governed by the provisions of the FACA; may convene up to three meetings per year; has a Designated Federal Officer (DFO); and is chaired by a Federal official designated by the Secretary.

The current APC Panel membership and other information pertaining to the APC Panel, including its charter, **Federal Register** notices, membership, meeting dates, agenda topics, and meeting reports, can be viewed on the CMS Web site at: *http://www.cms.hhs.gov/FACA/05_AdvisoryPanelonAmbulatoryPaymentClassificationGroups.asp#TopOfPage.*

3. APC Panel Meetings and Organizational Structure

The APC Panel first met on February 27 through March 1, 2001. Since the initial meeting, the APC Panel has held 15 meetings, with the last meeting taking place on February 18 and 19, 2009. Prior to each meeting, we publish a notice in the **Federal Register** to announce the meeting and, when necessary, to solicit nominations for APC Panel membership and to announce new members.

The APC Panel has established an operational structure that, in part, includes the use of three subcommittees to facilitate its required APC review process. The three current subcommittees are the Data Subcommittee, the Visits and Observation Subcommittee, and the Packaging Subcommittee. The Data Subcommittee is responsible for studying the data issues confronting the APC Panel and for recommending options for resolving them. The Visits and Observation Subcommittee reviews and makes recommendations to the APC Panel on all technical issues pertaining to observation services and hospital outpatient visits paid under the OPPS (for example, APC configurations and APC payment weights). The Packaging Subcommittee studies and makes recommendations on issues pertaining to services that are not separately payable under the OPPS, but whose payments are bundled or packaged into APC payments. Each of these subcommittees was established by a majority vote from the full APC Panel during a scheduled APC Panel meeting, and their continuation as subcommittees was last approved at the February 2009 APC Panel meeting. At that meeting, the APC Panel recommended that the work of these three subcommittees continue, and we accept those recommendations of the APC Panel. All subcommittee recommendations are discussed and voted upon by the full APC Panel.

Discussions of the other recommendations made by the APC Panel at the February 2009 meeting are included in the sections of this proposed rule that are specific to each recommendation. For discussions of earlier APC Panel meetings and recommendations, we refer readers to previously published hospital OPPS/ASC proposed and final rules, the CMS Web site mentioned earlier in this section, and the FACA database at *http://fido.gov/facadatabase/public.asp.*

E. Background and Summary of the CY 2010 OPPS/ASC Proposed Rule

In this proposed rule, we set forth proposed changes to the Medicare hospital OPPS for CY 2010 to implement statutory requirements and changes arising from our continuing experience with the system. In addition, we are setting forth proposed changes to the revised Medicare ASC payment system for CY2010, including proposed updated payment weights and covered surgical ancillary services based on the proposed OPPS update. Finally, we are setting forth proposed quality measures for the Hospital Outpatient Quality Data Reporting Program (HOP QDRP) for reporting quality data for annual payment rate updates for CY 2011 and subsequent calendar years, the requirements for data collection and submission for the annual payment update, and a proposed reduction in the OPPS payment for hospitals that fail to meet the HOP QDRP requirements for the CY 2010 payment update, in accordance with the statutory requirement. These changes would be effective for services furnished on or after January 1, 2010. The following is a summary of the major changes that we are proposing to make:

1. Proposed Updates Affecting OPPS Payments

In section II. of this proposed rule, we set forth—

- The methodology used to recalibrate the proposed APC relative payment weights.
- The proposed changes to packaged services.
- The proposed update to the conversion factor used to determine payment rates under the OPPS. In this section, we set forth proposed changes in the amounts and factors for calculating the full annual update increase to the conversion factor.
- The proposed retention of our current policy to use the IPPS wage indices to adjust, for geographic wage differences, the portion of the OPPS payment rate and the copayment standardized amount attributable to labor-related cost.
- The proposed update of statewide average default CCRs.
- The proposed application of hold harmless transitional outpatient payments (TOPs) for certain small rural hospitals.
- The proposed payment adjustment for rural SCHs.
- The proposed calculation of the hospital outpatient outlier payment.
- The calculation of the proposed national unadjusted Medicare OPPS payment.
- The proposed beneficiary copayments for OPPS services.

2. Proposed OPPS Ambulatory Payment Classification (APC) Group Policies

In section III. of this proposed rule, we discuss—

- The proposed additions of new HCPCS codes to APCs.
- Our proposals to establish a number of new APCs.
- Our analyses of Medicare claims data and certain recommendations of the APC Panel.
- The application of the 2 times rule and proposed exceptions to it.
- Proposed changes to specific APCs.
- Proposed movement of procedures from New Technology APCs to clinical APCs.

3. Proposed OPPS Payment for Devices

In section IV. of this proposed rule, we discuss proposed pass-through payment for specific categories of devices and the proposed adjustment for devices furnished at no cost or with partial or full credit.

4. Proposed OPPS Payment Changes for Drugs, Biologicals, and Radiopharmaceuticals

In section V. of this proposed rule, we discuss proposed CY 2010 OPPS payment for drugs, biologicals, and radiopharmaceuticals, including the proposed payment for drugs, biologicals, and radiopharmaceuticals with and without pass-through status.

5. Proposed Estimate of OPPS Transitional Pass-Through Spending for Drugs, Biologicals, Radiopharmaceuticals, and Devices

In section VI. of this proposed rule, we discuss the estimate of CY 2010 OPPS transitional pass-through spending for drugs, biologicals, and devices.

6. Proposed OPPS Payment for Brachytherapy Sources

In section VII. of this proposed rule, we discuss our proposal concerning payment for brachytherapy sources.

7. Proposed OPPS Payment for Drug Administration Services

In section VIII. of this proposed rule, we set forth our proposed policy concerning coding and payment for drug administration services.

8. Proposed OPPS Payment for Hospital Outpatient Visits

In section IX. of this proposed rule, we set forth our proposed policies for the payment of clinic and emergency department visits and critical care services based on claims data.

9. Proposed Payment for Partial Hospitalization Services

In section X. of this proposed rule, we set forth our proposed payment for partial hospitalization services, including the proposed separate threshold for outlier payments for CMHCs.

10. Proposed Procedures That Will Be Paid Only as Inpatient Procedures

In section XI. of this proposed rule, we discuss the procedures that we are proposing to remove from the inpatient list and assign to APCs for payment under the OPPS.

11. Proposed OPPS Nonrecurring Technical and Policy Changes and Clarifications

In section XII. of this proposed rule, we set forth our proposals regarding nonrecurring technical issues and provide policy clarifications.

12. Proposed OPPS Payment Status and Comment Indicators

In section XIII. of this proposed rule, we discuss our proposed changes to the definitions of status indicators assigned to APCs and present our proposed comment indicators for the final rule with comment period.

13. OPPS Policy and Payment Recommendations

In section XIV. of this proposed rule, We address recommendations made by the Medicare Payment Advisory Commission (MedPAC) in its March 2009 report to Congress, by the Office of Inspector General (OIG), and by the APC Panel regarding the OPPS for CY 2010.

14. Proposed Ambulatory Surgical Center (ASC) Payment System

In section XV. of this proposed rule, we discuss the proposed update of the revised ASC payment system covered surgical procedures and covered ancillary services and payment rates for CY 2010.

15. Reporting Quality Data for Annual Payment Rate Updates

In section XVI. of this proposed rule: We discuss the proposed quality measures for reporting hospital outpatient (HOP) quality data for the annual payment update factor for CY 2012 and subsequent calendar years; set forth the requirements for data collection and submission for the annual payment update; and propose a reduction in the OPPS payment for hospitals that fail to meet the HOP Quality Data Reporting Program (QDRP) requirements for CY 2010.

16. Healthcare-Associated Conditions

In section XVII. of this proposed rule, we discuss public responses to a December 2008 CMS public listening session addressing the potential extension of the principle of Medicare not paying more under the IPPS for the care of preventable hospital-acquired conditions experienced by a Medicare beneficiary during a hospital inpatient stay to medical care in other settings that are paid under other Medicare payment systems, including the OPPS, for those healthcare-associated conditions that occur or result from care in those other settings.

17. Regulatory Impact Analysis

In section XXI. of this proposed rule, we set forth an analysis of the impact the proposed changes would have on affected entities and beneficiaries.

II. Proposed Updates Affecting OPPS Payments

A. Proposed Recalibration of APC Relative Weights

1. Database Construction

a. Database Source and Methodology

Section 1833(t)(9)(A) of the Act requires that the Secretary review and revise the relative payment weights for APCs at least annually. In the April 7, 2000 OPPS final rule with comment period (65 FR 18482), we explained in detail how we calculated the relative payment weights that were implemented on August 1, 2000 for each APC group.

For CY 2010, we are proposing to use the same basic methodology that we described in the April 7, 2000 OPPS final rule with comment period to recalibrate the APC relative payment weights for services furnished on or after January 1, 2010, and before January 1, 2011 (CY 2010). That is, we are proposing to recalibrate the relative payment weights for each APC based on claims and cost report data for hospital outpatient department (HOPD) services. We are proposing to use the most recent available data to construct the database for calculating APC group weights. Therefore, for the purpose of recalibrating the proposed APC relative payment weights for CY 2010, we used approximately 130 million final action claims for hospital outpatient department services furnished on or after January 1, 2008, and before January 1, 2009. (For exact counts of claims used, we refer readers to the claims accounting narrative under supporting documentation for this proposed rule on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/HORD/*.)

Of the 130 million final action claims for services provided in hospital outpatient settings used to calculate the CY 2010 OPPS payment rates for this proposed rule, approximately 100 million claims were the type of bill potentially appropriate for use in setting rates for OPPS services (but did not necessarily contain services payable under the OPPS). Of the 100 million claims, approximately 46 million claims were not for services paid under the OPPS or were excluded as not appropriate for use (for example, erroneous cost-to-charge ratios (CCRs) or no HCPCS codes reported on the claim). From the remaining 54 million claims, we created approximately 91 million single records, of which approximately 61 million were ''pseudo'' single or ''single session'' claims (created from 24 million multiple procedure claims using the process we discuss later in this section). Approximately 622,000 claims were trimmed out on cost or units in excess of +/− 3 standard deviations from the geometric mean, yielding approximately 90 million single bills for median setting. As described in section II.A.2. of this proposed rule, our data development process is designed with the goal of using appropriate cost information in setting the APC relative weights. The bypass process described in section II.A.1.b. of this proposed rule discusses how we develop ''pseudo'' single claims, with the intention of using more appropriate data from the available claims. In some cases, the bypass process allows us to use some portion of the submitted claim for cost estimation purposes, while the remaining information on the claim continues to be unusable. Consistent with the goal of using appropriate information in our data development process, we only use claims (or portions of each claim) that are appropriate for ratesetting purposes. Ultimately, we were able to use for CY 2010 ratesetting some portion of 95 percent of the CY 2008 claims containing services payable under the OPPS.

The proposed APC relative weights and payments for CY 2010 in Addenda A and B to this proposed rule were calculated using claims from CY 2008 that were processed before January 1, 2009, and continue to be based on the median hospital costs for services in the APC groups. We selected claims for services paid under the OPPS and matched these claims to the most recent cost report filed by the individual hospitals represented in our claims data. We continue to believe that it is appropriate to use the most current full calendar year claims data and the most recently submitted cost reports to calculate the median costs which we are proposing to convert to relative payment weights for purposes of calculating the CY 2010 payment rates.

b. Proposed Use of Single and Multiple Procedure Claims

For CY 2010, in general, we are proposing to continue to use single procedure claims to set the medians on which the APC relative payment weights would be based, with some exceptions as discussed below in this section. We generally use single procedure claims to set the median costs for APCs because we believe that the OPPS relative weights on which payment rates are based should be derived from the costs of furnishing one procedure and because, in many circumstances, we are unable to ensure that packaged costs can be appropriately allocated across multiple procedures performed on the same date of service.

We agree that, optimally, it is desirable to use the data from as many claims as possible to recalibrate the APC relative payment weights, including those claims for multiple procedures. As we have for several years, we continued to use date of service stratification and a list of codes to be bypassed to convert multiple procedure claims to ''pseudo'' single procedure claims. Through bypassing specified codes that we believe do not have significant packaged costs, we are able to use more data from multiple procedure claims. In many cases, this enables us to create multiple ''pseudo'' single claims from claims that were submitted as multiple procedure claims that contained numerous separately paid procedures reported on the same date on one claim. We refer to these newly created single procedure claims as ''pseudo'' single claims. The history of our use of a bypass list to generate ''pseudo'' single claims is well documented, most recently in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68512 through

68519). In addition, for CY 2008, we increased packaging and created the first composite APCs. This also increased the number of bills that we were able to use for median calculation by enabling us to use claims that contained multiple major procedures that previously would not have been usable. Further, for CY 2009, we expanded the composite APC model to one additional clinical area, multiple imaging services (73 FR 68559 through 68569). We refer readers to section II.A.2.e. of this proposed rule for discussion of the use of claims to establish median costs for composite APCs.

We are proposing to continue to apply these processes to enable us to use as much claims data as possible for ratesetting for the CY 2010 OPPS. This process enabled us to create, for this proposed rule, approximately 61 million ''pseudo'' single claims, including multiple imaging composite ''single session'' bills (we refer readers to section II.A.2.e.(5) of this proposed rule for further discussion), to add to the approximately 30 million ''natural'' single bills. For this proposed rule, ''pseudo'' single and ''single session'' procedure bills represent 67 percent of all single bills used to calculate median costs.

For CY 2010, we are proposing to bypass 438 HCPCS codes for CY 2010 that are identified in Table 1 of this proposed rule. Since the inception of the bypass list, we have calculated the percent of ''natural'' single bills that contained packaging for each HCPCS code and the amount of packaging in each ''natural'' single bill for each code. We have generally retained the codes on the previous year's bypass list and used the update year's data (for CY 2010, data available for the February 2009 APC Panel meeting from CY 2008 claims processed through September 30, 2008) to determine whether it would be appropriate to propose to add additional codes to the previous year's bypass list. For CY 2010, we are proposing to continue to bypass all of the HCPCS codes on the CY 2009 OPPS bypass list. We also are proposing to add to the bypass list for CY 2010 all HCPCS codes not on the CY 2009 bypass list that, using both CY 2009 final rule and February 2009 APC Panel data, meet the same previously established empirical criteria for the bypass list that are summarized below. The entire list proposed for CY 2010 (including the codes that remain on the bypass list from prior years) is open to public comment. We assume that the representation of packaging in the ''natural'' single claims for any given code is comparable to packaging for that code in the multiple claims. The proposed criteria for the bypass list are:

- There are 100 or more ''natural'' single claims for the code. This number of single claims ensures that observed outcomes are sufficiently representative of packaging that might occur in the multiple claims.
- Five percent or fewer of the ''natural'' single claims for the code have packaged costs on that single claim for the code. This criterion results in limiting the amount of packaging being redistributed to the separately payable procedure remaining on the claim after the bypass code is removed and ensures that the costs associated with the bypass code represent the cost of the bypassed service.
- The median cost of packaging observed in the ''natural'' single claims is equal to or less than $50. This limits the amount of error in redistributed costs.
- The code is not a code for an unlisted service.

In addition, we are proposing to continue to include on the bypass list HCPCS codes that CMS medical advisors believe have minimal associated packaging based on their clinical assessment of the complete CY 2010 OPPS proposal. Some of these codes were identified by CMS medical advisors and some were identified in prior years by commenters with specialized knowledge of the services that they requested be added to the bypass list. We also are proposing to continue to include on the bypass list certain HCPCS codes in order to purposefully direct the assignment of packaged costs where codes always appear together and there would otherwise be few single claims available for ratesetting. For example, we have previously discussed our reasoning for adding HCPCS code G0390 (Trauma response team associate with hospital critical care service) and the CPT codes for additional hours of drug administration to the bypass list (73 FR 68513 and 71 FR 68117 through 68118).

As a result of the multiple imaging composite APCs that we established in CY 2009, we note that the program logic for creating ''pseudo'' singles from bypassed codes that are also members of multiple imaging composite APCs changed. When creating the set of ''pseudo'' single claims, claims that contain ''overlap bypass codes,'' that is, those HCPCS codes that are both on the bypass list and are members of the multiple imaging composite APCs, were identified first. These HCPCS codes were then processed to create multiple imaging composite ''single session'' bills, that is, claims containing HCPCS codes from only one imaging family, thus suppressing the initial use of these codes as bypass codes. However, these ''overlap bypass codes'' were retained on the bypass list because, at the end of the ''pseudo'' single processing logic, we reassessed the claims without suppression of the ''overlap bypass codes'' under our longstanding ''pseudo'' single process to determine whether we could convert additional claims to ''pseudo'' single claims. (We refer readers to section II.A.2.b. of this proposed rule for further discussion of the treatment of ''overlap bypass codes.'') This process also created multiple imaging composite ''single session'' bills that could be used for calculating composite APC median costs. ''Overlap bypass codes'' that are members of the proposed multiple imaging composite APCs are identified by asterisks (*) in Table 1 below.

At the February 2009 APC Panel Meeting, the APC Panel recommended that CMS place CPT code 76098 (Radiological examination, surgical specimen) on the bypass list and reassign the code to APC 0260 (Level I Plain Film Except Teeth) in response to a public presentation requesting that CMS makes these changes. Although CPT code 76098 would not be eligible for addition to the bypass list because the frequency and magnitude of packaged costs in its ''natural'' single claims exceed the empirical criteria, the presenter suggested that the ''natural'' single claims represented aberrant billing with inappropriate packaged services and pointed out that the packaged services support the surgical procedures that commonly are also reported on claims for CPT code 76098. The presenter suggested that bypassing CPT code 76098 would properly allocate packaged costs to surgical procedures on these claims, and would increase the number of single claims available for ratesetting for both CPT code 76098 and the associated surgical breast procedures. The APC Panel indicated that the issues raised by the presenter appeared to be consistent with clinical practice and subsequently made the recommendation to bypass CPT code 76098 and reassign the code to APC 0260 based on its revised cost.

Based on the APC Panel's specific recommendation for CPT code 76098, we studied the billing patterns for the code in the ''natural'' single and multiple major claims in the CY 2008 claims data available for the February 2009 APC Panel. The presenter asserted that CPT code 76098 is commonly billed with surgical breast procedures and our claims data from the multiple procedure

claims confirm this observation. However, as noted above, there are also a significant number of ''natural'' single bills in those data (1,303), and these ''natural'' single claims include packaged services, such as CPT code 19290 (Preoperative placement of needle localization wire, breast) and CPT 77032 code (Mammographic guidance for needle placement, breast (e.g., for wire localization or for injection), each lesion, radiological supervision and interpretation). We have received anecdotal information that hospitals may place guidance wires prior to surgery in the hospital's radiology department and then examine the surgical specimen in the radiology department after its surgical removal. This information, along with the number of observed ''natural'' single claims, suggests that the packaged costs might appropriately be associated with the radiological examination of the breast specimen. Although bypassing CPT code 76098 would allow for the creation of more ''pseudo'' single claims for ratesetting, it would also require the assumption that all packaging on the claim would be correctly assigned to the remaining major procedure where it exists and that on ''natural'' single bills no packaging would be appropriately associated with CPT code 76098. Given the number of ''natural'' single bills for CPT code 76098 and the significant packaged costs on these claims, we are not confident that placement on the bypass list is appropriate.

While we are not proposing to place CPT code 76098 on the bypass list, and we want to continue to provide separate payment for this procedure when appropriate, we do believe that CPT code 76098 is generally ancillary and supportive to surgical breast procedures. In CY 2008 we established a group of conditionally packaged codes, called ''T-packaged codes,'' whose payment is packaged when one or more separately paid surgical procedures with status indicator ''T'' are provided during a hospital encounter. In order to provide separate payment for CPT code 76098 when not provided with a separately payable surgical procedure, and also to recognize its ancillary and supportive nature when it accompanies separately payable procedures, we are proposing to conditionally package CPT code 76098 as a ''T-packaged code'' for CY 2010, identified with status indicator ''Q2'' in Addendum B to this proposed rule. As a ''T-packaged code,'' CPT code 76098 would receive separate payment except where it appears with a surgical procedure, in which case its payment would be packaged. Designating CPT 76098 in this way allows the separate payment to appropriately account for the packaged costs that appear on the code's ''natural'' single bills, while also allowing us to use more multiple procedure claims that include both a surgical procedure and CPT code 76098 to set the payment rates for the related surgical procedures. The code-specific median cost of CPT code 76098 is approximately $346, consistent with its CY 2009 assignment to APC 0317 (Level II Miscellaneous Radiology Procedures) which has an APC median cost of approximately $339. In contrast, the median cost of APC 0260, the APC reassignment recommended by the APC Panel, is much lower at approximately $46. Therefore, we are not accepting the APC Panel's recommendation to reassign CPT code 76098. Instead, we are proposing to continue its assignment to APC 0317 for CY 2010 in those cases where CPT code 76098 is separately paid.

Table 1 includes the proposed list of bypass codes for CY 2010. This list contains bypass codes that are appropriate to claims for services in CY 2008 and, therefore, includes codes that were deleted for CY 2009. We retain these deleted bypass codes on the bypass list because these codes existed in CY 2008, the year of our claims data. Using these deleted bypass codes for bypass purposes allows us to potentially create more ''pseudo'' single claims for ratesetting purposes. ''Overlap bypass codes'' that are members of the proposed multiple imaging composite APCs are identified by asterisks (*) in Table 1 below.

BILLING CODE 4120–01–P

TABLE 1.—PROPOSED CY 2010 BYPASS CODES FOR CREATING "PSEUDO" SINGLE CLAIMS FOR CALCULATING MEDIAN COSTS

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
11056	Trim skin lesions, 2 to 4	
11057	Trim skin lesions, over 4	
11300	Shave skin lesion	
11301	Shave skin lesion	
11719	Trim nail(s)	
11720	Debride nail, 1-5	
11721	Debride nail, 6 or more	
11954	Therapy for contour defects	
17000	Destruct premalg lesion	
17003	Destruct premalg les, 2-14	
29220	Strapping of low back	
31231	Nasal endoscopy, dx	
31579	Diagnostic laryngoscopy	
51798	Us urine capacity measure	
53661	Dilation of urethra	
54240	Penis study	
56820	Exam of vulva w/scope	
57150	Treat vagina infection	
57452	Exam of cervix w/scope	
67820	Revise eyelashes	
69210	Remove impacted ear wax	
69220	Clean out mastoid cavity	
70030	X-ray eye for foreign body	
70100	X-ray exam of jaw	
70110	X-ray exam of jaw	
70120	X-ray exam of mastoids	
70130	X-ray exam of mastoids	
70140	X-ray exam of facial bones	
70150	X-ray exam of facial bones	
70160	X-ray exam of nasal bones	
70200	X-ray exam of eye sockets	
70210	X-ray exam of sinuses	
70220	X-ray exam of sinuses	
70250	X-ray exam of skull	
70260	X-ray exam of skull	
70328	X-ray exam of jaw joint	
70330	X-ray exam of jaw joints	

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
70336	Magnetic image, jaw joint	*
70355	Panoramic x-ray of jaws	
70360	X-ray exam of neck	
70370	Throat x-ray & fluoroscopy	
70371	Speech evaluation, complex	
70450	Ct head/brain w/o dye	*
70480	Ct orbit/ear/fossa w/o dye	*
70486	Ct maxillofacial w/o dye	*
70490	Ct soft tissue neck w/o dye	*
70544	Mr angiography head w/o dye	*
70551	Mri brain w/o dye	*
71010	Chest x-ray	
71015	Chest x-ray	
71020	Chest x-ray	
71021	Chest x-ray	
71022	Chest x-ray	
71023	Chest x-ray and fluoroscopy	
71030	Chest x-ray	
71034	Chest x-ray and fluoroscopy	
71035	Chest x-ray	
71100	X-ray exam of ribs	
71101	X-ray exam of ribs/chest	
71110	X-ray exam of ribs	
71111	X-ray exam of ribs/chest	
71120	X-ray exam of breastbone	
71130	X-ray exam of breastbone	
71250	Ct thorax w/o dye	*
72010	X-ray exam of spine	
72020	X-ray exam of spine	
72040	X-ray exam of neck spine	
72050	X-ray exam of neck spine	
72052	X-ray exam of neck spine	
72069	X-ray exam of trunk spine	
72070	X-ray exam of thoracic spine	
72072	X-ray exam of thoracic spine	
72074	X-ray exam of thoracic spine	
72080	X-ray exam of trunk spine	
72090	X-ray exam of trunk spine	
72100	X-ray exam of lower spine	
72110	X-ray exam of lower spine	

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
72114	X-ray exam of lower spine	
72120	X-ray exam of lower spine	
72125	Ct neck spine w/o dye	*
72128	Ct chest spine w/o dye	*
72131	Ct lumbar spine w/o dye	*
72141	Mri neck spine w/o dye	*
72146	Mri chest spine w/o dye	*
72148	Mri lumbar spine w/o dye	*
72170	X-ray exam of pelvis	
72190	X-ray exam of pelvis	
72192	Ct pelvis w/o dye	*
72202	X-ray exam sacroiliac joints	
72220	X-ray exam of tailbone	
73000	X-ray exam of collar bone	
73010	X-ray exam of shoulder blade	
73020	X-ray exam of shoulder	
73030	X-ray exam of shoulder	
73050	X-ray exam of shoulders	
73060	X-ray exam of humerus	
73070	X-ray exam of elbow	
73080	X-ray exam of elbow	
73090	X-ray exam of forearm	
73100	X-ray exam of wrist	
73110	X-ray exam of wrist	
73120	X-ray exam of hand	
73130	X-ray exam of hand	
73140	X-ray exam of finger(s)	
73200	Ct upper extremity w/o dye	*
73218	Mri upper extremity w/o dye	*
73221	Mri joint upr extrem w/o dye	*
73510	X-ray exam of hip	
73520	X-ray exam of hips	
73540	X-ray exam of pelvis & hips	
73550	X-ray exam of thigh	
73560	X-ray exam of knee, 1 or 2	
73562	X-ray exam of knee, 3	
73564	X-ray exam, knee, 4 or more	
73565	X-ray exam of knees	
73590	X-ray exam of lower leg	
73600	X-ray exam of ankle	

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
73610	X-ray exam of ankle	
73620	X-ray exam of foot	
73630	X-ray exam of foot	
73650	X-ray exam of heel	
73660	X-ray exam of toe(s)	
73700	Ct lower extremity w/o dye	*
73718	Mri lower extremity w/o dye	*
73721	Mri jnt of lwr extre w/o dye	*
74000	X-ray exam of abdomen	
74010	X-ray exam of abdomen	
74020	X-ray exam of abdomen	
74022	X-ray exam series, abdomen	
74150	Ct abdomen w/o dye	*
74210	Contrst x-ray exam of throat	
74220	Contrast x-ray, esophagus	
74230	Cine/vid x-ray, throat/esoph	
74246	Contrst x-ray uppr gi tract	
74247	Contrst x-ray uppr gi tract	
74249	Contrst x-ray uppr gi tract	
76100	X-ray exam of body section	
76120	Cine/video x-rays	
76510	Ophth us, b & quant a	
76511	Ophth us, quant a only	
76512	Ophth us, b w/non-quant a	
76513	Echo exam of eye, water bath	
76514	Echo exam of eye, thickness	
76516	Echo exam of eye	
76519	Echo exam of eye	
76536	Us exam of head and neck	
76645	Us exam, breast(s)	
76700	Us exam, abdom, complete	*
76705	Echo exam of abdomen	*
76770	Us exam abdo back wall, comp	*
76775	Us exam abdo back wall, lim	*
76776	Us exam k transpl w/doppler	*
76801	Ob us < 14 wks, single fetus	
76805	Ob us >/= 14 wks, sngl fetus	
76811	Ob us, detailed, sngl fetus	
76813	Ob us nuchal meas, 1 gest	
76816	Ob us, follow-up, per fetus	

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
76817	Transvaginal us, obstetric	
76830	Transvaginal us, non-ob	
76856	Us exam, pelvic, complete	*
76857	Us exam, pelvic, limited	*
76870	Us exam, scrotum	*
76880	Us exam, extremity	
76970	Ultrasound exam follow-up	
76977	Us bone density measure	
76999	Echo examination procedure	
77072	X-rays for bone age	
77073	X-rays, bone length studies	
77074	X-rays, bone survey, limited	
77075	X-rays, bone survey complete	
77076	X-rays, bone survey, infant	
77077	Joint survey, single view	
77078	Ct bone density, axial	
77079	Ct bone density, peripheral	
77080	Dxa bone density, axial	
77081	Dxa bone density/peripheral	
77082	Dxa bone density, vert fx	
77083	Radiographic absorptiometry	
77084	Magnetic image, bone marrow	
77300	Radiation therapy dose plan	
77301	Radiotherapy dose plan, imrt	
77315	Teletx isodose plan complex	
77331	Special radiation dosimetry	
77336	Radiation physics consult	
77370	Radiation physics consult	
77401	Radiation treatment delivery	
80500	Lab pathology consultation	
80502	Lab pathology consultation	
85097	Bone marrow interpretation	
86510	Histoplasmosis skin test	
86850	RBC antibody screen	
86870	RBC antibody identification	
86880	Coombs test, direct	
86885	Coombs test, indirect, qual	
86886	Coombs test, indirect, titer	
86890	Autologous blood process	
86900	Blood typing, ABO	

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
86901	Blood typing, Rh (D)	
86903	Blood typing, antigen screen	
86904	Blood typing, patient serum	
86905	Blood typing, RBC antigens	
86906	Blood typing, Rh phenotype	
86930	Frozen blood prep	
86970	RBC pretreatment	
86977	RBC pretreatment, serum	
88104	Cytopath fl nongyn, smears	
88106	Cytopath fl nongyn, filter	
88107	Cytopath fl nongyn, sm/fltr	
88108	Cytopath, concentrate tech	
88112	Cytopath, cell enhance tech	
88160	Cytopath smear, other source	
88161	Cytopath smear, other source	
88162	Cytopath smear, other source	
88172	Cytopathology eval of fna	
88173	Cytopath eval, fna, report	
88182	Cell marker study	
88184	Flowcytometry/ tc, 1 marker	
88185	Flowcytometry/tc, add-on	
88300	Surgical path, gross	
88302	Tissue exam by pathologist	
88304	Tissue exam by pathologist	
88305	Tissue exam by pathologist	
88307	Tissue exam by pathologist	
88311	Decalcify tissue	
88312	Special stains	
88313	Special stains	
88314	Histochemical stain	
88321	Microslide consultation	
88323	Microslide consultation	
88325	Comprehensive review of data	
88331	Path consult intraop, 1 bloc	
88342	Immunohistochemistry	
88346	Immunofluorescent study	
88347	Immunofluorescent study	
88348	Electron microscopy	
88358	Analysis, tumor	
88360	Tumor immunohistochem/manual	

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
88361	Tumor immunohistochem/comput	
88365	Insitu hybridization (fish)	
88367	Insitu hybridization, auto	
88368	Insitu hybridization, manual	
88399	Surgical pathology procedure	
89049	Chct for mal hyperthermia	
89230	Collect sweat for test	
89240	Pathology lab procedure	
90472	Immunization admin, each add	
90474	Immune admin oral/nasal addl	
90761	Hydrate iv infusion, add-on	
90766	Ther/proph/dg iv inf, add-on	
90767	Tx/proph/dg addl seq iv inf	
90770	Sc ther infusion, addl hr	
90771	Sc ther infusion, reset pump	
90775	Tx/pro/dx inj new drug addon	
90801	Psy dx interview	
90802	Intac psy dx interview	
90804	Psytx, office, 20-30 min	
90805	Psytx, off, 20-30 min w/e&m	
90806	Psytx, off, 45-50 min	
90807	Psytx, off, 45-50 min w/e&m	
90808	Psytx, office, 75-80 min	
90809	Psytx, off, 75-80, w/e&m	
90810	Intac psytx, off, 20-30 min	
90811	Intac psytx, 20-30, w/e&m	
90812	Intac psytx, off, 45-50 min	
90816	Psytx, hosp, 20-30 min	
90818	Psytx, hosp, 45-50 min	
90826	Intac psytx, hosp, 45-50 min	
90845	Psychoanalysis	
90846	Family psytx w/o patient	
90847	Family psytx w/patient	
90853	Group psychotherapy	
90857	Intac group psytx	
90862	Medication management	
90899	Psychiatric service/therapy	
92002	Eye exam, new patient	
92004	Eye exam, new patient	
92012	Eye exam established pat	

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
92014	Eye exam & treatment	
92020	Special eye evaluation	
92025	Corneal topography	
92081	Visual field examination(s)	
92082	Visual field examination(s)	
92083	Visual field examination(s)	
92135	Ophth dx imaging post seg	
92136	Ophthalmic biometry	
92225	Special eye exam, initial	
92226	Special eye exam, subsequent	
92230	Eye exam with photos	
92240	Icg angiography	
92250	Eye exam with photos	
92275	Electroretinography	
92285	Eye photography	
92286	Internal eye photography	
92520	Laryngeal function studies	
92541	Spontaneous nystagmus test	
92546	Sinusoidal rotational test	
92548	Posturography	
92552	Pure tone audiometry, air	
92553	Audiometry, air & bone	
92555	Speech threshold audiometry	
92556	Speech audiometry, complete	
92557	Comprehensive hearing test	
92567	Tympanometry	
92582	Conditioning play audiometry	
92585	Auditor evoke potent, compre	
92603	Cochlear implt f/up exam 7 >	
92604	Reprogram cochlear implt 7 >	
92626	Eval aud rehab status	
92700	Ent procedure/service	
93005	Electrocardiogram, tracing	
93017	Cardiovascular stress test	
93225	ECG monitor/record, 24 hrs	
93226	ECG monitor/report, 24 hrs	
93231	Ecg monitor/record, 24 hrs	
93232	ECG monitor/report, 24 hrs	
93236	ECG monitor/report, 24 hrs	
93270	ECG recording	

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
93271	Ecg/monitoring and analysis	
93278	ECG/signal-averaged	
93727	Analyze ilr system	
93731	Analyze pacemaker system	
93732	Analyze pacemaker system	
93733	Telephone analy, pacemaker	
93734	Analyze pacemaker system	
93735	Analyze pacemaker system	
93736	Telephonic analy, pacemaker	
93741	Analyze ht pace device sngl	
93742	Analyze ht pace device sngl	
93743	Analyze ht pace device dual	
93744	Analyze ht pace device dual	
93786	Ambulatory BP recording	
93788	Ambulatory BP analysis	
93797	Cardiac rehab	
93798	Cardiac rehab/monitor	
93875	Extracranial study	
93880	Extracranial study	
93882	Extracranial study	
93886	Intracranial study	
93888	Intracranial study	
93922	Extremity study	
93923	Extremity study	
93924	Extremity study	
93925	Lower extremity study	
93926	Lower extremity study	
93930	Upper extremity study	
93931	Upper extremity study	
93965	Extremity study	
93970	Extremity study	
93971	Extremity study	
93975	Vascular study	
93976	Vascular study	
93978	Vascular study	
93979	Vascular study	
93990	Doppler flow testing	
94015	Patient recorded spirometry	
94660	Pos airway pressure, CPAP	
94690	Exhaled air analysis	

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
95115	Immunotherapy, one injection	
95117	Immunotherapy injections	
95165	Antigen therapy services	
95250	Glucose monitoring, cont	
95805	Multiple sleep latency test	
95806	Sleep study, unattended	
95807	Sleep study, attended	
95808	Polysomnography, 1-3	
95812	Eeg, 41-60 minutes	
95813	Eeg, over 1 hour	
95816	Eeg, awake and drowsy	
95819	Eeg, awake and asleep	
95822	Eeg, coma or sleep only	
95869	Muscle test, thor paraspinal	
95872	Muscle test, one fiber	
95900	Motor nerve conduction test	
95921	Autonomic nerv function test	
95925	Somatosensory testing	
95926	Somatosensory testing	
95930	Visual evoked potential test	
95950	Ambulatory eeg monitoring	
95953	EEG monitoring/computer	
95970	Analyze neurostim, no prog	
95971	Analyze neurostim, simple	
95972	Analyze neurostim, complex	
95974	Cranial neurostim, complex	
95978	Analyze neurostim brain/1h	
96000	Motion analysis, video/3d	
96101	Psycho testing by psych/phys	
96111	Developmental test, extend	
96116	Neurobehavioral status exam	
96118	Neuropsych tst by psych/phys	
96119	Neuropsych testing by tec	
96150	Assess hlth/behave, init	
96151	Assess hlth/behave, subseq	
96152	Intervene hlth/behave, indiv	
96153	Intervene hlth/behave, group	
96402	Chemo hormon antineopl sq/im	
96411	Chemo, iv push, addl drug	
96415	Chemo, iv infusion, addl hr	

CY 2009 HCPCS Code	CY 2009 Short Descriptor	"Overlap Bypass Codes"
96417	Chemo iv infus each addl seq	
96423	Chemo ia infuse each addl hr	
96900	Ultraviolet light therapy	
96910	Photochemotherapy with UV-B	
96912	Photochemotherapy with UV-A	
96913	Photochemotherapy, UV-A or B	
96920	Laser tx, skin < 250 sq cm	
98925	Osteopathic manipulation	
98926	Osteopathic manipulation	
98927	Osteopathic manipulation	
98940	Chiropractic manipulation	
98941	Chiropractic manipulation	
98942	Chiropractic manipulation	
99204	Office/outpatient visit, new	
99212	Office/outpatient visit, est	
99213	Office/outpatient visit, est	
99214	Office/outpatient visit, est	
99241	Office consultation	
99242	Office consultation	
99243	Office consultation	
99244	Office consultation	
99245	Office consultation	
99406	Behav chng smoking 3-10 min	
99407	Behav chng smoking > 10 min	
0144T	CT heart wo dye; qual calc	
G0008	Admin influenza virus vac	
G0101	CA screen;pelvic/breast exam	
G0127	Trim nail(s)	
G0130	Single energy x-ray study	
G0166	Extrnl counterpulse, per tx	
G0175	OPPS Service,sched team conf	
G0249	Provide INR test mater/equip	
G0340	Robt lin-radsurg fractx 2-5	
G0344	Initial preventive exam	
G0365	Vessel mapping hemo access	
G0367	EKG tracing for initial prev	
G0376	Smoke/tobacco counseling >10	
G0389	Ultrasound exam AAA screen	
G0390	Trauma Respons w/hosp criti	
M0064	Visit for drug monitoring	
Q0091	Obtaining screen pap smear	

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c. Proposed Calculation of CCRs

(1) Development of the CCRs

We calculated hospital-specific overall ancillary CCRs and hospital-specific departmental CCRs for each hospital for which we had CY 2008 claims data from the most recent available hospital cost reports, in most cases, cost reports beginning in CY 2007. For the CY 2010 OPPS proposed rates, we used the set of claims processed during CY 2008. We applied the hospital-specific CCR to the hospital's charges at the most detailed level possible, based on a revenue code-to-cost center crosswalk that contains a hierarchy of CCRs used to estimate costs from charges for each revenue code. That crosswalk is available for review

and continuous comment on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/03_crosswalk.asp#TopOfPage*. We calculated CCRs for the standard and nonstandard cost centers accepted by the electronic cost report database. In general, the most detailed level at which we calculated CCRs was the hospital-specific departmental level. For a discussion of the hospital-specific overall ancillary CCR calculation, we refer readers to the CY 2007 OPPS/ASC final rule with comment period (71 FR 67983 through 67985).

For CY 2010, we are proposing to continue using the hospital-specific overall ancillary and departmental CCRs to convert charges on the claims reported under specific revenue codes to estimated costs through application of a revenue code-to-cost center crosswalk.

(2) Charge Compression

Since the implementation of the OPPS, some commenters have raised concerns about potential bias in the OPPS cost-based weights due to ''charge compression,'' which is the practice of applying a lower charge markup to higher-cost services and a higher charge markup to lower-cost services. We discuss our CCR calculation in section II.A.1.c. of this proposed rule and how we use these CCRs to estimate cost on hospital outpatient claims in detail in section II.A.2.a. of this proposed rule. As a result, the cost-based weights incorporate aggregation bias, undervaluing high cost items and overvaluing low cost items when an estimate of average markup, embodied in a single CCR, is applied to items of widely varying costs in the same cost center. Commenters expressed increased concern about the impact of charge compression when CMS began setting the relative weights for payment under the IPPS based on the costs of inpatient hospital services, rather than the charges for the services.

To explore this issue, in August 2006 we awarded a contract to RTI International (RTI) to study the effects of charge compression in calculating the IPPS relative weights, particularly with regard to the impact on inpatient diagnosis-related group (DRG) payments, and to consider methods to capture better the variation in cost and charges for individual services when calculating costs for the IPPS relative weights across services in the same cost center. Of specific note was RTI's analysis of a regression-based methodology estimating an average adjustment for CCR by type of revenue code from an observed relationship between provider cost center CCRs and proportional billing of high and low cost services in the revenue codes associated with the cost center in the claims data. RTI issued a report in March 2007 with its findings on charge compression. The report is available on the CMS Web site at: *http://www.cms.hhs.gov/reports/downloads/Dalton.pdf*. Although this report was focused largely on charge compression in the context of the IPPS cost-based relative weights, several of the findings were relevant to the OPPS. Therefore, we discussed the findings and our responses to that report in the CY 2008 OPPS/ASC proposed rule (72 FR 42641 through 42643) and reiterated them in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66599 through 66602).

RTI noted in its 2007 report that its research was limited to IPPS DRG cost-based weights and that it did not examine potential areas of charge compression specific to hospital outpatient services. We were concerned that the analysis was too limited in scope because typically hospital cost report CCRs encompass both inpatient and outpatient services for each cost center. Further, because both the IPPS and OPPS rely on cost-based weights, we preferred to introduce any methodological adjustments to both payment systems at the same time. We believe that because charge compression affects the cost estimates for services paid under both IPPS and OPPS in the same way, it is appropriate that we would use the same or, at least, similar approaches to address the issue. Finally, we noted that we wished to assess the educational activities being undertaken by the hospital community to improve cost reporting accuracy in response to RTI's findings, either as an adjunct to or in lieu of regression-based adjustments to CCRs.

We expanded RTI's analysis of charge compression to incorporate outpatient services. In August 2007, we again contracted with RTI. Under this contract, we asked RTI to evaluate the cost estimation process for the OPPS relative weights. This research included a reassessment of the regression-based CCR models using hospital outpatient and inpatient charge data, as well as a detailed review of the OPPS revenue code-to-cost center crosswalk and the OPPS' hospital-specific CCR methodology. In evaluating cost-based estimation, in general, the results of RTI's analyses impact both the OPPS APC relative weights and the IPPS MS–DRG (Medicare-Severity) relative weights. The RTI final report can be found on RTI's Web site at: *http://www.rti.org/reports/cms/HHSM-500-2005-0029I/PDF/Refining_Cost_to_Charge_Ratios_200807_Final.pdf*. For a complete discussion of the RTI recommendations, public comments, and our responses, we refer readers to the CY 2009 OPPS/ASC final rule with comment period (73 FR 68519 through 68527).

In the FY 2009 IPPS final rule, we finalized our proposal for both the OPPS and IPPS to add one cost center to the cost report so that, in general, the costs and charges for relatively inexpensive medical supplies would be reported separately from the costs and charges for more expensive implantable devices (such as pacemakers and other implantable devices). Specifically, we said that we would create one cost center for ''Medical Supplies Charged to Patients'' and one cost center ''Implantable Devices Charged to Patients.'' This change ultimately will split the current CCR for Medical Supplies and Equipment into one CCR for medical supplies and another CCR for implantable devices. In response to the majority of commenters on the proposal set forth in the FY 2009 IPPS proposed rule, we finalized a definition of the Implantable Devices Charged to Patients cost center as capturing the costs and charges billed with the following UB–04 revenue codes: 0275 (Pacemaker), 0276 (Intraocular lens), 0278 (Other implants), and 0624 (FDA investigational devices). This change to the cost report form will be made and will be reflected in cost reports for cost reporting periods beginning in the spring of 2009. Because there is generally a 3-year lag between the availability of cost report data for IPPS and OPPS ratesetting purposes in a given calendar year, we believe we will be able to use data from the revised cost report form to estimate costs from charges associated with UB–04 revenue codes 0275, 0276, 0278, and 0624 for implantable devices in order to more accurately estimate the costs of device-related procedures for the CY 2013 OPPS relative weights. For a complete discussion of the proposal, public comments, and our responses, we refer readers to the FY2009 IPPS final rule (73 FR 48458 through 48467).

For the CY 2009 OPPS/ASC proposed rule, we made a similar proposal for drugs, proposing to split the Drugs Charged to Patients cost center into two cost centers: One for drugs with high pharmacy overhead costs and one for drugs with low pharmacy overhead costs (73 FR 41492). We noted that we expected that CCRs from the proposed new cost centers would be available in 2 to 3 years to refine OPPS drug cost

estimates by accounting for differential hospital markup practices for drugs with high and low pharmacy overhead costs. However, after consideration of the public comments received and the APC Panel recommendations, we did not finalize our proposal to split the single standard Drugs Charged to Patients cost center into two cost centers, and instead indicated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68659) that we would continue to explore other potential approaches to improve our drug cost estimation methodology. Unlike implantable devices, we do not currently have a policy to address charge compression in our cost estimation for expensive drugs and biologicals. In section V.B.3.of this proposed rule, we are proposing an adjustment to our cost estimation methodology for drugs and biologicals in CY 2010 to address charge compression by proposing to shift a portion of the pharmacy overhead cost associated with packaged drugs and biologicals from those packaged drugs and biologicals to separately payable drugs and biologicals; proposing payment for separately payable drugs and biologicals at ASP +4 percent; and proposing a proportional reduction in the total amount of pharmacy overhead cost associated with packaged drugs and biologicals prior to our estimating the total resource costs of individual OPPS services.

Finally, in the CY 2009 OPPS/ASC final rule with comment period, we indicated that we would be making some OPPS-specific changes in response to the RTI report recommendations. With regard to modifying the cost reporting preparation software in order to impose fixed descriptions for nonstandard cost centers, we indicated that the change would be made for the next release of the cost report software. We anticipate that these changes will be made to the cost reporting software in CY 2010 and will act as a quality check for hospitals to review their choice of nonstandard cost center code to ensure that the reporting of nonstandard cost centers is accurate, while not significantly increasing provider burden. In addition to improving the reporting mechanism for the nonstandard cost centers, we indicated in the CY 2009 final rule with comment period that we also planned to add the new nonstandard cost centers for Cardiac Rehabilitation, Hyperbaric Oxygen Therapy, and Lithotripsy. We expect that changes to add these nonstandard cost centers will be proposed for cost reports beginning in CY 2011 as part of a larger effort to update the Medicare cost report. We noted in the FY 2009 IPPS final rule (73 FR 48467 through 48468) that we are updating the cost report form to eliminate outdated requirements, in conjunction with the Paperwork Reduction Act, and that we planned to propose actual changes to the cost reporting form, the attending cost reporting software, and the cost report instructions in Chapter 36 of the PRM–II. We believe that improved cost report software, the incorporation of new nonstandard cost centers, and elimination of outdated requirements will improve the accuracy of the cost data contained in the electronic cost report data files and, therefore, the accuracy of our cost estimation processes for the OPPS relative weights. As has been described above, CMS has taken steps to address charge compression in the IPPS and OPPS, and continues to examine ways in which it can improve the accuracy of its cost estimation process.

2. Proposed Data Development Process and Calculation of Median Costs

In this section of this proposed rule, we discuss the use of claims to calculate the proposed OPPS payment rates for CY 2010. The hospital OPPS page on the CMS Web site on which this proposed rule is posted provides an accounting of claims used in the development of the proposed payment rates at: *http://www.cms.hhs.gov/HospitalOutpatientPPS.* The accounting of claims used in the development of this proposed rule is included on the Web site under supplemental materials for the CY 2010 proposed rule. That accounting provides additional detail regarding the number of claims derived at each stage of the process. In addition, below in this section we discuss the file of claims that comprise the data set that is available for purchase under a CMS data use agreement. Our CMS Web site, *http://www.cms.hhs.gov/HospitalOutpatientPPS*, includes information about purchasing the ''OPPS Limited Data Set,'' which will now include the additional variables previously available only in the OPPS Identifiable Data Set, including ICD–9–CM diagnosis codes and revenue code payment amounts. This file is derived from the CY 2008 claims that were used to calculate the proposed payment rates for the CY2010 OPPS.

We used the following methodology to establish the relative weights used in calculating the proposed OPPS payment rates for CY 2010 shown in Addenda A and B to this proposed rule.

a. Claims Preparation

We used the CY 2008 hospital outpatient claims processed before January 1, 2009 to calculate the median costs of APCs, which in turn are used to set the proposed relative weights for CY 2010. To begin the calculation of the relative weights for CY 2010, we pulled all claims for outpatient services furnished in CY 2008 from the national claims history file. This is not the population of claims paid under the OPPS, but all outpatient claims (including, for example, critical access hospital (CAH) claims and hospital claims for clinical laboratory services for persons who are neither inpatients nor outpatients of the hospital).

We then excluded claims with condition codes 04, 20, 21, and 77. These are claims that providers submitted to Medicare knowing that no payment would be made. For example, providers submit claims with a condition code 21 to elicit an official denial notice from Medicare and document that a service is not covered. We then excluded claims for services furnished in Maryland, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands because hospitals in those geographic areas are not paid under the OPPS.

We divided the remaining claims into the three groups shown below. Groups 2 and 3 comprise the 100 million claims that contain hospital bill types paid under the OPPS.

1. Claims that were not bill types 12X, 13X (hospital bill types), 14X (laboratory specimen bill types), or 76X (CMHC bill types). Other bill types are not paid under the OPPS and, therefore, these claims were not used to set OPPS payment.

2. Claims that were bill types 12X, 13X or 14X. Claims with bill types 12X and 13X are hospital outpatient claims. Claims with bill type 14X are laboratory specimen claims, of which we use a subset for the limited number of services in these claims that are paid under the OPPS.

3. Claims that were bill type 76X (CMHC). (These claims are later combined with any claims in item 2 above with a condition code 41 to set the per diem partial hospitalization rates determined through a separate process.)

To convert charges on the claims to estimated cost, we needed to multiply those charges by the CCR associated with each revenue code as discussed in section II.A.1.c.(1) of this proposed rule. For the CCR calculation process, we used the same general approach that we used in developing the final APC rates

for CY 2007, using the revised CCR calculation which excluded the costs of paramedical education programs and weighted the outpatient charges by the volume of outpatient services furnished by the hospital. We refer readers to the CY 2007 OPPS/ASC final rule with comment period for more information (71 FR 67983 through 67985). We first limited the population of cost reports to only those for hospitals that filed outpatient claims in CY 2008 before determining whether the CCRs for such hospitals were valid.

We then calculated the CCRs for each cost center and the overall ancillary CCR for each hospital for which we had claims data. We did this using hospital-specific data from the Hospital Cost Report Information System. We used the most recent available cost report data, in most cases, cost reports beginning in CY 2007. For this proposed rule, we used the most recently submitted cost reports to calculate the CCRs to be used to calculate median costs for the proposed CY 2010 OPPS payment rates. If the most recent available cost report was submitted but not settled, we looked at the last settled cost report to determine the ratio of submitted to settled cost using the overall ancillary CCR, and we then adjusted the most recent available submitted but not settled cost report using that ratio. We calculated both an overall ancillary CCR and cost center-specific CCRs for each hospital. We used the overall ancillary CCR referenced in section II.A.1.c.(1) of this proposed rule for all purposes that require use of an overall ancillary CCR.

We then flagged CAH claims, which are not paid under the OPPS, and claims from hospitals with invalid CCRs. The latter included claims from hospitals without a CCR; those from hospitals paid an all-inclusive rate; those from hospitals with obviously erroneous CCRs (greater than 90 or less than .0001); and those from hospitals with overall ancillary CCRs that were identified as outliers (3 standard deviations from the geometric mean after removing error CCRs). In addition, we trimmed the CCRs at the cost center (that is, departmental) level by removing the CCRs for each cost center as outliers if they exceeded ±3 standard deviations from the geometric mean. We used a four-tiered hierarchy of cost center CCRs, the revenue code-to-cost center crosswalk, to match a cost center to every possible revenue code appearing in the outpatient claims that is relevant to OPPS services, with the top tier being the most common cost center and the last tier being the default CCR. If a hospital's cost center CCR was deleted by trimming, we set the CCR for that cost center to ''missing'' so that another cost center CCR in the revenue center hierarchy could apply. If no other cost center CCR could apply to the revenue code on the claim, we used the hospital's overall ancillary CCR for the revenue code in question. For example, if a visit was reported under the clinic revenue code but the hospital did not have a clinic cost center, we mapped the hospital-specific overall ancillary CCR to the clinic revenue code. The revenue code-to-cost center crosswalk is available for inspection and comment on the CMS Web site: *http://www.cms.hhs.gov/HospitalOutpatientPPS.* Revenue codes not used to set medians or to model impacts are identified with an ''N'' in the revenue code-to-cost center crosswalk.

We are proposing to update the revenue code-to-cost center crosswalk to more accurately reflect the current use of revenue codes. We indicated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68531) that we intended to assess the National Uniform Billing Committee (NUBC) revenue codes to determine whether any changes to the list of packaged revenue codes should be proposed for the CY 2010 OPPS. We expanded this evaluation to review all revenue codes in the revenue code-to-cost center crosswalk that we have used for OPPS ratesetting purposes in recent years against the CY 2008 NUBC definitions of revenue codes in place for CY 2008. As a result of that review we are proposing to revise the revenue code-to-cost center crosswalk as described in Table 2 below to update the revenue codes for which we would estimate costs on each claim and incorporate the costs for those revenue codes into APC median cost estimates. In Table 2, Column A provides the 2008 revenue code and description. Column B indicates whether the charges reported with the revenue code would be converted to cost and incorporated into median cost estimates for CY 2010. Column C indicates whether the charges reported with the revenue code were converted to cost and incorporated into median cost estimates for the CY 2009 OPPS. In both columns, a ''Y'' indicates that the charges would be converted to cost in CY 2010 (or were converted for CY 2009), and an ''N'' indicates that charges reported under the revenue code would not be converted to cost and incorporated into median cost estimates. Finally, Column D provides our rationale for the proposed CY 2010 change.

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TABLE 2.—PROPOSED CHANGES TO CY 2010 OPPS REVENUE CODES INCLUDED IN THE REVENUE CODE-TO-COST CENTER CROSSWALK

A	B	C	D
2008 Revenue Code and Description	**Proposed CY 2010 Inclusion in Median Cost Estimates**	**CY 2009 Inclusion in Median Cost Estimates**	**Rationale for Proposed CY 2010 Change**
0290 -- Durable Medical Equipment (Other than Renal); General classification 0292 -- Durable Medical Equipment (Other than Renal); Purchase of New DME	N	Y	We are proposing to not consider charges reported under revenue codes 0290 and 0292 for OPPS ratesetting because we believe that these charges are not for items for which payment may be made under the OPPS. Only implantable DME is paid under the OPPS and we believe that implantable DME is reported as a supply or implant under revenue code 0270, 0278, or 0279.
0392 – Administration, Processing and Storage for Blood and Blood Components; Processing and Storage	Y	Missing	We are proposing to add revenue 0392, which was previously omitted from the crosswalk, and to consider these charges for OPPS ratesetting because we believe that hospitals may correctly choose to report charges for blood processing and storage under this revenue code.
0500 -- Outpatient Services; General Classification 0509 -- Outpatient Services; Other Outpatient	N	Missing	We are proposing to add previously omitted revenue codes 0500 and 0509 to the crosswalk because they are valid revenue codes but not to consider charges reported under them for OPPS ratesetting because we believe that hospitals primarily use them to report charges that are paid under methodologies other than the OPPS.

A	B	C	D
2008 Revenue Code and Description	**Proposed CY 2010 Inclusion in Median Cost Estimates**	**CY 2009 Inclusion in Median Cost Estimates**	**Rationale for Proposed CY 2010 Change**
0520 -- Free-Standing Clinic; General Classification 0523 -- Free-Standing Clinic: Family Practice Clinic 0524 -- Free-Standing Clinic ; Visit by RHC/FQHC practitioner to a Member in a covered Part A Stay at SNF 0525 -- Free-Standing Clinic; Visit by RHC/FQHC practitioner to a Member in a SNF (not in a Covered Part A Stay) or NF, ICFMR or Other Residential Facility 0527 -- Free-Standing Clinic Visiting Nurse Service(s) to a Member's Home when in a Home Health Shortage Area 0528 -- Free-Standing Clinic RHC/FQHC visit to other non RHC/FQHC site 0529 – Other Free-Standing Clinic	N	Y for 0520, 0523, 0526 and 0529; Missing for 0524, 0525, 0527	We are proposing to not consider charges reported under revenue codes 0520, 0523, 0524, 0525, 0527, and 0529 for purposes of OPPS ratesetting because we do not believe that services that would be reported under these revenue codes would be paid under the OPPS. To be paid under the OPPS, therapeutic services must be furnished directly by a hospital or under arrangements with the hospital, and all must be furnished in the hospital or a provider-based department of the hospital. A freestanding clinic or RHC is not a hospital or a provider-based department of a hospital. An FQHC may, under rare circumstances, be a provider-based department of a hospital if it meets the requirements in §413.65(n), but covered FQHC services furnished by an FQHC that is a provider-based department of a hospital are not paid under the OPPS. We are also proposing to add revenue codes 0524, 0525, and 0527, which are now omitted from the crosswalk, to the crosswalk because they are valid revenue codes. We believe the crosswalk should reflect the existence of these revenue codes in the data, but we would not consider their charges for OPPS ratesetting because, as noted above, we do not believe that services that would be reported under these revenue codes would be paid under the OPPS.

A	B	C	D
2008 Revenue Code and Description	**Proposed CY 2010 Inclusion in Median Cost Estimates**	**CY 2009 Inclusion in Median Cost Estimates**	**Rationale for Proposed CY 2010 Change**
0560 -- Home Health (HH)-Medical Social Services; General Classification 0561 – Home Health (HH) Medical Social Services; Visit Charge 0562 -- Home Health (HH) Medical Social Services; Hourly Charge 0569 -- Home Health (HH) Medical Social Services; Other HH-Aide	N	Y	We are proposing to not consider charges reported under revenue codes 0560, 0561, 0562 and 0569 because to be paid under the OPPS, therapeutic services must be furnished directly by a hospital or under arrangements with the hospital, and all must be furnished in the hospital or a provider-based department of the hospital. Home health care is furnished in a home and, therefore, does not meet the criteria for payment under the OPPS.
0623 – Medical Surgical Supplies – Extension of 027X; Surgical Dressings	Y	N	We are proposing to consider charges reported under revenue code 0623 because we believe that these charges may be associated with surgical dressings applied during procedures for which payment is made under the OPPS and should be allowed for purposes of ratesetting.

A	B	C	D
2008 Revenue Code and Description	**Proposed CY 2010 Inclusion in Median Cost Estimates**	**CY 2009 Inclusion in Median Cost Estimates**	**Rationale for Proposed CY 2010 Change**
0660 -- Respite Care; General Classification 0661 – Respite Care; Hourly Charge Nursing 0662 – Respite Care; Hourly Charge/Aide/Homemaker/ Companion 0663 – Respite Care Daily Respite Charge 0669 – Respite Care Other Respite Care	N	Missing	We are proposing to add previously omitted revenue codes 0660, 0661, 0662, 0663, and 0669 to the crosswalk, but to not consider charges reported under these revenue codes for OPPS ratesetting. We do not believe that respite care services would meet the requirements for payment under the OPPS. We are proposing to add these revenue codes to the crosswalk to reflect the existence of these codes in the data. However, we would not consider charges reported under these codes for ratesetting because we do not believe that services reported under these revenue codes would be paid under the OPPS and. therefore, we believe the charges would be inappropriate for use in OPPS ratesetting.

A	B	C	D
2008 Revenue Code and Description	**Proposed CY 2010 Inclusion in Median Cost Estimates**	**CY 2009 Inclusion in Median Cost Estimates**	**Rationale for Proposed CY 2010 Change**
0709 – Cast Room; RESERVED 0719 -- Recovery Room; RESERVED 0749 – EEG (Electroencephalogram); RESERVED 0759 – Gastro-Intestinal (GI) Services; RESERVED 0779 – Preventive Care Services; RESERVED 0799 – Extra-Corporeal Shock Wave Therapy (Formerly Lithotripsy); RESERVED 0910 – Behavioral Health Treatments/Services – Extension of 090X; RESERVED (Use 090 for General Classification)	N	Y	We are proposing to not consider charges under revenue codes 0709, 0719, 0749, 0759, 0779, 0799, and 0910 for OPPS ratesetting because no charges should be reported under a revenue code that is reserved.
0931 -- Medical Rehabilitation Day Program; Half Day 0932 -- Medical Rehabilitation Day Program; Full Day	N	Missing	We are proposing to add previously omitted revenue codes 0931 and 0932 to the crosswalk to reflect their existence in the NUBC dataset. However, we would not consider charges reported using these revenue codes for ratesetting because the NUBC rules prohibit hospitals from reporting charges under these revenue codes.

A	B	C	D
2008 Revenue Code and Description	Proposed CY 2010 Inclusion in Median Cost Estimates	CY 2009 Inclusion in Median Cost Estimates	Rationale for Proposed CY 2010 Change
0948 -- Other Therapeutic Services (also see 095x, an extension of 094x); Pulmonary Rehabilitation	Y	Missing	We are proposing to consider charges reported under revenue code 0948 for purposes of OPPS ratesetting. Through our assessment of the NUBC revenue code definitions, we believe that hospitals report charges for services paid under the OPPS under revenue code 0948.

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Also, as a result of our comprehensive review of the revenue codes included in the revenue code-to-cost center crosswalk, we are proposing to add revenue codes to the hierarchy of primary, secondary, and tertiary hospital cost report cost centers that result in the departmental CCRs that we use to estimate cost from charges for some revenue codes or to revise the applicable cost centers associated with a given revenue code. Table below lists the revenue codes for which we are proposing changes to the revenue code-to-cost center crosswalk and our rationale for each proposed change. With the exception of revenue code 0942 (Other Therapeutic Services; Education/Training), the revenue codes for which we are proposing changes to the designated departmental CCRs are those identified in our comprehensive review that are also listed above in Table 2.

TABLE 3—PROPOSED CHANGES TO CY 2010 OPPS HIERARCHY OF COST CENTERS IN THE REVENUE CODE-TO-COST CENTER CROSSWALK

2008 Revenue code and description	Rationale for proposed CY 2010 change
0392—Administration, Processing and Storage for Blood and Blood Components; Processing and Storage.	We are proposing to crosswalk charges under revenue code 0392 to cost center 4700 (Blood Storing, Processing, & Transfusing) because we believe that cost center 4700 is the most likely departmental cost center to which hospitals would assign the costs of blood processing and storage. We are proposing no secondary or tertiary cost centers because we believe that no other departmental cost centers are appropriate.
0623—Medical Surgical Supplies—Extension of 027X; Surgical Dressings.	We are proposing to crosswalk the charges reported under revenue code 0623 to cost center 5500 (Medical Supplies Charged to Patients) as the primary cost center because we believe that the costs associated with the charges for surgical dressings are most likely to be assigned by hospitals to cost center 5500. We are proposing no secondary or tertiary cost centers because we believe that no other departmental cost centers are appropriate.
0931—Medical Rehabilitation Day Program; Half Day.	We are proposing to crosswalk charges reported under revenue codes 0931 and 0932 to cost center 6000 (Clinic) as the primary cost center. We are proposing no secondary or tertiary cost centers because we believe that no other departmental cost centers are appropriate.
0932—Medical Rehabilitation Day Program; Full Day	
0942—Other Therapeutic Services (also see 095x, an extension of 094x); Educ/Training.	We are proposing to crosswalk the charges under revenue code 0942 to cost center 6000 (Clinic) as the primary cost center. Currently, the charges under revenue code 0942 are crosswalked to the overall ancillary CCR. We believe that cost center 6000 is a more appropriate primary cost center. We are proposing no secondary or tertiary cost centers because we believe that no other departmental cost centers are appropriate.
0948—Other Therapeutic Services (also see 095x, an extension of 094x); Pulmonary Rehabilitation.	We are proposing to crosswalk the charges under revenue code 0948 to cost center 4900 (Respiratory Therapy) as primary and to cost center 6000 (Clinic) as secondary because we believe that hospitals are most likely to assign the costs of these services to these cost centers. We are proposing no tertiary cost center.

Having revised the revenue code-to-cost center crosswalk, we then converted the charges to costs on each claim by applying the CCR that we believed was best suited to the revenue code indicated on the line with the charge. One exception to this general methodology for converting charges to costs on each claim is the calculation of median blood costs, as discussed in section II.A.2.d.(2) of this proposed rule.

Thus, we applied CCRs as described above to claims with bill type 12X, 13X, or 14X, excluding all claims from CAHs and hospitals in Maryland, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands and

claims from all hospitals for which CCRs were flagged as invalid.

We identified claims with condition code 41 as partial hospitalization services of hospitals and moved them to another file. These claims were combined with the 76X claims identified previously to calculate the partial hospitalization per diem rates. We note that the separate file containing partial hospitalization claims is included in the files that are available for purchase as discussed above.

We then excluded claims without a HCPCS code. We moved to another file claims that contained nothing but influenza and pneumococcal pneumonia (PPV) vaccines. Influenza and PPV vaccines are paid at reasonable cost and, therefore, these claims are not used to set OPPS rates.

We next copied line-item costs for drugs, blood, and brachytherapy sources (the lines stay on the claim, but are copied onto another file) to a separate file. No claims were deleted when we copied these lines onto another file. These line-items are used to calculate a per unit mean and median cost and a per day mean and median cost for drugs, therapeutic radiopharmaceutical agents, and brachytherapy sources, as well as other information used to set payment rates, such as a unit-to-day ratio for drugs.

To implement our proposal to redistribute some portion of total cost for packaged drugs and biologicals to separately payable drugs and biologicals as acquisition and pharmacy overhead and handling costs discussed in section V.B.3. of this proposed rule, we used the line-item cost data for drugs and biologicals for which we had a HCPCS code with ASP pricing information to calculate the ASP+X values first for all drugs and biologicals, and then for separately payable drugs and biologicals and for packaged drugs and biologicals, respectively, by taking the ratio of total claim cost for each group relative to total ASP dollars (per unit of each drug or biological HCPCS code's April 2009 ASP amount multiplied by total units for each drug or biological in the CY 2008 claims data). These values are ASP+13 percent, ASP − 2 percent, and ASP+247 percent, respectively. As we discuss in greater detail in section V.B.3. of this proposed rule, we believe that between one-third and one-half of the total cost in our claims data in excess of ASP dollars for packaged drugs and biologicals, about $150 million, is currently allocated to packaged drugs and biologicals due to the combined effects of charge compression and our choice of a drug packaging threshold but should instead be allocated to separately payable drugs and biologicals as acquisition and pharmacy overhead and handling cost. The $150 million is between one-third and one-half of the difference of $395 million between the total cost of packaged drugs and biologicals in our CY 2008 claims data ($555 million) and ASP dollars for the same drugs and biologicals ($160 million). Removing $150 million in pharmacy overhead cost from packaged drugs and biologicals reduces the $555 million to $405 million, a 27 percent reduction. To implement our CY 2010 proposal to redistribute $150 million in claim cost from packaged drugs and biologicals to separately payable drugs and biologicals, we multiplied the cost of each packaged drug or biological with a HCPCS code and ASP pricing information in our CY 2008 claims data by 0.73. We also added the redistributed $150 million to the total cost of separately payable drugs and biologicals in our CY 2008 claims data, which increased the relationship between the total cost for separately payable drugs and biologicals and ASP dollars for the same drugs and biologicals to ASP+4 percent.

For CY 2010, we added an additional trim in our claims preparation to remove line-items that were not paid during claim processing, presumably for a line-item rejection or denial. The number of edits for valid OPPS payment in the Integrated Outpatient Code Editor (I/OCE) and elsewhere has grown significantly in the past few years, especially with the implementation of the full spectrum of National Correct Coding Initiative (NCCI) edits. To ensure that we are using valid claims that represent the cost of payable services to set payment rates, we removed line-items with an OPPS status indicator for the claim year (CY 2008) and a status indicator of ''S,'' ''T,'' ''V,'' or ''X'' when separately paid under the proposed CY 2010 payment system. This logic preserves charges for services that would not have been paid in the claim year but for which some estimate of cost is needed for the prospective year, such as services newly proposed to come off the inpatient list for CY 2010 which were assigned status indicator ''C'' in the claim year.

Using February 2009 APC Panel data, we estimate that the impact of removing line-items with valid status indicators that received no CY 2008 payment was limited to approximately 1.4 percent of all line-items for separately paid services. This additional trim reduced the number of single bills available for ratesetting by 1.5 percent. For approximately 92 percent of procedural APCs, we observed a change in the APC median cost of less than 1 percent. A handful of APCs experienced greater changes in median cost. For example, APC 0618 (Trauma Response with Critical Care) experienced declines in both the number of single bills used to set the median cost and the estimated median cost itself. This occurred because the I/OCE has an edit to ensure that HCPCS code G0390 (Trauma response team activation associated with hospital critical care service), which is assigned to APC 0618, receives payment only when one unit of G0390 appears with both a revenue code in the 68x series and CPT code 99291 (Critical care, evaluation and management of the critically ill or critically injured patient; first 30–74 minutes) on the claim for the same date of service, as described in the CY 2007 OPPS/ASC final rule with comment period (71 FR 68134). If the I/OCE criteria are not met, HCPCS code G0390 is not separately paid, and we found that a number of CY2008 claims including HCPCS code G0390 did not meet the criteria for payment. On the other hand, a few APCs had greater estimated median costs and greater numbers of single bills as a result of this additional trim, presumably because removing lines from the claim allowed us to identify more single bills. We believe that removing lines with valid status indicators that were edited and not paid during claims processing increases the accuracy of the single bills used to determine the APC median costs for ratesetting.

b. Splitting Claims and Creation of ''Pseudo'' Single Claims

(1) Splitting Claims

We then split the remaining claims into five groups: single majors, multiple majors, single minors, multiple minors, and other claims. (Specific definitions of these groups follow below.) We are proposing to continue our current policy of defining major procedures as any HCPCS code having a status indicator of ''S,'' ''T,'' ''V,'' or ''X,'' defining minor procedures as any code having a status indicator of ''F,'' ''G,'' ''H,'' ''K,'' ''L,'' ''R,'' ''U,'' or ''N,'' and classifying ''other'' procedures as any code having a status indicator other than one that we have classified as major or minor. For CY 2010, we are proposing to continue assigning status indicator ''R'' to blood and blood products; status indicator ''U'' to brachytherapy sources; status indicator ''Q1'' to all ''STVX-packaged codes''; status indicator ''Q2'' to all ''T-packaged codes''; and status indicator ''Q3'' to all codes that may be paid through a

composite APC based on composite-specific criteria or paid separately through single code APCs when the criteria are not met. As discussed in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68709), we established status indicators ''Q1,'' ''Q2,'' and ''Q3'' to facilitate identification of the different categories of codes. We are proposing to treat these codes in the same manner for data purposes for CY 2010 as we have treated them since CY 2008. Specifically, we are proposing to continue to evaluate whether the criteria for separate payment of codes with status indicator ''Q1'' or ''Q2'' are met in determining whether they are treated as major or minor codes. As discussed earlier in this section, because we are proposing to treat CPT code 76098 as conditionally packaged, this logic now includes the addition of CPT code 76098 as a ''Q2'' code. Codes with status indicator ''Q1'' or ''Q2'' are carried through the data either with status indicator ''N'' as packaged or, if they meet the criteria for separate payment, they are given the status indicator of the APC to which they are assigned and are considered as ''pseudo'' single major codes. Codes assigned status indicator ''Q3'' are paid under individual APCs unless they occur in the combinations that qualify for payment as composite APCs and, therefore, they carry the status indicator of the individual APC to which they are assigned through the data process and are treated as major codes during both the split and ''pseudo'' single creation process. The calculation of the median costs for composite APCs from multiple major claims is discussed in section II.A.2.e. of this proposed rule.

Specifically, we divided the remaining claims into the following five groups:

1. *Single Major Claims:* Claims with a single separately payable procedure (that is, status indicator ''S,'' ''T,'' ''V,'' or ''X,'' which includes codes with status indicator ''Q3''); claims with one unit of a status indicator ''Q1'' code (''STVX-packaged'') where there was no code with status indicator ''S,'' ''T,'' ''V,'' or ''X'' on the same claim on the same date; or claims with one unit of a status indicator ''Q2'' code (''T-packaged'') where there was no code with a status indicator ''T'' on the same claim on the same date.

2. *Multiple Major Claims:* Claims with more than one separately payable procedure (that is, status indicator ''S,'' ''T,'' ''V,'' or ''X,'' which includes codes with status indicator ''Q3''), or multiple units of one payable procedure. These claims include those codes with a status indicator ''Q2'' code (''T-packaged'') where there was no procedure with a status indicator ''T'' on the same claim on the same date of service but where there was another separately paid procedure on the same claim with the same date of service (that is, another code with status indicator ''S,'' ''V,'' or ''X''). We also include in this set claims that contained one unit of one code when the bilateral modifier was appended to the code and the code was conditionally or independently bilateral. In these cases, the claims represented more than one unit of the service described by the code, notwithstanding that only one unit was billed.

3. *Single Minor Claims:* Claims with a single HCPCS code that was assigned status indicator ''F,'' ''G,'' ''H,'' ''K,'' ''L,'' ''R,'' ''U,'' or ''N'' and not status indicator ''Q1'' (''STVX-packaged'') or status indicator ''Q2'' (''T-packaged'') code.

4. *Multiple Minor Claims:* Claims with multiple HCPCS codes that are assigned status indicator ''F,'' ''G,'' ''H,'' ''K,'' ''L,'' ''R,'' ''U,'' or ''N;'' claims that contain more than one code with status indicator ''Q1'' (''STVX-packaged'') or more than one unit of a code with status indicator ''Q1'' but no codes with status indicator ''S,'' ''T,'' ''V,'' or ''X'' on the same date of service; or claims that contain more than one code with status indicator ''Q2'' (T-packaged), or ''Q2'' and ''Q1,'' or more than one unit of a code with status indicator ''Q2'' but no code with status indicator ''T'' on the same date of service.

5. *Non-OPPS Claims:* Claims that contain no services payable under the OPPS (that is, all status indicators other than those listed for major or minor status). These claims were excluded from the files used for the OPPS. Non-OPPS claims have codes paid under other fee schedules, for example, durable medical equipment or clinical laboratory tests, and do not contain a code for a separately payable or packaged OPPS service. Non-OPPS claims include claims for therapy services paid sometimes under the OPPS but billed, in these non-OPPS cases, with revenue codes indicating that the therapy services would be paid under the Medicare Physician Fee Schedule (MPFS).

The claims listed in numbers 1, 2, 3, and 4 above are included in the data file that can be purchased as described above. Claims that contain codes to which we have assigned status indicators ''Q1'' (''STVX-packaged'') and ''Q2'' (''T-packaged'') appear in the data for the single major file, the multiple major file, and the multiple minor file used in this proposed rule. Claims that contain codes to which we have assigned status indicator ''Q3'' (composite APC members) appear in the data of both the single and multiple major files used in this proposed rule, depending on the specific composite calculation.

(2) Creation of ''Pseudo'' Single Claims

To develop ''pseudo'' single claims for this proposed rule, we examined both the multiple major claims and the multiple minor claims. We first examined the multiple major claims for dates of service to determine if we could break them into ''pseudo'' single procedure claims using the dates of service for all lines on the claim. If we could create claims with single major procedures by using dates of service, we created a single procedure claim record for each separately payable procedure on a different date of service (that is, a ''pseudo'' single).

We also used the bypass codes listed earlier in Table 1 and discussed in section II.A.1.b. of this proposed rule to remove separately payable procedures that we determined contained limited or no packaged costs or that were otherwise suitable for inclusion on the bypass list from a multiple procedure bill. As discussed above, we ignore the ''overlap bypass codes,'' that is, those HCPCS codes that are both on the bypass list and are members of the multiple imaging composite APCs, in this initial assessment for ''pseudo'' single claims. The proposed CY 2010 ''overlap bypass codes'' are listed in Table 1 in section II.A.1.b. of this proposed rule. When one of the two separately payable procedures on a multiple procedure claim was on the bypass list, we split the claim into two ''pseudo'' single procedure claim records. The single procedure claim record that contained the bypass code did not retain packaged services. The single procedure claim record that contained the other separately payable procedure (but no bypass code) retained the packaged revenue code charges and the packaged HCPCS code charges. We also removed lines that contained multiple units of codes on the bypass list and treated them as ''pseudo'' single claims by dividing the cost for the multiple units by the number of units on the line. Where one unit of a single, separately payable procedure code remained on the claim after removal of the multiple units of the bypass code, we created a ''pseudo'' single claim from that residual claim record, which retained the costs of packaged revenue codes and packaged HCPCS codes. This enabled us to use claims that would

otherwise be multiple procedure claims and could not be used.

We then assessed the claims to determine if the criteria for the multiple imaging composite APCs, discussed in section II.A.2.e.(5) of this proposed rule, were met. Where the criteria for the imaging composite APCs were met, we created a ''single session'' claim for the applicable imaging composite service and determined whether we could use the claim in ratesetting. For HCPCS codes that are both conditionally packaged and are members of a multiple imaging composite APC, we first assessed whether the code would be packaged and if so, the code ceased to be available for further assessment as part of the composite APC. Because the packaged code would not be a separately payable procedure, we considered it to be unavailable for use in setting the composite APC median cost. Having identified ''single session'' claims for the imaging composite APCs, we reassessed the claim to determine if, after removal of all lines for bypass codes, including the ''overlap bypass codes,'' a single unit of a single separately payable code remained on the claim. If so, we attributed the packaged costs on the claim to the single unit of the single remaining separately payable code other than the bypass code to create a ''pseudo'' single claim. We also identified line items of overlap bypass codes as a ''pseudo'' single claim. This allowed us to use more claims data for ratesetting purposes for this proposed rule.

We also examined the multiple minor claims to determine whether we could create ''pseudo'' single procedure claims. Specifically, where the claim contained multiple codes with status indicator ''Q1'' (''STVX-packaged'') on the same date of service or contained multiple units of a single code with status indicator ''Q1,'' we selected the status indicator ''Q1'' HCPCS code that had the highest CY 2008 relative weight, set the units to one on that HCPCS code to reflect our policy of paying only one unit of a code with a status indicator of ''Q1.'' We then packaged all costs for the following into a single cost for the ''Q1'' HCPCS code that had the highest CY 2008 relative weight to create a ''pseudo'' single claim for that code: Additional units of the status indicator ''Q1'' HCPCS code with the highest CY 2008 relative weight; other codes with status indicator ''Q1;'' and all other packaged HCPCS codes and packaged revenue code costs. We changed the status indicator for selected codes from the data status indicator of ''N'' to the status indicator of the APC to which the selected procedure was assigned for further data processing and considered this claim as a major procedure claim. We used this claim in the calculation of the APC median cost for the status indicator ''Q1'' HCPCS code.

Similarly, where a multiple minor claim contained multiple codes with status indicator ''Q2'' (''T-packaged'') or multiple units of a single code with status indicator ''Q2,'' we selected the status indicator ''Q2'' HCPCS code that had the highest CY 2008 relative weight, set the units to one on that HCPCS code to reflect our policy of paying only one unit of a code with a status indicator of ''Q2.'' We then packaged all costs for the following into a single cost for the ''Q2'' HCPCS code that had the highest CY 2008 relative weight to create a ''pseudo'' single claim for that code: Additional units of the status indicator ''Q2'' HCPCS code with the highest CY 2008 relative weight; other codes with status indicator ''Q2''; and other packaged HCPCS codes and packaged revenue code costs. We changed the status indicator for the selected code from a data status indicator of ''N'' to the status indicator of the APC to which the selected code was assigned, and we considered this claim as a major procedure claim.

Lastly, where a multiple minor claim contained multiple codes with status indicator ''Q2'' (''T-packaged'') and status indicator ''Q1'' (''STVX-packaged''), we selected the status indicator ''Q2'' HCPCS code (''T-packaged'') that had the highest relative weight for CY 2008 and set the units to one on that HCPCS code to reflect our policy of paying only one unit of a code with a status indicator of ''Q2.'' We then packaged all costs for the following into a single cost for the selected (''T-packaged'') HCPCS code to create a ''pseudo'' single claim for that code: additional units of the status indicator ''Q2'' HCPCS code with the highest CY 2008 relative weight; other codes with status indicator ''Q2;'' codes with status indicator ''Q1'' (''STVX-packaged''); and other packaged HCPCS codes and packaged revenue code costs. We favor status indicator ''Q2'' over ''Q1'' HCPCS codes because ''Q2'' HCPCS codes have higher CY 2008 relative weights. If a status indicator ''Q1'' HCPCS code had a higher CY 2008 relative weight, it would become the primary code for the simulated single bill process. We changed the status indicator for the selected status indicator ''Q2'' (''T-packaged'') code from a data status indicator of ''N'' to the status indicator of the APC to which the selected code was assigned and we considered this claim as a major procedure claim.

We excluded those claims that we were not able to convert to single claims even after applying all of the techniques for creation of ''pseudo'' singles to multiple major and to multiple minor claims. As has been our practice in recent years, we also excluded claims that contained codes that were viewed as independently or conditionally bilateral and that contained the bilateral modifier (Modifier 50 (Bilateral procedure)) because the line-item cost for the code represented the cost of two units of the procedure, notwithstanding that the code appeared with a unit of one.

c. Completion of Claim Records and Median Cost Calculations

We then packaged the costs of packaged HCPCS codes (codes with status indicator ''N'' listed in Addendum B to this proposed rule and the costs of those lines for codes with status indicator ''Q1'' or ''Q2'' when they are not separately paid), and the costs of packaged revenue codes into the cost of the single major procedure remaining on the claim. For CY 2010, this packaging also included the redistributed packaged pharmacy overhead cost relative to the units of separately payable drugs on each single procedure claim.

As noted in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66606), for the CY 2008 OPPS, we adopted an APC Panel recommendation that requires CMS to review the final list of packaged revenue codes for consistency with OPPS policy and ensure that future versions of the I/OCE edit accordingly. We compared the packaged revenue codes in the I/OCE to the final list of packaged revenue codes for the CY 2009 OPPS (73 FR 68531 through 68532) that we used for packaging costs in median calculation. As a result of that analysis, we are proposing to use the packaged revenue codes for CY 2010 that are displayed in Table 4 below.

As noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68531), we replaced the NUBC standard abbreviations for the revenue codes listed in Table 2 of the CY 2009 OPPS/ASC proposed rule with the most current NUBC descriptions of the revenue code categories and subcategories to better articulate the meanings of the revenue codes without actually changing the proposed list of revenue codes. In the course of making the changes in labeling for the revenue codes in Table 2 of the CY 2009 OPPS/ASC final rule with comment period, we noticed some changes to revenue categories and subcategories that we

believed warranted further review for future OPPS updates. Although we finalized the list of packaged revenue codes in Table 2 for CY 2009, we indicated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68531) that we intended to assess the NUBC revenue codes to determine whether any changes to the list of packaged revenue codes should be proposed for the CY 2010 OPPS. We specifically requested public input and discussion on this issue during the comment period of the CY 2009 OPPS/ASC final rule with comment period. We did not receive any public comments on this issue. As we discuss in section II.A.2.a. of this proposed rule, we have completed that analysis for all revenue codes in the revenue code-to-cost center crosswalk and, as a result, we are proposing to add several revenue codes to the list of packaged revenue codes for the CY 2010 OPPS. Specifically, we believe that the costs derived from charges reported under revenue codes 0261 (IV Therapy; Infusion Pump); 0392 (Administration, Processing and Storage for Blood and Blood Components; Processing and Storage); 0623 (Medical Supplies—Extension of 027X, Surgical Dressings); 0943 (Other Therapeutic Services (also see 095X, an extension of 094X), Cardiac Rehabilitation); and 0948 (Other Therapeutic Services (also see 095X, an extension of 094X), Pulmonary Rehabilitation) are appropriately packaged into payment for other OPPS services when charges appear on lines with these revenue codes but no HCPCS code appears on the line. Revenue codes that we are proposing to add to the CY 2010 packaged revenue code list are identified by asterisks (*) in Table 4 below.

TABLE 4—PROPOSED CY 2010 PACKAGED REVENUE CODES

Revenue code	Description
0250	Pharmacy; General Classification.
0251	Pharmacy; Generic Drugs.
0252	Pharmacy; Non-Generic Drugs.
0254	Pharmacy; Drugs Incident to Other Diagnostic Services.
0255	Pharmacy; Drugs Incident to Radiology.
0257	Pharmacy; Non-Prescription.
0258	Pharmacy; IV Solutions.
0259	Pharmacy; Other Pharmacy.
0260	IV Therapy; General Classification.
0261*	IV Therapy; Infusion Pump.
0262	IV Therapy; IV Therapy/Pharmacy Svcs.
0263	IV Therapy; IV Therapy/Drug/Supply Delivery.
0264	IV Therapy; IV Therapy/Supplies.
0269	IV Therapy; Other IV Therapy.
0270	Medical/Surgical Supplies and Devices; General Classification.
0271	Medical/Surgical Supplies and Devices; Non-sterile Supply.
0272	Medical/Surgical Supplies and Devices; Sterile Supply.
0273	Medical/Surgical Supplies and Devices; Take Home Supplies.
0275	Medical/Surgical Supplies and Devices; Pacemaker.
0276	Medical/Surgical Supplies and Devices; Intraocular Lens.
0278	Medical/Surgical Supplies and Devices; Other Implants.
0279	Medical/Surgical Supplies and Devices; Other Supplies/Devices.
0280	Oncology; General Classification.
0289	Oncology; Other Oncology.
0343	Nuclear Medicine; Diagnostic Radiopharmaceuticals.
0344	Nuclear Medicine; Therapeutic Radiopharmaceuticals.
0370	Anesthesia; General Classification.
0371	Anesthesia; Anesthesia Incident to Radiology.
0372	Anesthesia; Anesthesia Incident to Other DX Services.
0379	Anesthesia; Other Anesthesia.
0390	Administration, Processing and Storage for Blood and Blood Components; General Classification.
0392*	Administration, Processing and Storage for Blood and Blood Components; Processing and Storage.
0399	Administration, Processing and Storage for Blood and Blood Components; Other Blood Handling.
0560	Home Health (HH)—Medical Social Services; General Classification.
0569	Home Health (HH)—Medical Social Services; Other Med. Social Service.
0621	Medical Surgical Supplies—Extension of 027X; Supplies Incident to Radiology.
0622	Medical Surgical Supplies—Extension of 027X; Supplies Incident to Other DX Services.
0623*	Medical Supplies—Extension of 027X, Surgical Dressings.
0624	Medical Surgical Supplies—Extension of 027X; FDA Investigational Devices.
0630	Pharmacy—Extension of 025X; Reserved.
0631	Pharmacy—Extension of 025X; Single Source Drug.
0632	Pharmacy—Extension of 025X; Multiple Source Drug.
0633	Pharmacy—Extension of 025X; Restrictive Prescription.
0681	Trauma Response; Level I Trauma.
0682	Trauma Response; Level II Trauma.
0683	Trauma Response; Level III Trauma.
0684	Trauma Response; Level IV Trauma.
0689	Trauma Response; Other.
0700	Cast Room; General Classification.
0709	Cast Room; Reserved.
0710	Recovery Room; General Classification.
0719	Recovery Room; Reserved.
0720	Labor Room/Delivery; General Classification.
0721	Labor Room/Delivery; Labor.

TABLE 4—PROPOSED CY 2010 PACKAGED REVENUE CODES—Continued

Revenue code	Description
0732	EKG/ECG (Electrocardiogram); Telemetry.
0762	Specialty Room—Treatment/Observation Room; Observation Room.
0801	Inpatient Renal Dialysis; Inpatient Hemodialysis.
0802	Inpatient Renal Dialysis; Inpatient Peritoneal Dialysis (Non-CAPD).
0803	Inpatient Renal Dialysis; Inpatient Continuous Ambulatory Peritoneal Dialysis (CAPD).
0804	Inpatient Renal Dialysis; Inpatient Continuous Cycling Peritoneal Dialysis (CCPD).
0809	Inpatient Renal Dialysis; Other Inpatient Dialysis.
0810	Acquisition of Body Components; General Classification.
0819	Inpatient Renal Dialysis; Other Donor.
0821	Hemodialysis—Outpatient or Home; Hemodialysis Composite or Other Rate.
0824	Hemodialysis—Outpatient or Home; Maintenance—100%.
0825	Hemodialysis—Outpatient or Home; Support Services.
0829	Hemodialysis—Outpatient or Home; Other OP Hemodialysis.
0942	Other Therapeutic Services (also see 095X, an extension of 094x); Education/Training.
0943*	Other Therapeutic Services (also see 095X, an extension of 094X), Cardiac Rehabilitation.
0948*	Other Therapeutic Services (also see 095X, an extension of 094X), Pulmonary Rehabilitation.

In addition, we excluded (1) claims that had zero costs after summing all costs on the claim and (2) claims containing packaging flag number 3. Effective for services furnished on or after July 1, 2004, the I/OCE assigned packaging flag number 3 to claims on which hospitals submitted token charges for a service with status indicator ''S'' or ''T'' (a major separately payable service under the OPPS) for which the fiscal intermediary or MAC was required to allocate the sum of charges for services with a status indicator equaling ''S'' or ''T'' based on the relative weight of the APC to which each code was assigned. We do not believe that these charges, which were token charges as submitted by the hospital, are valid reflections of hospital resources. Therefore, we deleted these claims. We also deleted claims for which the charges equaled the revenue center payment (that is, the Medicare payment) on the assumption that where the charge equaled the payment, to apply a CCR to the charge would not yield a valid estimate of relative provider cost.

For the remaining claims, we then standardized 60 percent of the costs of the claim (which we have previously determined to be the labor-related portion) for geographic differences in labor input costs. We made this adjustment by determining the wage index that applied to the hospital that furnished the service and dividing the cost for the separately paid HCPCS code furnished by the hospital by that wage index. As has been our policy since the inception of the OPPS, we are proposing to use the pre-reclassified wage indices for standardization because we believe that they better reflect the true costs of items and services in the area in which the hospital is located than the post-reclassification wage indices and, therefore, would result in the most accurate unadjusted median costs.

We also excluded claims that were outside 3 standard deviations from the geometric mean of units for each HCPCS code on the bypass list (because, as discussed above, we used claims that contain multiple units of the bypass codes).

After removing claims for hospitals with error CCRs, claims without HCPCS codes, claims for immunizations not covered under the OPPS, and claims for services not paid under the OPPS, approximately 54 million claims were left for this proposed rule. Using these 54 million claims, we created approximately 91 million single and ''pseudo'' single claims, of which we used 90 million single bills (after trimming out approximately 622,000 claims as discussed above in this section) in the proposed CY 2010 median development and ratesetting.

We used these claims to calculate the proposed CY 2010 median costs for each separately payable HCPCS code and each APC. The comparison of HCPCS code-specific and APC medians determines the applicability of the 2 times rule. Section 1833(t)(2) of the Act provides that, subject to certain exceptions, the items and services within an APC group cannot be considered comparable with respect to the use of resources if the highest median (or mean cost, if elected by the Secretary) for an item or service in the group is more than 2 times greater than the lowest median cost for an item or service within the same group (the 2 times rule). Finally, we reviewed the median costs for this proposed rule and reassigned HCPCS codes to different APCs where we believed that it was appropriate. Section III. of this proposed rule includes a discussion of certain HCPCS code assignment changes that resulted from examination of the median costs, review of the public comments, and for other reasons. The APC medians were recalculated after we reassigned the affected HCPCS codes. Both the HCPCS code-specific medians and the APC medians were weighted to account for the inclusion of multiple units of the bypass codes in the creation of ''pseudo'' single bills.

In some cases, APC median costs are calculated using variations of the process outlined above. Section II.A.2.d. of this proposed rule that follows addresses the calculation of single APC criteria-based median costs. Section II.A.2.e. of this proposed rule discusses the calculation of composite APC criteria-based median costs. Section X.B. of this proposed rule addresses the methodology for calculating the median cost for partial hospitalization services.

At the February 2009 APC Panel Meeting, the APC Panel recommended that CMS study the claims data for any APC in which the calculated payment reduction would be greater than 10 percent. The APC Panel also recommended that CMS provide a list of APCs to the APC Panel at the next meeting with a proposed payment rate change of greater than 10 percent. While we recognize the concerns the APC Panel expressed with regards to cost variability in the system, we already engage in a standard review process for all APCs that experience significant changes in median costs. We study all significant changes in estimated cost to determine the effect that proposed and final payment policies have on the APC payment rates and ensure that these policies are appropriate and that the intended cost estimation methodologies have been correctly applied. We note that there are a number of factors that cause APC median costs to change from one year to the next. Some of these are

a reflection of hospital behavior, and some of them are a reflection of fundamental characteristics of the OPPS as defined in the statute. With limited exceptions, we are required by law to reassign HCPCS codes to APCs where it is necessary to avoid 2 times violations. Thus, there are various mechanisms already in place to ensure that we assess changes in cost and adjust APC weights accordingly or justify why we have not made adjustments. We plan to continue our examination of all APCs that experience changes of greater than10 percent, and we will provide the APC Panel with a list of the APCs with proposed changes in costs of more than 10 percent for CY 2010 at the next CY 2009 APC Panel meeting. Accordingly, we are accepting this recommendation of the APC Panel in full.

At the February 2009 APC Panel meeting, we reviewed and examined the data process in preparation for the CY 2010 rulemaking cycle. At this meeting, the APC Panel recommended that the Data Subcommittee continue its work and we are accepting that recommendation. We will continue to work closely with the APC Panel's Data Subcommittee to prepare and review data and analyses relevant to the APC configurations and OPPS payment policies for hospital outpatient items and services.

d. Proposed Calculation of Single Procedure APC Criteria-Based Median Costs

(1) Device-Dependent APCs

Device-dependent APCs are populated by HCPCS codes that usually, but not always, require that a device be implanted or used to perform the procedure. For a full history of how we have calculated payment rates for device-dependent APCs in previous years and a detailed discussion of how we developed the standard device-dependent APC ratesetting methodology, we refer readers to the CY 2008 OPPS/ASC final rule with comment period (72 FR 66739 through 66742). Overviews of the procedure-to-device edits and device-to-procedure edits used in ratesetting for device-dependent APCs are available in the CY 2005 OPPS final rule with comment period (69 FR 65761 through 65763) and the CY 2007 OPPS/ASC final rule with comment period (71 FR 68070 through 68071).

For CY 2010, we are proposing to revise our standard methodology for calculating median costs for device-dependent APCs, which utilizes claims data that generally represent the full cost of the required device, to exclude claims that contain the ''FC'' modifier. Specifically, we are proposing to calculate the median costs for device-dependent APCs for CY 2010 using only the subset of single procedure claims from CY 2008 claims data that pass the procedure-to-device and device-to-procedure edits; do not contain token charges (less than $1.01) for devices; do not contain the ''FB'' modifier signifying that the device was furnished without cost to the provider, supplier, or practitioner, or where a full credit was received; and do not contain the ''FC'' modifier signifying that the hospital received partial credit for the device. The ''FC'' modifier became effective January 1, 2008, and is present for the first time on claims that would be used in OPPS ratesetting for CY 2010. We believe that the standard methodology for calculating median costs for device-dependent APCs, further refined to exclude claims with the ''FC'' modifier, gives us the most appropriate proposed median costs for device-dependent APCs in which the hospital incurs the full cost of the device.

The median costs for the majority of device-dependent APCs that are calculated using the CY 2010 proposed rule claims data are generally stable, with most median costs increasing moderately compared to the median costs upon which the CY 2009 OPPS payment rates were based. However, the median costs for APC 0225 (Implantation of Neurostimulator Electrodes, Cranial Nerve) and APC 0418 (Insertion of Left Ventricular Pacing Electrode) demonstrate significant fluctuation. Specifically, the CY 2010 proposed median cost for APC 0225 increases approximately 49 percent compared to the CY 2009 final median cost, although this APC median cost had declined by approximately the same proportion from CY 2008 to CY 2009. The CY 2010 proposed median cost for APC 0418, which had decreased approximately 45 percent from CY 2008 to CY 2009, shows an increase of approximately 56 percent based on the claims data available for the CY 2010 proposed rule. We believe the fluctuations in median costs for these two APCs are a consequence of the small number of single bills upon which the median costs are based and the small number of providers of these services. As we have stated in the past, some fluctuation in relative costs from year to year is to be expected in a prospective payment system for low volume device-dependent APCs, particularly where there are small numbers of single bills from a small number of providers. The additional single bills available for ratesetting in the CY 2010 final rule data and updated cost report data may result in less fluctuation in the median costs for these APCs for CY 2010.

At the February 2009 meeting of the APC Panel, one presenter stated that the assignment of the cranial neurostimulator implantation procedure described by CPT code 61885 (Insertion or replacement of cranial neurostimulator pulse generator or receiver, direct or inductive coupling; with connection to a single electrode array) to APC 0039 (Level I Implantation of Neurostimulator Generator), along with the peripheral/gastric neurostimulator implantation procedure described by CPT code 64590 (Insertion or replacement of peripheral or gastric neurostimulator pulse generator or receiver, direct or inductive coupling) is not appropriate, given the clinical and cost differences between the two procedures. According to the presenter, the cranial procedure described by CPT code 61885 is more similar clinically and in terms of resource utilization to the spinal neurostimulator implantation procedure described by CPT code 63685 (Insertion or replacement of spinal neurostimulator pulse generator or receiver, direct or inductive coupling), which is the only CPT code assigned to APC 0222 (Level II Implantation of Neurostimulator) for CY 2009. The presenter requested that the APC Panel recommend CMS restructure the existing configuration of neurostimulator pulse generator implantation APCs for CY 2010 by splitting APC 0039, so that procedures involving peripheral/gastric neurostimulators and cranial neurostimulators would be in distinct APCs, or by reassigning the cranial neurostimulator implantation procedure described by CPT code 61885 from APC 0039 to APC 0222. In response to this request, the APC Panel recommended that CMS combine APC 0039 and APC 0222 for CY 2010, given the overall similarity in median costs among the cranial, peripheral/gastric, and spinal neurostimulator pulse generator implantation procedures assigned to these two APCs. The APC Panel also recommended that CMS maintain the configuration of APC 0315 (Level III Implantation of Neurostimulator Generator) as it currently exists in CY 2009 for CY 2010.

We agree with the APC Panel that the median costs of the procedures described by CPT codes 61885, 63685, and 64590 are sufficiently similar to warrant placement of the CPT codes into a single APC, rather than two APCs. We are accepting the APC Panel's

recommendation and, therefore, are proposing to reassign CPT code 63685 to APC 0039, to delete APC 0222, and to maintain the current configuration of APC 0315 for CY 2010. We also are proposing to change the title of APC 0315 to ''Level II Implantation of Neurostimulator Generator'' to reflect the proposed two-level, rather than three-level, structure of the neurostimulator generator implantation APCs.

In reviewing the APC Panel recommendation for consolidating APC 0039 and APC 0222, we observed that the median costs of the procedures assigned to APC 0425 (Level II Arthroplasty or Implantation with Prosthesis) and APC 0681 (Knee Arthroplasty) also are sufficiently similar to warrant combining these two APCs into one APC. The proposed HCPCS code-specific median cost for the only procedure currently assigned to APC 0681, described by CPT code 27446 (Arthroplasty, knee, condyle and plateau; medial OR lateral compartment), is approximately $7,464 based on the claims data available for the CY 2010 proposed rule. This proposed median cost is very similar to the proposed median cost of approximately $7,852 calculated for APC 0425, which includes other procedures involving the implantation of prosthetic devices into bone, similar to the procedure described by CPT code 27446. Given the shared resource and clinical characteristics of the procedures included in APC 0425 and the only procedure assigned to APC 0681 for CY 2009, we are proposing to consolidate these two APCs by reassigning CPT code 27446 to APC 0425, and deleting APC 0681. We also note that over the past several years, the median cost for CPT code 27446 has fluctuated due to a low volume of services being performed by a small number of providers, and to a single provider performing the majority of services (73 FR 68535). We believe that by reassigning CPT code 27446 to APC 0425 and deleting APC 0681, we can maintain greater stability from year to year in the payment rate for this knee arthroplasty service, while also paying appropriately for the service.

Table 5 below lists the APCs for which we are proposing to use our standard device-dependent APC rate setting methodology for CY 2010, with the proposed amendment to exclude claims that contain the ''FC'' modifier. We refer readers to Addendum A to this proposed rule for the proposed payment rates for these APCs.

TABLE 5—PROPOSED CY 2010 DEVICE-DEPENDENT APCS

Proposed CY 2010 APC	Proposed CY 2010 status indicator	Proposed CY 2010 APC title
0039	S	Level I Implantation of Neurostimulator Generator.
0040	S	Percutaneous Implantation of Neurostimulator Electrodes.
0061	S	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electrodes.
0082	T	Coronary or Non-Coronary Atherectomy.
0083	T	Coronary or Non-Coronary Angioplasty and Percutaneous Valvuloplasty.
0084	S	Level I Electrophysiologic Procedures.
0085	T	Level II Electrophysiologic Procedures.
0086	T	Level III Electrophysiologic Procedures.
0089	T	Insertion/Replacement of Permanent Pacemaker and Electrodes.
0090	T	Insertion/Replacement of Pacemaker Pulse Generator.
0104	T	Transcatheter Placement of Intracoronary Stents.
0106	T	Insertion/Replacement of Pacemaker Leads and/or Electrodes.
0107	T	Insertion of Cardioverter-Defibrillator.
0108	T	Insertion/Replacement/Repair of Cardioverter-Defibrillator Leads.
0115	T	Cannula/Access Device Procedures.
0202	T	Level VII Female Reproductive Procedures.
0225	S	Implantation of Neurostimulator Electrodes, Cranial Nerve.
0227	T	Implantation of Drug Infusion Device.
0229	T	Transcatheter Placement of Intravascular Shunts.
0259	T	Level VII ENT Procedures.
0293	T	Level V Anterior Segment Eye Procedures.
0315	S	Level II Implantation of Neurostimulator Generator.
0384	T	GI Procedures with Stents.
0385	S	Level I Prosthetic Urological Procedures.
0386	S	Level II Prosthetic Urological Procedures.
0418	T	Insertion of Left Ventricular Pacing Electrode.
0425	T	Level II Arthroplasty or Implantation with Prosthesis.
0427	T	Level II Tube or Catheter Changes or Repositioning.
0622	T	Level II Vascular Access Procedures.
0623	T	Level III Vascular Access Procedures.
0648	T	Level IV Breast Surgery.
0652	T	Insertion of Intraperitoneal and Pleural Catheters.
0653	T	Vascular Reconstruction/Fistula Repair with Device.
0654	T	Insertion/Replacement of a Permanent Dual Chamber Pacemaker.
0655	T	Insertion/Replacement/Conversion of a Permanent Dual Chamber Pacemaker.
0656	T	Transcatheter Placement of Intracoronary Drug-Eluting Stents.
0674	T	Prostate Cryoablation.
0680	S	Insertion of Patient Activated Event Recorders.

(2) Blood and Blood Products

Since the implementation of the OPPS in August 2000, we have made separate payments for blood and blood products through APCs rather than packaging payment for them into payments for the procedures with which they are administered. Hospital payments for the costs of blood and blood products, as

well as for the costs of collecting, processing, and storing blood and blood products, are made through the OPPS payments for specific blood product APCs.

For CY 2010, we are proposing to continue to establish payment rates for blood and blood products using our blood-specific CCR methodology, which utilizes actual or simulated CCRs from the most recently available hospital cost reports to convert hospital charges for blood and blood products to costs. This methodology has been our standard ratesetting methodology for blood and blood products since CY 2005. It was developed in response to data analysis indicating that there was a significant difference in CCRs for those hospitals with and without blood-specific cost centers, and past comments indicating that the former OPPS policy of defaulting to the overall hospital CCR for hospitals not reporting a blood-specific cost center often resulted in an underestimation of the true hospital costs for blood and blood products. Specifically, in order to address the differences in CCRs and to better reflect hospitals' costs, we are proposing to continue to simulate blood CCRs for each hospital that does not report a blood cost center by calculating the ratio of the blood-specific CCRs to hospitals' overall CCRs for those hospitals that do report costs and charges for blood cost centers. We would then apply this mean ratio to the overall CCRs of hospitals not reporting costs and charges for blood cost centers on their cost reports in order to simulate blood-specific CCRs for those hospitals. We calculated the median costs upon which the proposed CY 2010 payment rates for blood and blood products are based using the actual blood-specific CCR for hospitals that reported costs and charges for a blood cost center and a hospital-specific simulated blood-specific CCR for hospitals that did not report costs and charges for a blood cost center.

We continue to believe that the hospital-specific, blood-specific CCR methodology better responds to the absence of a blood-specific CCR for a hospital than alternative methodologies, such as defaulting to the overall hospital CCR or applying an average blood-specific CCR across hospitals. Because this methodology takes into account the unique charging and cost accounting structure of each provider, we believe that it yields more accurate estimated costs for these products. We believe that continuing with this methodology in CY 2010 would result in median costs for blood and blood products that appropriately reflect the relative estimated costs of these products for hospitals without blood cost centers and, therefore, for these products in general.

We refer readers to Addendum B to this proposed rule for the CY 2010 proposed payment rates for blood and blood products, which are identified with status indicator ''R.'' For more detailed discussion of the blood-specific CCR methodology, we refer readers to the CY 2005 OPPS proposed rule (69 FR 50524 through 50525). For a full history of OPPS payment for blood and blood products, we refer readers to the CY 2008 OPPS/ASC final rule with comment period (72 FR 66807 through 66810).

(3) Single Allergy Tests

We are proposing to continue with our methodology of differentiating single allergy tests (''per test'') from multiple allergy tests (''per visit'') by assigning these services to two different APCs to provide accurate payments for these tests in CY 2010. Multiple allergy tests are currently assigned to APC 0370 (Allergy Tests), with a median cost calculated based on the standard OPPS methodology. We provided billing guidance in CY 2006 in Transmittal 804 (issued on January 3, 2006) specifically clarifying that hospitals should report charges for the CPT codes that describe single allergy tests to reflect charges ''per test'' rather than ''per visit'' and should bill the appropriate number of units of these CPT codes to describe all of the tests provided. Our CY 2008 claims data available for this proposed rule for APC 0381 do not reflect improved and more consistent hospital billing practices of ''per test'' for single allergy tests. The median cost of APC 0381, calculated for this proposed rule according to the standard single claims OPPS methodology, is approximately $55, significantly higher than the CY 2009 median cost of APC 0381 of approximately $23 calculated according to the ''per unit'' methodology, and greater than we would expect for these procedures that are to be reported ''per test'' with the appropriate number of units. Some claims for single allergy tests still appear to provide charges that represent a ''per visit'' charge, rather than a ''per test'' charge. Therefore, consistent with our payment policy for single allergy tests since CY 2006, we are proposing to calculate a ''per unit'' median cost for APC 0381, based upon 530 claims containing multiple units or multiple occurrences of a single CPT code. The CY 2010 proposed median cost for APC 0381 using the ''per unit'' methodology is approximately $29. For a full discussion of this methodology, we refer readers to the CY 2008 OPPS/ASC final rule with comment period (72 FR 66737).

(4) Echocardiography Services

In CY 2008, we implemented a policy whereby payment for all contrast agents is packaged into the payment for the associated imaging procedure, regardless of whether the contrast agent met the OPPS drug packaging threshold. Section 1833(t)(2)(G) of the Act requires us to create additional APC groups of services for procedures that use contrast agents that classify them separately from those procedures that do not utilize contrast agents. To reconcile this statutory provision with our final policy of packaging all contrast agents, for CY 2008, we calculated HCPCS code-specific median costs for all separately payable echocardiography procedures that may be performed with contrast agents by isolating single and ''pseudo'' single echocardiography claims with the following CPT codes where a contrast agent was also billed on the claim:

- 93303 (Transthoracic echocardiography for congenital cardiac anomalies; complete);
- 93304 (Transthoracic echocardiography for congenital cardiac anomalies; follow-up or limited study);
- 93307 (Echocardiography, transthoracic, real-time with image documentation (2D) with or without M-mode recording; complete);
- 93308 (Echocardiography, transthoracic, real-time with image documentation (2D) with or without M-mode recording; follow-up or limited study);
- 93312 (Echocardiography, transesophageal, real time with image documentation (2D) (with or without M-mode recording); including probe placement, image acquisition, interpretation and report);
- 93315 (Transesophageal echocardiography for congenital cardiac anomalies; including probe placement, image acquisition, interpretation and report);
- 93318 (Echocardiography, transesophageal (TEE) for monitoring purposes, including probe placement, real time 2-dimensional image acquisition and interpretation leading to ongoing (continuous) assessment of (dynamically changing) cardiac pumping function and to therapeutic measures on an immediate time basis); and
- 93350 (Echocardiography, transthoracic, real-time with image documentation (2D), with or without M-mode recording, during rest and cardiovascular stress test using treadmill, bicycle exercise and/or

pharmacologically induced stress, with interpretation and report).

After reviewing HCPCS code-specific median costs, we determined that all echocardiography procedures that may be performed with contrast agents are reasonably similar both clinically and in terms of resource use. In CY 2008, we created APC 0128 (Echocardiogram With Contrast) to provide payment for echocardiography procedures that are performed with a contrast agent. We refer readers to the CY 2008 OPPS/ASC final rule with comment period (72 FR 66643 through 66646) for more information on this methodology.

In order for hospitals to identify and receive appropriate payment for echocardiography procedures performed with contrast beginning in CY 2008, we created eight new HCPCS codes (C8921 through C8928) that corresponded to the related CPT echocardiography codes and assigned them to the newly created APC 0128. We instructed hospitals to report the CPT codes when performing echocardiography procedures without contrast and to report the new HCPCS C-codes when performing echocardiography procedures with contrast, or without contrast followed by with contrast. As is our standard policy with regard to new codes, the APC assignment of these codes was then open to comment in that final rule.

We used the same process to calculate median costs for these codes for CY 2009 as we used for CY 2008 to separately identify echocardiography services provided with contrast and those provided without contrast because the data reported under these new codes were not yet available for CY 2009 ratesetting.

In addition, for CY 2009, the American Medical Association (AMA) revised several CPT codes in the 93000 series to more specifically describe particular services provided during echocardiography procedures. The CY 2009 descriptor for new CPT code 93306 (Echocardiography, transthoracic real-time with image documentation (2D), includes M-mode recording, when performed, complete, with spectral Doppler echocardiography, and with color flow Doppler echocardiography) includes the services described in CY 2008 by three CPT codes: 93307 (Echocardiography, transthoracic, real-time with image documentation (2D) with or without M-mode recording; complete); 93320 (Doppler echocardiography, pulsed wave and/or continuous wave with spectral display; complete), and 93325 (Doppler echocardiography color flow velocity mapping). Therefore, in CY 2008, the service described in CY 2009 by new CPT code 93306 was reported with three CPT codes, specifically CPT codes 93307, 93320, and 93325. For CY 2008, the hospital received separate payment for CPT code 93307 through APC 0269 (Level II Echocardiogram Without Contrast Except Transesophageal), into which payment for the other two services was packaged. The revised CY 2009 descriptor of CPT code 93307 (Echocardiography, transthoracic, real-time with image documentation (2D), includes M- mode recording, when performed, complete, without spectral or color Doppler echocardiography) explicitly excludes services described by CPT codes 93320 and 93325.

To estimate the hospital costs of CPT codes 93306 and 93307 based on their CY 2009 descriptors and the corresponding HCPCS codes C8929 and C8923 for CY 2009, we used claims data from CY 2007. As described in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68542 through 68544), we manipulated our CY 2007 single and ''pseudo'' single claims data to simulate the new CY 2009 definitions of these services. Specifically, we selected claims for CPT code 93307 on which CPT codes 93320 and 93325 were also present and we treated the summed costs on these claims as if they were a single procedure claim for CPT code 93306. Similarly, we selected single claims for CPT code 93307 to reflect the newly revised descriptor for CY 2009; that is, we included those claims where CPT code 93307 was not billed with packaged CPT code 93320 or CPT code 93325 on the same claim. We then applied our CY 2009 methodology for calculating HCPCS code-specific median costs for these echocardiography procedures with and without contrast by dividing the new set of claims for CPT codes 93306 and 93307 into those billed with and without contrast agents. We assigned the costs for simulated CPT codes 93306 and 93307 reported without contrast to those CPT codes. We then assigned the costs for simulated CPT codes 93306 and 93307 reported with contrast to new HCPCS code C8929 (Transthoracic echocardiography with contrast, or without contrast followed by with contrast, real-time with image documentation (2D), includes M-mode recording, when performed, complete, with spectral Doppler echocardiography, and with color flow Doppler echocardiography) and revised HCPCS code C8923 (Transthoracic echocardiography with contrast, or without contrast followed by with contrast, real-time with image documentation (2D), includes M-mode recording, when performed, complete, without spectral or color Doppler echocardiography), respectively. In the CY 2009 OPPS/ASC final rule with comment period, we assigned these CPT and HCPCS codes to APCs for CY 2009 based on their simulated median costs and clinical characteristics. New CY 2009 CPT code 93306 and HCPCS code C8929 were assigned comment indicator ''NI'' in that final rule, to signify that they were new codes whose interim final OPPS treatment was open to comment on that final rule.

This CY 2010 proposed rule is the first opportunity that we have claims data available from hospitals for echocardiography services performed with contrast (or without contrast followed by with contrast) and reported with HCPCS codes C8921 through C8928. With the exception of HCPCS code C8923, which had a significant change in its code descriptor for CY 2009, we are proposing to use our standard methodology to set the CY 2010 OPPS payment rates for these echocardiography services performed with contrast, taking into consideration their HCPCS code-specific median costs from CY 2008 claims.

For CY 2010 ratesetting, we are proposing to employ an alternative ratesetting methodology for CPT codes 93306 and 93307 and HCPCS codes C8929 and C8923 that is similar to the approach we used for CY 2009 in order to account for the new codes and revised code descriptors for which CY 2008 data are unavailable. However, in the case of the proposed CY 2010 cost estimation, our CY 2008 claims for CPT code 93307 are only for services performed without contrast, and we have CY 2008 claims for HCPCS C8923 for the comparable services performed with contrast. Specifically, we selected claims for CPT code 93307 on which CPT codes 93320 and 93325 were also present and we treated the summed costs on these claims as if they were a single procedure claim for CPT code 93306 in order to simulate the median cost for CPT code 93306, for which CY 2008 claims data are not available. We then selected single claims for CPT code 93307 to reflect the newly revised descriptor for CY 2009; that is, we included those claims where CPT code 93307 was not billed with either packaged CPT code 93320 or CPT code 93325 on the same claim in order to simulate an appropriate CY 2010 proposed median cost for CPT code 93307. We assigned the costs of HCPCS code C8923 when reported with CPT codes 93320 and 93325 to HCPCS code C8929 and the costs of HCPCS code

C8923 when reported without CPT code 93320 or 93325 to HCPCS code C8923.

Following publication of the CY 2009 OPPS/ASC final rule with comment period, several stakeholders brought a number of concerns to our attention, including the interim APC assignment of new CPT code 93351 (Echocardiography, transthoracic, real-time with image documentation (2D), includes M-mode recording, when performed, during rest and cardiovascular stress test using treadmill, bicycle exercise and/or pharmacologically induced stress, with interpretation and report; including performance of continuous electrocardiographic monitoring, with physician supervision) and the corresponding new HCPCS code C8930 (Transthoracic echocardiography, with contrast, or without contrast followed by with contrast, real-time with image documentation (2D), includes M-mode recording, when performed, during rest and cardiovascular stress test using treadmill, bicycle exercise and/or pharmacologically induced stress, with interpretation and report; including performance of continuous electrocardiographic monitoring, with physician supervision). These stakeholders noted that new CY 2009 CPT code 93351 was created to include the services reported previously by CPT codes 93015 (Cardiovascular stress test using maximal or submaximal treadmill or bicycle exercise, continuous electrocardiographic monitoring, and/or pharmacological stress; with physician supervision, with interpretation and report) and 93350 (Echocardiography, transthoracic, real-time with image documentation (2D), includes M-mode recording, when performed, during rest and cardiovascular stress test using treadmill, bicycle exercise and/or pharmacologically induced stress, with interpretation and report). Because new CY 2009 CPT code 93351 was meant to include the services previously reported with both the CPT codes for a transthoracic echocardiogram during rest and stress (CPT code 93350 is recognized under the OPPS) and a cardiovascular stress test (CPT code 93017 is recognized under the OPPS, rather than CPT code 93015), these stakeholders disagreed with our assignments of both CPT codes 93350 and 93351 to APC 0269 for CY 2009.

Upon review of these concerns and our CY 2008 data, for CY 2010, we are proposing to use an alternative methodology to simulate median costs for CPT code 93351 and corresponding HCPCS code C8930, for which CY 2008 claims data are unavailable, and for CPT code 93350 and corresponding HCPCS code C8928 (Transthoracic echocardiography with contrast, or without contrast followed by with contrast, real-time with image documentation (2D), includes M-mode recording, when performed, during rest and cardiovascular stress test using treadmill, bicycle exercise and/or pharmacologically induced stress, with interpretation and report). That is, we are proposing to use claims that contain both CPT codes 93350 and 93017 (Cardiovascular stress test using maximal or submaximal treadmill or bicycle exercise, continuous electrocardiographic monitoring, and/or pharmacological stress; tracing only, without interpretation and report) to simulate the median cost for CPT code 93351. We also are proposing to use the remaining claims that contain CPT code 93350 but that do not contain CPT code 93017 to develop the proposed CY 2010 median cost for CPT code 93350. We identified over 74,000 CY 2008 claims with both CPT code 93350 and CPT code 93017 on the same date of service and no other separately paid services appearing on the same date after applying our bypass processing logic, discussed in section II.A.1.b. of this proposed rule, that we modified to treat CPT codes 93350 and code 93017 as a single service. We calculated a proposed median cost of approximately $604. Therefore, for CY 2010, we are proposing to reassign CPT code 93351 to revised APC 0270 (Level III Echocardiogram Without Contrast) which has a proposed APC median cost of approximately $596. We are proposing to continue to assign CPT code 93350 to APC 0269, which has a proposed APC median cost of approximately $456, based on its HCPCS code-specific median cost of approximately $406 based on approximately 11,000 single claims. Furthermore, we are proposing to use claims for HCPCS code C8928 that are reported with CPT code 93017 on the same claim to simulate the CY 2010 median cost for HCPCS code C8930. We identified over 4,000 claims with both HCPCS code C8930 and CPT code 93017 on the same date of service and no other separately paid services appearing on the same date after applying our bypass processing logic, discussed in section II.A.1.b. of this proposed rule, that we modified to treat HCPCS code C8930 and CPT code 93017 as a single service. We calculated a HCPCS code-specific median cost of approximately $706. Therefore, we are proposing to continue to assign HCPCS code C8930 to APC 0128 with a proposed APC median cost of approximately $660. We also are proposing to continue to assign HCPCS code C8928 to APC 0128, based on its HCPCS code-specific median cost of approximately $595 based on approximately 1,000 single claims.

Table 6 below shows CY 2009 CPT codes for billing echocardiography services without contrast, their proposed APC assignments for CY 2010, and the corresponding HCPCS codes for use when echocardiography services are performed with contrast (or without contrast followed by with contrast), along with their proposed APC assignments for CY 2010.

BILLING CODE 4120–01–P

TABLE 6.--PROPOSED OPPS HCPCS CODES FOR BILLING ECHOCARDIOGRAPHY SERVICES

Echocardiography Without Contrast			Echocardiography With Contrast		
CY 2009 HCPCS Code	CY 2009 Descriptor	Proposed CY 2010 APC	CY 2009 HCPCS Code	CY 2009 Descriptor	Proposed CY 2010 APC
93303	Transthoracic echocardiography for congenital cardiac anomalies; complete	0270	C8921	Transthoracic echocardiography with contrast, or without contrast followed by with contrast, for congenital cardiac anomalies; complete	0128
93304	Transthoracic echocardiography for congenital cardiac anomalies; follow-up or limited study	0269	C8922	Transthoracic echocardiography with contrast, or without contrast followed by with contrast, for congenital cardiac anomalies; follow-up or limited study	0128
93306	Echocardiography, transthoracic real-time with image documentation (2D), includes M-mode recording, when performed, complete, with spectral Doppler echocardiography, and with color flow Doppler echocardiography	0269	C8929	Transthoracic echocardiography with contrast, or without contrast followed by with contrast, real-time with image documentation (2D), includes M-mode recording, when performed, complete, with spectral Doppler echocardiography, and with color flow Doppler echocardiography	0128

Echocardiography Without Contrast			Echocardiography With Contrast		
CY 2009 HCPCS Code	CY 2009 Descriptor	Proposed CY 2010 APC	CY 2009 HCPCS Code	CY 2009 Descriptor	Proposed CY 2010 APC
93307	Echocardiography, transthoracic, real-time with image documentation (2D), includes M-mode recording, when performed, complete, without spectral or color Doppler echocardiography	0697	C8923	Transthoracic echocardiography with contrast, or without contrast followed by with contrast, real-time with image documentation (2D), includes M-mode recording, when performed, complete, without spectral or color Doppler echocardiography	0128
93308	Echocardiography, transthoracic, real-time with image documentation (2D), includes M-mode recording, when performed, follow-up or limited study	0697	C8924	Transthoracic echocardiography with contrast, or without contrast followed by with contrast, real-time with image documentation (2D), includes M-mode recording, when performed, follow-up or limited study	0128
93312	Echocardiography, transesophageal, real time with image documentation (2D) (with or without M-mode recording); including probe placement, image acquisition, interpretation and report	0270	C8925	Transesophageal echocardiography (TEE) with contrast, or without contrast followed by with contrast, real time with image documentation (2D) (with or without M-mode recording); including probe placement, image acquisition, interpretation and report	0128
93313	Echocardiography, transesophageal, real time with image documentation (2D) (with or without M-mode recording);	0269	No corresponding C-code		

Echocardiography Without Contrast			Echocardiography With Contrast		
CY 2009 HCPCS Code	CY 2009 Descriptor	Proposed CY 2010 APC	CY 2009 HCPCS Code	CY 2009 Descriptor	Proposed CY 2010 APC
	placement of transesophageal probe only				
93315	Transesophageal echocardiography for congenital cardiac anomalies; including probe placement, image acquisition, interpretation and report	0270	C8926	Transesophageal echocardiography (TEE) with contrast, or without contrast followed by with contrast, for congenital cardiac anomalies; including probe placement, image acquisition, interpretation and report	0128
93316	Transesophageal echocardiography for congenital cardiac anomalies; placement of transesophageal probe only	0270	No corresponding C-code		
93318	Echocardiography, transesophageal (TEE) for monitoring purposes, including probe placement, real time 2-dimensional image acquisition and interpretation leading to ongoing (continuous) assessment of (dynamically changing) cardiac pumping function and to therapeutic measures on an immediate time basis	0269	C8927	Transesophageal echocardiography (TEE) with contrast, or without contrast followed by with contrast, for monitoring purposes, including probe placement, real time 2-dimensional image acquisition and interpretation leading to ongoing (continuous) assessment of (dynamically changing) cardiac pumping function and to therapeutic measures on an immediate time basis	0128

Echocardiography Without Contrast			Echocardiography With Contrast		
CY 2009 HCPCS Code	CY 2009 Descriptor	Proposed CY 2010 APC	CY 2009 HCPCS Code	CY 2009 Descriptor	Proposed CY 2010 APC
93350	Echocardiography, transthoracic, real-time with image documentation (2D), includes M-mode recording, when performed, during rest and cardiovascular stress test using treadmill, bicycle exercise and/or pharmacologically induced stress, with interpretation and report	0269	C8928	Transthoracic echocardiography with contrast, or without contrast followed by with contrast, real-time with image documentation (2D), includes M-mode recording, when performed, during rest and cardiovascular stress test using treadmill, bicycle exercise and/or pharmacologically induced stress, with interpretation and report	0128
93351	Echocardiography, transthoracic, real-time with image documentation (2D), includes M-mode recording, when performed, during rest and cardiovascular stress test using treadmill, bicycle exercise and/or pharmacologically induced stress, with interpretation and report; including performance of continuous electrocardiographic monitoring, with physician supervision	0270	C8930	Transthoracic echocardiography, with contrast, or without contrast followed by with contrast, real-time with image documentation (2D), includes M-mode recording, when performed, during rest and cardiovascular stress test using treadmill, bicycle exercise and/or pharmacologically induced stress, with interpretation and report; including performance of continuous electrocardiographic monitoring, with physician supervision	0128

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Finally, for CY 2010, based upon our proposed APC configurations, we also are proposing to revise the titles of our existing series of echocardiography APCs to more accurately describe the groups of services identified by CPT codes 93303 through 93352 and HCPCS codes C8921 through C8930 that are assigned to these APCs. We are proposing to rename APCs 0269, 0270, and 0697 as described in Table 7 below.

TABLE 7—PROPOSED CY 2010 ECHOCARDIOGRAPHY APCS

Proposed CY 2010 APC	Proposed CY 2010 APC title	Proposed CY 2010 approximate APC median cost
0128	Echocardiogram With Contrast	$660
0269	Level II Echocardiogram Without Contrast	456
0270	Level III Echocardiogram Without Contrast	596
0697	Level I Echocardiogram Without Contrast	263

(5) Nuclear Medicine Services

In CY 2008, we began packaging payment for diagnostic radiopharmaceuticals into the payment for the associated nuclear medicine procedure. (For a discussion regarding the distinction between diagnostic and therapeutic radiopharmaceuticals, we refer readers to the CY 2008 OPPS/ASC final rule with comment period at 72 FR 66636.) Prior to the implementation of this policy, diagnostic radiopharmaceuticals were subject to the standard OPPS drug packaging methodology whereby payments are packaged when the estimated mean per day product costs fall at or below the annual packaging threshold for drugs, biologicals (other than implantable biologicals), and radiopharmaceuticals.

Packaging costs into a single aggregate payment for a service, encounter, or episode-of-care is a fundamental principle that distinguishes a prospective payment system from a fee schedule. In general, packaging the costs of supportive items and services into the payment for the independent procedure or service with which they are associated encourages hospital efficiencies and also enables hospitals to manage their resources with maximum flexibility. All nuclear medicine procedures require the use of at least one radiopharmaceutical or other radiolabeled product, and there are only a small number of radiopharmaceuticals that may be appropriately billed with each diagnostic nuclear medicine procedure. For the OPPS, we distinguish diagnostic radiopharmaceuticals from therapeutic radiopharmaceuticals for payment purposes, and this distinction is recognized in the Level II HCPCS codes for diagnostic radiopharmaceuticals that include the term ''diagnostic'' along with a radiopharmaceutical in their HCPCS code descriptors. As we stated in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66635), we believe that our policy to package payment for diagnostic radiopharmaceuticals (other than those already packaged when their per day costs are below the packaging threshold for OPPS drugs, biologicals, and radiopharmaceuticals) is consistent with OPPS packaging principles, provides greater administrative simplicity for hospitals, and encourages hospitals to use the most clinically appropriate and cost efficient diagnostic radiopharmaceutical for each study. For more background on this policy, we refer readers to discussions in the CY 2008 OPPS/ASC proposed rule (72 FR 42667 through 42672) and the CY 2008 OPPS/ASC final rule with comment period (72 FR 66635 through 66641).

For CY 2008 ratesetting, we used only claims for nuclear medicine procedures that contained a diagnostic radiopharmaceutical in calculating the median costs for APCs that include nuclear medicine procedures (72 FR 66639). This is similar to the established methodology used for device-dependent APCs before claims reflecting the procedure-to-device edits were included in our claims data. For CY 2008, we also implemented claims processing edits (called procedure-to-radiolabeled product edits) requiring the presence of a radiopharmaceutical (or other radiolabeled product) HCPCS code when a separately payable nuclear medicine procedure is present on a claim. Similar to our practice regarding the procedure-to-device edits that have been in place for some time, we continually review comments and requests for changes related to these edits and, based on our review, may update the edit list during our quarterly update process if necessary. The radiolabeled product and procedure HCPCS codes that are included in these edits can be viewed on the CMS Web *site at: http://www.cms.hhs.gov/HospitalOutpatientPPS/01_overview.asp*.

The CY 2008 OPPS claims that are subject to the procedure-to-radiolabeled product edits were not available for setting payment rates in CY 2009. Therefore, as described in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68545), we continued to use our established CY 2008 methodology for setting the payment rates for APCs that included nuclear medicine procedures for CY 2009. We used an updated list of radiolabeled products, including but not limited to diagnostic radiopharmaceuticals, from the procedure-to-radiolabeled product edit file to identify single and ''pseudo'' single claims for nuclear medicine procedures that also included at least one eligible radiolabeled product. Using this subset of claims, we followed our standard OPPS ratesetting methodology to calculate median costs for nuclear medicine procedures and their associated APCs. As in CY 2008, when we set APC median costs based on single and ''pseudo'' single claims that also included at least one radiolabeled product on our edit file, we observed an equivalent or higher median cost than that calculated from all single and ''pseudo'' single bills. We believe that this methodology appropriately ensured that the costs of diagnostic radiopharmaceuticals were included in the CY 2009 ratesetting process for these APCs.

As discussed in section II.A.4.b.(1) of this proposed rule, during the September 2007 APC Panel meeting, the APC Panel requested that CMS evaluate the impact of expanded packaging on beneficiaries. Also, during the March 2008 APC Panel meeting, the APC Panel requested that CMS report to the APC Panel at the first meeting in CY 2009 regarding the impact of packaging on net payments for patient care. In response to these requests, we shared data with the APC Panel at the February 2009 APC Panel meeting that compared the frequency of the billing of diagnostic radiopharmaceuticals billed under the OPPS in CY 2007, before the packaging of all diagnostic radiopharmaceuticals went into effect, to the frequency of the billing of those same products in CY2008, their first year of packaged payment. We also reviewed information about the aggregate payment for diagnostic radiopharmaceuticals and nuclear medicine procedures during those same 2 years. A summary of these data analyses is provided in section II.A.4.b.(1) of this proposed rule.

In addition to these aggregate analyses of total frequency and payment, we also presented our analyses of the number of hospitals performing nuclear medicine scans and the specific diagnostic

radiopharmaceuticals appearing with cardiac and tumor imaging nuclear medicine procedures, excluding positron emission tomography (PET) scans, by classes of hospitals between the CY 2007 claims processed through September 30, 2007 and the CY 2008 claims processed through September 30, 2008. At the March 2008 APC Panel meeting, the APC Panel also recommended that we evaluate the usage and frequency, geographic distribution, and size and type of hospitals performing nuclear medicine studies using radioisotopes to assess beneficiaries' access and that we present these analyses at the first APC Panel meeting in CY 2009. The number of all hospitals reporting any nuclear medicine procedure declined by 2 percent between the CY 2007 claims data and the CY 2008 claims data. Across several classes of hospitals (urban and rural, teaching and nonteaching, and small and large OPPS service volume), the number of hospitals billing any nuclear medicine procedure declined by up to 4 percent over that same time period. With regard to the specific diagnostic radiopharmaceuticals reported with cardiac and tumor imaging nuclear medicine procedure, we generally observed comparable distributions of radiopharmaceuticals between the CY 2007 claims data and the CY 2008 claims data. However, the utility of this analysis was limited due to the introduction of the procedure-to-radiolabeled product claims processing edits discussed above. There are nuclear medicine procedures reported with a diagnostic radiopharmaceutical HCPCS code on the CY 2008 claims that would have not necessarily been billed with a diagnostic radiopharmaceutical HCPCS code on the CY 2007 claims. Specifically, we observed an increase in billing for many radiopharmaceuticals, some new and costly, between the CY 2007 claims data and the CY 2008 claims data. We do not know how much of this was attributable to changes in hospitals' use of radiopharmaceuticals or to the CY 2008 introduction of the procedure-to-radiolabeled product edits that require a radiolabeled product on the claim for payment of the nuclear medicine procedure. With the exception of the notable increases in the frequencies of certain radiopharmaceutical HCPCS codes that potentially resulted from the introduction of these edits, in general, hospital billing patterns for diagnostic radiopharmaceuticals associated with cardiac and tumor imaging nuclear medicine scans did not change dramatically between CY 2007 and CY 2008 for all hospitals and classes of hospitals. We concluded that very few hospitals stopped providing nuclear medicine procedures as a result of our CY 2008 policy to package payment for diagnostic radiopharmaceuticals and that, in general, hospitals did not decrease their use of expensive radiopharmaceuticals.

As a result of the discussions of the APC Panel following our presentation of the analyses of the impact of packaging payment for all diagnostic radiopharmaceuticals in the OPPS, the APC Panel further recommended that CMS continue to analyze the impact on beneficiaries of increased packaging of diagnostic radiopharmaceuticals and provide more detailed analyses at the next APC Panel meeting. Further, the APC Panel requested that, in the more detailed analyses of packaging of diagnostic radiopharmaceuticals by type of nuclear medicine scan, CMS analyze the data according to the specific CPT codes billed with the diagnostic radiopharmaceuticals. We are accepting the APC Panel's recommendation and will provide additional data to the APC Panel at an upcoming meeting.

For CY 2010 ratesetting, we are able to use CY 2008 OPPS claims that were subject to the procedure-to-radiolabeled product claims processing edits incorporated into the I/OCE prior to payment of claims in order to develop single and ''pseudo'' single claims for nuclear medicine procedures according to our standard methodology. We believe that using the CY 2008 claims for these services without further editing for the presence of a radiolabeled product is now appropriate for CY 2010 because these claims reflect all possible relationships between the nuclear medicine procedures and their associated radiolabeled products that we have accommodated for payment of nuclear medicine procedures. Moreover, as we indicated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68548 through 68549), in the rare circumstance where a diagnostic radiopharmaceutical is not provided in association with a nuclear medicine procedure, for example, because a beneficiary receives a therapeutic radiopharmaceutical as part of a hospital inpatient stay and then returns to the HOPD for a nuclear medicine scan without needing a diagnostic radiopharmaceutical to be administered again for the study, we believe it is appropriate to use these claims for ratesetting purposes. We believe that just as these situations are representative of the performance of a nuclear medicine scan, it is also appropriate to include them for ratesetting purposes.

(6) Hyperbaric Oxygen Therapy

Since the implementation of the OPPS in August 2000, the OPPS has recognized HCPCS code C1300 (Hyperbaric oxygen under pressure, full body chamber, per 30 minute interval) for hyperbaric oxygen therapy (HBOT) provided in the hospital outpatient setting. In the CY 2005 OPPS final rule with comment period (69 FR 65758 through 65759), we finalized a ''per unit'' median cost calculation for APC 0659 (Hyperbaric Oxygen) using only claims with multiple units or multiple occurrences of HCPCS code C1300 because delivery of a typical HBOT service requires more than 30 minutes. We observed that claims with only a single occurrence of the code were anomalies, either because they reflected terminated sessions or because they were incorrectly coded with a single unit. In the same rule, we also established that HBOT would not generally be furnished with additional services that might be packaged under the standard OPPS APC median cost methodology. This enabled us to use claims with multiple units or multiple occurrences. Finally, we also used each hospital's overall CCR to estimate costs for HCPCS code C1300 from billed charges rather than the CCR for the respiratory therapy or other departmental cost centers. The public comments on the CY 2005 OPPS proposed rule effectively demonstrated that hospitals report the costs and charges for HBOT in a wide variety of cost centers. Since CY 2005, we have used this methodology to estimate the median cost for HBOT. The median costs of HBOT using this methodology have been relatively stable for the last 4 years. We are proposing to continue using the same methodology to estimate a ''per unit'' median cost for HCPCS code C1300 for CY 2010 of approximately $108, using 279,139 claims with multiple units or multiple occurrences.

(7) Payment for Ancillary Outpatient Services When Patient Expires (-CA Modifier)

In the November 1, 2002 final rule with comment period (67 FR 66798), we discussed the creation of the new HCPCS -CA modifier to address situations where a procedure on the OPPS inpatient list must be performed to resuscitate or stabilize a patient (whose status is that of an outpatient) with an emergent, life-threatening condition, and the patient dies before being admitted as an inpatient. In

Transmittal A–02–129, issued on January 3, 2003, we instructed hospitals on the use of this modifier. For a complete description of the history of the policy and the development of the payment methodology for these services, we refer readers to the CY 2007 OPPS/ASC final rule with comment period (71 FR 68157 through 68158).

For CY 2010, we are proposing to continue to use our established ratesetting methodology for calculating the median cost of APC 0375 (Ancillary Outpatient Services When Patient Expires) and to continue to make one payment under APC 0375 for the services that meet the specific conditions for using modifier -CA. We are proposing to calculate the relative payment weight for APC 0375 by using all claims reporting a status indicator ''C'' procedure appended with the -CA modifier, using estimated costs from claims data for line-items with a HCPCS code assigned status indicator ''G,'' ''H,'' ''K,'' ''N,'' ''Q1,'' ''Q2,'' ''Q3,'' ''R,'' ''S,'' ''T,'' ''U,'' ''V,'' and ''X'' and charges for packaged revenue codes without a HCPCS code. We continue to believe that this methodology results in the most appropriate aggregate median cost for the ancillary services provided in these unusual clinical situations.

We believe that hospitals are reporting the -CA modifier according to the policy initially established in CY 2003. We note that the claims frequency for APC 0375 has been decreasing over the past few years. For this proposed rule, there are only 131 claims for this APC. Although the median cost for APC 0375 has increased in recent years, the median in the data for this proposed rule is only slightly higher than the final median cost for CY 2009. Variation in the median cost for APC 0375 is expected because of the small number of claims and because the specific cases are grouped by the presence of the -CA modifier appended to an inpatient procedure and not according to the standard APC criteria of clinical and resource homogeneity. Cost variation for APC 0375 from year to year is anticipated and acceptable as long as hospitals continue judicious reporting of the -CA modifier. Table 8 below shows the number of claims and the final median costs for APC 0375 for CYs 2007, 2008 and 2009. For CY 2010, we are proposing a median cost for APC 0375 of approximately $5,784.

TABLE 8—CLAIMS FOR ANCILLARY OUTPATIENT SERVICES WHEN PATIENT EXPIRES (-CA MODIFIER) FOR CYS 2007 THROUGH 2009

Prospective payment year	Number of claims	APC median cost
CY 2007	260	$3,549
CY 2008	183	4,945
CY 2009	168	5,545

e. Proposed Calculation of Composite APC Criteria-Based Median Costs

As discussed in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66613), we believe it is important that the OPPS enhance incentives for hospitals to provide only necessary, high quality care and to provide that care as efficiently as possible. For CY 2008, we developed composite APCs to provide a single payment for groups of services that are typically performed together during a single clinical encounter and that result in the provision of a complete service. Combining payment for multiple independent services into a single OPPS payment in this way enables hospitals to manage their resources with maximum flexibility by monitoring and adjusting the volume and efficiency of services themselves. An additional advantage to the composite APC model is that we can use data from correctly coded multiple procedure claims to calculate payment rates for the specified combinations of services, rather than relying upon single procedure claims which may be low in volume and/or incorrectly coded. Under the OPPS, we currently have composite APC policies for extended assessment and management services, low dose rate (LDR) prostate brachytherapy, cardiac electrophysiologic evaluation and ablation services, mental health services, and multiple imaging services. We refer readers to the CY 2008 OPPS/ASC final rule with comment period for a full discussion of the development of the composite APC methodology (72 FR 66611 through 66614 and 66650 through 66652).

While we continue to consider the development and implementation of larger payment bundles, such as composite APCs (a long-term policy objective for the OPPS), and continue to explore other areas where this payment model may be utilized, we are not proposing any new composite APCs for CY 2010 so that we may monitor the effects of the existing composite APCs on utilization and payment. In response to our CY 2009 proposal to apply a composite payment methodology to multiple imaging procedures provided on the same date of service, several public commenters stated that we should proceed cautiously as we expand service bundling. They commented that we should not implement additional composite methodologies until adequate data are available to evaluate the composite policies' effectiveness and impact on beneficiary access to care (73 FR 68561 through 68562).

In response to the concerns of the public commenters and the APC Panel, we reviewed the CY 2008 claims data for claims processed through September 30, 2008, for the services in the following composite APCs: APC 8000 (Cardiac Electrophysiologic Evaluation and Ablation Composite); APC 8001 (Low Dose Rate Prostate Brachytherapy Composite); APC 8002 (Level I Extended Assessment and Evaluation Composite); and APC 8003 (Level II Extended Assessment and Evaluation Composite). Our analyses did not consider inflation, changes in beneficiary population, or other comparable variables that can affect changes in aggregate payment from year to year. We found that the average payment for the package of services in both APC 8000 and APC 8001 increased from CY 2007, when payments were made for all individual services, to CY 2008 under the composite payment methodology. We also note that the proposed median costs for these composite APCs for CY 2010 are higher than the median costs upon which the CY 2009 payments are based. We believe that, in part, this is because we are using more claims data for common clinical scenarios to calculate the median costs of these APCs than we were prior to the implementation of the composite payment methodology.

With regard to APCs 8002 and 8003, we compared payment for all visits appearing with observation services in CY 2007 with payments for all visits appearing with observation services in CY 2008 and found that total payment

for visits and observation services increased from approximately $197 million to $270 million for claims processed through September 30 in each year. We attribute this increase in payments, in part, to the introduction of a composite payment for visits and observation through the extended assessment and management composite methodology that occurred for CY 2008 and that did not incorporate the International Classification of Diseases, Ninth Edition, Clinical Modification (ICD–9–CM) diagnosis criteria previously necessary for separate payment of observation.

We will continue to review the claims data for the impact of all of the composite APCs on payments to hospitals and on services to beneficiaries and will take such data into consideration before proposing new composite APCs. As stated in the CY 2009 OPPS/ASC final rule with comment period, we believe that we proceeded with an appropriate level of caution by implementing multiple imaging composite APCs as the one new composite APC policy for CY 2009 (73 FR 68563). However, we do recognize the concerns expressed by the public commenters that moving ahead too quickly with any nonstandard OPPS payment methodology (even one such as composite APCs that may improve the accuracy of the OPPS payment rates by utilizing more complete and valid claims in ratesetting) could have unintended consequences and requires close monitoring. Because the multiple imaging composite APCs were implemented for the first time in CY 2009, we will not have data available for such monitoring until early CY 2010. Therefore, we believe that it is in the best interest of hospitals and the integrity of the OPPS that we do not propose any new composite APC policies for at least one year.

At its February 2009 meeting, the APC Panel recommended that CMS evaluate the implications of creating composite APCs for cardiac resynchronization therapy with a defibrillator or pacemaker and report its findings to the APC Panel. While we are not proposing any new composite APCs for CY2010, we are accepting this APC Panel recommendation, and we will evaluate the implications of creating composite APCs for cardiac resynchronization therapy services and report our findings to the APC Panel at a future meeting. We also will consider bringing other potential composite APCs to the APC Panel for further discussion.

For CY 2010, we are proposing to continue our established composite APC policies for extended assessment and management, LDR prostate brachytherapy, cardiac electrophysiologic evaluation and ablation, mental health services, and multiple imaging services, as discussed in sections II.A.2.e.(1), II.A.2.e.(2), II.A.2.e.(3), II.A.2.e.(4), and II.A.2.e.(5), respectively, of this proposed rule.

(1) Extended Assessment and Management Composite APCs (APCs 8002 and 8003)

For CY 2010, we are proposing to continue to include composite APC 8002 (Level I Extended Assessment and Management Composite) and composite APC 8003 (Level II Extended Assessment and Management Composite) in the OPPS. For CY 2008, we created these two new composite APCs to provide payment to hospitals in certain circumstances when extended assessment and management of a patient occur (an extended visit). In most circumstances, observation services are supportive and ancillary to the other services provided to a patient. In the circumstances when observation care is provided in conjunction with a high level visit or direct referral and is an integral part of a patient's extended encounter of care, payment is made for the entire care encounter through one of two composite APCs as appropriate.

As defined for the CY 2008 OPPS, composite APC 8002 describes an encounter for care provided to a patient that includes a high level (Level 5) clinic visit or direct referral to observation in conjunction with observation services of substantial duration (72 FR 66648 through 66649). Composite APC 8003 describes an encounter for care provided to a patient that includes a high level (Level 4 or 5) Type A emergency department visit, a high level (Level 5) Type B emergency department visit or critical care services in conjunction with observation services of substantial duration. HCPCS code G0378 (Observation services, per hour) is assigned status indicator ''N,'' signifying that its payment is always packaged. As noted in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66648 through66649), the Integrated Outpatient Code Editor (I/OCE) evaluates every claim received to determine if payment through a composite APC is appropriate. If payment through a composite APC is inappropriate, the I/OCE, in conjunction with the OPPS Pricer, determines the appropriate status indicator, APC, and payment for every code on a claim. The specific criteria that must be met for the two extended assessment and management composite APCs to be paid are provided below in the description of the claims that were selected for the calculation of the proposed CY 2010 median costs for these composite APCs. We are not proposing to change these criteria for the CY 2010 OPPS.

When we created composite APCs 8002 and 8003 for CY 2008, we retained as general reporting requirements for all observation services those criteria related to physician order and evaluation, documentation, and observation beginning and ending time as listed in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66812). These are more general requirements that encourage hospitals to provide medically reasonable and necessary care and help to ensure the proper reporting of observation services on correctly coded hospital claims that reflect the full charges associated with all hospital resources utilized to provide the reported services. We are not proposing to change these reporting requirements for the CY 2010 OPPS. However, as discussed below, the APC Panel at its February 2009 meeting requested that CMS issue guidance clarifying the correct method for reporting the starting time for observation services. The APC Panel noted that the descriptions of the start time for observation services located in the Medicare Claims Processing Manual (Pub. 100–4), Chapter 4, sections 290.2.2 through 290.5, cause confusion for hospitals. We are accepting this recommendation and plan to issue clarifying guidance in the Claims Processing Manual through a future quarterly update of the OPPS.

As noted in detail in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66802 through 66805 and 66814), we saw a normal and stable distribution of clinic and emergency department visit levels in the OPPS claims data through CY 2006 available at that time. We stated that we did not expect to see an increase in the proportion of visit claims for high level visits as a result of the new composite APCs adopted for CY 2008. Similarly, we stated that we expected that hospitals would not purposely change their visit guidelines or otherwise upcode clinic and emergency department visits reported with observation care solely for the purpose of composite payment. As stated in the CY2008 OPPS/ASC final rule with comment period (72 FR 66648), we expect to carefully monitor any changes in billing practices on a service-specific and hospital-specific level to determine whether there is reason to request that Quality Improvement Organizations (QIOs) review the quality of care furnished, or to request that Benefit

Integrity contractors or other contractors review the claims against the medical record.

As noted above, we observed a 37 percent increase in total payments for all visits appearing with observation services for claims processed through September 30 in CY 2007 and CY 2008. We believe this increase is, in part, attributable to the expansion of payment under the extended assessment and management composites to all ICD–9–CM diagnoses. To confirm this, we calculated the percentage of visit HCPCS codes billed with HCPCS code G0378 (Observation services, per hour) between CY 2007 and CY 2008 and compared the percentage associated with visit codes included in the extended assessment and management composites in each year. If hospitals had inappropriately changed their visit reporting behavior to maximize payment through the new composite APCs, we would expect to see significant changes in the percentage of visit HCPCS codes included in the composite APCs billed with observation services relative to all other visit HCPCS codes billed with observation services between CY 2007 and CY 2008. We did not observe a sizable increase in the proportion of visit HCPCS codes included in the composite APCs relative to the proportion of all other visit HCPCS codes billed with observation services. For example, the percentage of claims billed with CPT code 99285 (Emergency department visit for the evaluation and management of a patient (Level 5)) and HCPCS code G0378 was 51 percent in the CY 2007 data and 54 percent in the CY 2008 data. Similarly, the percentage of claims billed with CPT code 99284 (Emergency department visit for the evaluation and management of a patient (Level 4)) and HCPCS code G0378 decreased only slightly from 28 percent in the CY 2007 data to 27 percent in the CY 2008 data. We conclude that although the volume of visits billed with HCPCS code G0378 increased between CY 2007 and CY2008, the overall pattern of billing visit levels did not change significantly. We will continue to carefully monitor any changes in billing practices on a service-specific and hospital-specific level.

For CY 2010, we are proposing to continue the extended assessment and management composite APC payment methodology for APCs 8002 and 8003. As stated earlier, we also are proposing to continue the general reporting requirements for observation services reported with HCPCS code G0378. We continue to believe that the composite APCs 8002 and 8003 and related policies provide the most appropriate means of paying for these services. We are proposing to calculate the median costs for APCs 8002 and8003 using all single and ''pseudo'' single procedure claims for CY 2008 that meet the criteria for payment of each composite APC.

Specifically, to calculate the proposed median costs for composite APCs 8002 and 8003, we selected single and ''pseudo'' single claims that met each of the following criteria:

1. Did not contain a HCPCS code to which we have assigned status indicator ''T'' that is reported with a date of service 1 day earlier than the date of service associated with HCPCS code G0378. (By selecting these claims from single and ''pseudo'' single claims, we had already assured that they would not contain a code for a service with status indicator ''T'' on the same date of service.);
2. Contained 8 or more units of HCPCS code G0378; and
3. Contained one of the following codes:

- In the case of composite APC 8002, HCPCS code G0379 (Direct referral of patient for hospital observation care) on the same date of service as G0378; or CPT code 99205 (Office or other outpatient visit for the evaluation and management of a new patient (Level 5)); or CPT code 99215 (Office or other outpatient visit for the evaluation and management of an established patient (Level 5)) provided on the same date of service or one day before the date of service for HCPCS code G0378. We refer readers to section XII.F. of this proposed rule for a full discussion of our proposed revision of the code descriptor for HCPCS code G0379 for CY 2010.
- In the case of composite APC 8003, CPT code 99284 (Emergency department visit for the evaluation and management of a patient (Level 4)); CPT code 99285 (Emergency department visit for the evaluation and management of a patient (Level 5)); CPT code 99291 (Critical care, evaluation and management of the critically ill or critically injured patient; first 30–74 minutes); or HCPCS code G0384 (Level 5 Hospital Emergency Department Visit Provided in a Type B Emergency Department) provided on the same date of service or one day before the date of service for HCPCS code G0378. (As discussed in detail in the CY2009 OPPS/ASC final rule with comment period (73 FR 68684), we finalized our proposal to add HCPCS code G0384 to the eligibility criteria for composite APC 8003 for CY 2009.)

We applied the standard packaging and trimming rules to the claims before calculating the proposed CY2010 median costs. The proposed CY 2010 median cost resulting from this process for composite APC8002 is approximately $384, which was calculated from 14,981 single and ''pseudo'' single bills that met the required criteria. The proposed CY 2010 median cost for composite APC 8003 is approximately $709, which was calculated from 154,843 single and ''pseudo'' single bills that met the required criteria. This is the same methodology we used to calculate the medians for composite APCs 8002 and 8003 for the CY 2008 OPPS (72 FR 66649).

As discussed further in sections III.D and IX. of this proposed rule, and consistent with our CY 2008 and CY 2009 final policies, when calculating the median costs for the clinic, Type A emergency department visit, Type B emergency department visit, and critical care APCs (0604 through 0617 and 0626 through 0629), we are utilizing our methodology that excludes those claims for visits that are eligible for payment through the two extended assessment and management composite APCs, that is APC 8002 or APC 8003. We believe that this approach results in the most accurate cost estimates for APCs 0604 through 0617 and 0626 through 0629 for CY 2010.

At the February 2009 meeting of the APC Panel, the APC Panel recommended that CMS present at the next APC Panel meeting an analysis of CY 2008 claims data for clinic, emergency department (Types A and B), and extended assessment and management composite APCs. We are accepting this recommendation, and we will share the requested claims data with the APC Panel at its next meeting.

In summary, for CY 2010, we are proposing to continue to include composite APC 8002 (Level I Extended Assessment and Management Composite) and composite APC 8003 (Level II Extended Assessment and Management Composite) in the OPPS. We are proposing to continue the extended assessment and management composite APC payment methodology and criteria that we finalized for CY 2009. We also are proposing to calculate the median costs for APCs 8002 and 8003 using all single and ''pseudo'' single procedure claims from CY 2008 that meet the criteria for payment of each composite APC. We are not proposing to change the reporting requirements for observation services for the CY 2010 OPPS. However, we plan to issue further clarifying guidance in the Medicare Claims Processing Manual related to observation start time, as recommended by the APC Panel.

(2) Low Dose Rate (LDR) Prostate Brachytherapy Composite APC (APC 8001)

LDR prostate brachytherapy is a treatment for prostate cancer in which hollow needles or catheters are inserted into the prostate, followed by permanent implantation of radioactive sources into the prostate through the needles/catheters. At least two CPT codes are used to report the composite treatment service because there are separate codes that describe placement of the needles/catheters and the application of the brachytherapy sources: CPT code 55875 (Transperineal placement of needles or catheters into prostate for interstitial radioelement application, with or without cystoscopy) and CPT code 77778 (Interstitial radiation source application; complex). Generally, the component services represented by both codes are provided in the same operative session in the same hospital on the same date of service to the Medicare beneficiary being treated with LDR brachytherapy for prostate cancer. As discussed in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66653), OPPS payment rates for CPT code 77778, in particular, had fluctuated over the years. We were frequently informed by the public that reliance on single procedure claims to set the median costs for these services resulted in use of only incorrectly coded claims for LDR prostate brachytherapy because a correctly coded claim should include, for the same date of service, CPT codes for both needle/catheter placement and application of radiation sources, as well as separately coded imaging and radiation therapy planning services (that is, a multiple procedure claim).

In order to base payment on claims for the most common clinical scenario, and to further our goal of providing payment under the OPPS for a larger bundle of component services provided in a single hospital encounter, beginning in CY 2008, we provide a single payment for LDR prostate brachytherapy when the composite service, reported as CPT codes 55875 and 77778, is furnished in a single hospital encounter. We base the payment for composite APC 8001 (LDR Prostate Brachytherapy Composite) on the median cost derived from claims for the same date of service that contain both CPT codes 55875 and 77778 and that do not contain other separately paid codes that are not on the bypass list. In uncommon occurrences in which the services are billed individually, hospitals continue to receive separate payments for the individual services. We refer readers to the CY 2008 OPPS/ASC final rule with comment period (72 FR 66652 through 66655) for a full history of OPPS payment for LDR prostate brachytherapy and a detailed description of how we developed the LDR prostate brachytherapy composite APC.

For CY 2010, we are proposing to continue paying for LDR prostate brachytherapy services using the composite APC methodology proposed and implemented for CY 2008 and CY 2009. That is, we are proposing to use CY 2008 claims on which both CPT codes 55875 and 77778 were billed on the same date of service with no other separately paid procedure codes (other than those on the bypass list) to calculate the payment rate for composite APC 8001. Consistent with our CY 2008 and CY 2009 practice, we would not use the claims that meet these criteria in the calculation of the median costs for APCs 0163 (Level IV Cystourethroscopy and Other Genitourinary Procedures) and 0651 (Complex Interstitial Radiation Source Application), the APCs to which CPT codes 55875 and 77778 are assigned, respectively. The median costs for APCs 0163 and 0651 would continue to be calculated using single and ''pseudo'' single procedure claims. We continue to believe that this composite APC contributes to our goal of creating hospital incentives for efficiency and cost containment, while providing hospitals with the most flexibility to manage their resources. We also continue to believe that data from claims reporting both services required for LDR prostate brachytherapy provide the most accurate median cost upon which to base the composite APC payment rate.

Using partial year CY 2008 claims data available for this proposed rule, we were able to use 669 claims that contained both CPT codes 77778 and 55875 to calculate the median cost upon which the proposed CY 2010 payment for composite APC 8001 is based. The proposed median cost for composite APC 8001 for CY 2010 is approximately $3,106. This is an increase compared to the CY2009 OPPS/ASC final rule with comment period in which we calculated a final median cost for this composite APC of approximately $2,967 based on a full year of CY 2007 claims data. The CY 2010 proposed median cost for this composite APC is slightly less than $3,268, the sum of the proposed median costs for APCs 0163 and 0651 ($2,453+$815), the APCs to which CPT codes 55875 and 77778 map if one service is billed on a claim without the other. We believe the proposed CY 2010 median cost for composite APC 8001 of approximately $3,106 calculated from claims we believe to be correctly coded results in a reasonable and appropriate payment rate for this service in CY 2010.

(3) Cardiac Electrophysiologic Evaluation and Ablation Composite APC (APC 8000)

Cardiac electrophysiologic evaluation and ablation services frequently are performed in varying combinations with one another during a single episode-of-care in the hospital outpatient setting. Therefore, correctly coded claims for these services often include multiple codes for component services that are reported with different CPT codes and that, prior to CY 2008, were always paid separately through different APCs (specifically, APC 0085 (Level II Electrophysiologic Evaluation), APC 0086 (Ablate Heart Dysrhythm Focus), and APC 0087 (Cardiac Electrophysiologic Recording/Mapping)). As a result, there would never be many single bills for cardiac electrophysiologic evaluation and ablation services, and those that are reported as single bills would often represent atypical cases or incorrectly coded claims. As described in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66655 through 66659), the APC Panel and the public expressed persistent concerns regarding the limited and reportedly unrepresentative single bills available for use in calculating the median costs for these services according to our standard OPPS methodology.

Effective January 1, 2008, we established APC 8000 (Cardiac Electrophysiologic Evaluation and Ablation Composite) to pay for a composite service made up of at least one specified electrophysiologic evaluation service and one specified electrophysiologic ablation service. Calculating a composite APC for these services allowed us to utilize many more claims than were available to establish the individual APC median costs for these services, and we also saw this composite APC as an opportunity to advance our stated goal of promoting hospital efficiency through larger payment bundles. In order to calculate the median cost upon which the payment rate for composite APC 8000 is based, we used multiple procedure claims that contained at least one CPT code from group A for evaluation services and at least one CPT code from group B for ablation services reported on the same date of service on an individual claim. Table 9 in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66656) identified the CPT codes that are

assigned to groups A and B. For a full discussion of how we identified the group A and group B procedures and established the payment rate for the cardiac electrophysiologic evaluation and ablation composite APC, we refer readers to the CY 2008 OPPS/ASC final rule with comment period (72 FR 66655 through 66659). Where a service in group A is furnished on a date of service that is different from the date of service for a code in group B for the same beneficiary, payments are made under the appropriate single procedure APCs and the composite APC does not apply.

For CY 2010, we are proposing to continue paying for cardiac electrophysiologic evaluation and ablation services using the composite APC methodology proposed and implemented for CY 2008 and CY 2009. Consistent with our CY 2008 and CY 2009 practice, we would not use the claims that meet the composite payment criteria in the calculation of the median costs for APC 0085 and APC 0086, to which the CPT codes in both groups A and B for composite APC 8000 are otherwise assigned. Median costs for APCs 0085 and 0086 continue to be calculated using single procedure claims. We continue to believe that the composite APC methodology for cardiac electrophysiologic evaluation and ablation services is the most efficient and effective way to use the claims data for the majority of these services and best represents the hospital resources associated with performing the common combinations of these services that are clinically typical. Furthermore, this approach creates incentives for efficiency by providing a single payment for a larger bundle of major procedures when they are performed together, in contrast to continued separate payment for each of the individual procedures.

Using partial year CY 2008 claims data available for this proposed rule, we were able to use 6,975 claims containing a combination of group A and group B codes and calculated a proposed median cost of approximately $10,105 for composite APC 8000. This is an increase compared to the CY 2009 OPPS/ASC final rule with comment period in which we calculated a final median cost for this composite APC of approximately $9,206 based on a full year of CY 2007 claims data. We believe that the proposed median cost of $10,105 calculated from a high volume of correctly coded multiple procedure claims results in an accurate and appropriate proposed payment for cardiac electrophysiologic evaluation and ablation services when at least one evaluation service is furnished during the same clinical encounter as at least one ablation service. Table 9 below lists the groups of procedures upon which we are proposing to base composite APC 8000 for CY 2010.

TABLE 9—PROPOSED GROUPS OF CARDIAC ELECTROPHYSIOLOGIC EVALUATION AND ABLATION PROCEDURES UPON WHICH COMPOSITE APC 8000 IS BASED

Codes used in combinations: at least one in Group A and one in Group B	CY 2009 HCPCS code	Proposed single code CY 2010 APC	Proposed CY 2010 SI (composite)
Group A			
Comprehensive electrophysiologic evaluation with right atrial pacing and recording, right ventricular pacing and recording, His bundle recording, including insertion and repositioning of multiple electrode catheters, without induction or attempted induction of arrhythmia	93619	0085	Q3
Comprehensive electrophysiologic evaluation including insertion and repositioning of multiple electrode catheters with induction or attempted induction of arrhythmia; with right atrial pacing and recording, right ventricular pacing and recording, His bundle recording	93620	0085	Q3
Group B			
Intracardiac catheter ablation of atrioventricular node function, atrioventricular conduction for creation of complete heart block, with or without temporary pacemaker placement	93650	0085	Q3
Intracardiac catheter ablation of arrhythmogenic focus; for treatment of supraventricular tachycardia by ablation of fast or slow atrioventricular pathways, accessory atrioventricular connections or other atrial foci, singly or in combination	93651	0086	Q3
Intracardiac catheter ablation of arrhythmogenic focus; for treatment of ventricular tachycardia	93652	0086	Q3

(4) Mental Health Services Composite APC (APC 0034)

For CY 2010, we are proposing to continue our longstanding policy of limiting the aggregate payment for specified less resource-intensive mental health services furnished on the same date to the payment for a day of partial hospitalization, which we consider to be the most resource-intensive of all outpatient mental health treatment for CY 2010. We refer readers to the April 7, 2000 OPPS final rule with comment period (65 FR 18455) for the initial discussion of this longstanding policy. We continue to believe that the costs associated with administering a partial hospitalization program represent the most resource-intensive of all outpatient mental health treatment. Therefore, we do not believe that we should pay more for a day of individual mental health services under the OPPS than the partial hospitalization per diem payment.

For CY 2010, as discussed further in section X.B. of this proposed rule, we are proposing to continue using the two tiered payment approach for partial hospitalization services that we implemented in CY 2009: One APC for days with three services (APC 0172) (Level I Partial Hospitalization (3 services)) and one APC for days with four or more services (APC 0173) (Level II Partial Hospitalization (4 or more services)). When a CMHC or hospital provides three units of partial hospitalization services and meets all other partial hospitalization payment criteria, we are proposing that the CMHC or hospital be paid through APC 0172. When the CMHC or hospital provides 4 or more units of partial hospitalization services and meets all other partial hospitalization payment criteria, we are proposing that the CMHC or hospital be paid through APC 0173. We are proposing to set the CY 2010 payment rate for mental health services composite APC 0034 (Mental Health Services Composite) at the same

rate as we are proposing for APC 0173, which is the maximum partial hospitalization per diem payment. We believe this APC payment rate would provide the most appropriate payment for composite APC 0034, taking into consideration the intensity of the mental health services and the differences in the HCPCS codes for mental health services that could be paid through this composite APC compared with the HCPCS codes that could be paid through partial hospitalization APC 0173. When the aggregate payment for specified mental health services provided by one hospital to a single beneficiary on one date of service based on the payment rates associated with the APCs for the individual services exceeds the maximum per diem partial hospitalization payment, we are proposing that those specified mental health services would be assigned to APC 0034. We are proposing that APC 0034 would continue to have the same payment rate as APC 0173, and that the hospital would continue to be paid one unit of APC 0034. The I/OCE currently determines, and we are proposing for CY 2010 that it would continue to determine, whether to pay these specified mental health services individually or to make a single payment at the same rate as the APC 0173 per diem rate for partial hospitalization for all of the specified mental health services furnished by the hospital on that single date of service.

For CY 2010, we are proposing to continue assigning status indicator ''Q3'' (Codes that May be Paid Through a Composite APC) to the HCPCS codes that are assigned to composite APC 0034 in Addendum M to this proposed rule. We also are proposing to continue assigning status indicator ''S'' (Significant Procedure, Not Discounted when Multiple), as adopted for CY 2009, to APC 0034 for CY 2010.

(5) Multiple Imaging Composite APCs (APCs 8004, 8005, 8006, 8007, and 8008)

Prior to CY 2009, hospitals received a full APC payment for each imaging service on a claim, regardless of how many procedures were performed during a single session using the same imaging modality. Based on extensive data analysis, we determined that this practice neither reflected nor promoted the efficiencies hospitals can achieve when performing multiple imaging procedures during a single session (73 FR 41448 through 41450). As a result of our data analysis, and in response to ongoing requests from MedPAC to improve payment accuracy for imaging services under the OPPS, we expanded the composite APC model developed in CY 2008 to multiple imaging services. Effective January 1, 2009, we provide a single payment each time a hospital bills more than one imaging procedure within an imaging family on the same date of service. We utilize three imaging families based on imaging modality for purposes of this methodology: Ultrasound, computed tomography (CT) and computed tomographic angiography (CTA), and magnetic resonance imaging (MRI) and magnetic resonance angiography (MRA). The HCPCS codes subject to the multiple imaging composite policy, and their respective families, are listed in Table 8 of the CY 2009 OPPS/ASC final rule with comment period (73 FR 68567 through 68569).

While there are three imaging families, there are five multiple imaging composite APCs due to the statutory requirement at section 1833(t)(2)(G) of the Act that we differentiate payment for OPPS imaging services provided with and without contrast. While the ultrasound procedures included in the policy do not involve contrast, both CT/CTA and MRI/MRA scans can be provided either with or without contrast. The five multiple imaging composite APCs established in CY 2009 are: APC 8004 (Ultrasound Composite); APC 8005 (CT and CTA without Contrast Composite); APC 8006 (CT and CTA with Contrast Composite); APC 8007 (MRI and MRA without Contrast Composite); and APC 8008 (MRI and MRA with Contrast Composite). We define the single imaging session for the ''with contrast'' composite APCs as having at least one or more imaging procedures from the same family performed with contrast on the same date of service. For example, if the hospital performs an MRI without contrast during the same session as at least one other MRI with contrast, the hospital will receive payment for APC 8008, the ''with contrast'' composite APC.

Hospitals continue to use the same HCPCS codes to report imaging procedures, and the I/OCE determines when combinations of imaging procedures qualify for composite APC payment or map to standard (sole service) APCs for payment. We will make a single payment for those imaging procedures that qualify for composite APC payment, as well as any packaged services furnished on the same date of service. The standard (noncomposite) APC assignments continue to apply for single imaging procedures and multiple imaging procedures performed across families.

For a full discussion of the development of the multiple imaging composite APC methodology, we refer readers to the CY 2009 OPPS/ASC final rule with comment period (73 FR 68559 through 68569).

During the February 2009 meeting of the APC Panel, the APC Panel heard from stakeholders who claimed that a composite payment is not appropriate when multiple imaging procedures are provided on the same date of service but at different times. Some APC Panel members expressed concern that the same efficiencies that may be gained when multiple imaging procedures are performed during the same sitting may not be gained if a significant amount of time passes between the second and subsequent imaging procedures, when the patient may leave not only the scanner, but also the radiology department or hospital. The APC Panel recommended that CMS continue to work with stakeholders to examine different options for APCs for multiple imaging sessions and multiple imaging procedures. We are accepting this recommendation, and we will continue to work with any stakeholders who are interested in our multiple imaging composite payment methodology. We note that we routinely seek broad public input on OPPS payment rates and payment policies, including the multiple imaging composite APCs, through a variety of forums. Through our annual rulemaking process, we consider all timely public comments received from interested organizations and individuals, and respond to each of those public comments in the final rule for the forthcoming year. We also seek input from the public at meetings of the APC Panel, and consider opinions expressed in correspondences received outside of the annual rulemaking cycle. Furthermore, we note that we regularly accept requests from all interested parties to discuss with us their views about OPPS payment policy issues, and that we do not work exclusively with any single stakeholder or stakeholder group.

While we are accepting the APC Panel recommendation that CMS continue to work with stakeholders to examine different options for APCs for multiple imaging sessions and multiple imaging procedures, we do not believe it is appropriate to propose modifications to the multiple imaging composite policy for CY 2010. As stated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68565), we continue to believe that composite payment is appropriate even when procedures are provided on the same date of service but at different times, because hospitals do

not expend the same facility resources each and every time a patient is seen for a distinct imaging service in a separate imaging session. In most cases, we expect that patients in those circumstances would receive imaging procedures at different times during a single prolonged hospital outpatient encounter, and that the efficiencies that may be gained from providing multiple imaging procedures during a single session are achieved in such ways as not having to register the patient again, or not having to re-establish new intravenous access for an additional study when contrast is required. Furthermore, we stated that even if the same level of efficiencies could not be gained for multiple imaging procedures performed on the same date of service but at different times, we expect that any higher costs associated with these cases would be reflected in the claims data and cost reports we use to calculate the median costs for the multiple imaging composite APCs and, therefore, in their payment rates.

In summary, for CY 2010, we are proposing to continue paying for all multiple imaging procedures within an imaging family performed on the same date of service using the multiple imaging composite payment methodology, without modification. The proposed CY 2010 payment rates for the five multiple imaging composite APCs (APC 8004, APC 8005, APC 8006, APC 8007, and APC 8008) are based on median costs calculated from the partial year CY 2008 claims available for the proposed rule that would have qualified for composite payment under the current policy (that is, those claims with more than one procedure within the same family on a single date of service). To calculate the proposed median costs, we used the same methodology that we used to calculate the final CY 2009 median costs for these composite APCs. That is, we removed any HCPCS codes in the OPPS imaging families that overlapped with codes on our bypass list (''overlap bypass codes'') to avoid splitting claims with multiple units or multiple occurrences of codes in an OPPS imaging family into new ''pseudo'' single claims. The imaging HCPCS codes that we removed from the bypass list for purposes of calculating the proposed multiple imaging composite APC median costs appear in Table 11 below. We integrated the identification of imaging composite ''single session'' claims, that is, claims with multiple imaging procedures within the same family on the same date of service, into the creation of ''pseudo'' single claims to ensure that claims were split in the ''pseudo'' single process into accurate reflections of either a composite ''single session'' imaging service or a standard sole imaging service resource cost. Like all single bills, the new composite ''single session'' claims were for the same date of service and contained no other separately paid services in order to isolate the session imaging costs. Our last step after processing all claims through the ''pseudo'' single process was to reassess the remaining multiple procedure claims using the full bypass list and bypass process in order to determine if we could make other ''pseudo'' single bills. That is, we assessed whether a single separately paid service remained on the claim after removing line items for the ''overlap bypass codes.''

We were able to identify 1.7 million ''single session'' claims out of an estimated 2.5 million potential composite cases from our ratesetting claims data, or well over half of all eligible claims, to calculate the proposed CY 2010 median costs for the multiple imaging composite APCs. The HCPCS codes subject to the proposed multiple imaging composite policy, and their respective families, are listed below in Table 10.

TABLE 10—PROPOSED OPPS IMAGING FAMILIES AND MULTIPLE IMAGING PROCEDURE COMPOSITE APCS

Proposed CY 2010 APC 8004 (ultrasound composite)	Proposed CY 2010 approximate APC median cost = $197.
Family 1—Ultrasound	
76604	Us exam, chest.
76700	Us exam, abdom, complete.
76705	Echo exam of abdomen.
76770	Us exam abdo back wall, comp.
76775	Us exam abdo back wall, lim.
76776	Us exam k transpl w/ Doppler.
76831	Echo exam, uterus.
76856	Us exam, pelvic, complete.
76870	Us exam, scrotum.
76857	Us exam, pelvic, limited.
Family 2—CT and CTA with and without Contrast	
Proposed CY 2010 APC 8005 (CT and CTA without contrast composite)*	Proposed CY 2010 approximate APC median cost = $429
0067T	Ct colonography; dx.
70450	Ct head/brain w/o dye.
70480	Ct orbit/ear/fossa w/o dye.
70486	Ct maxillofacial w/o dye.
70490	Ct soft tissue neck w/o dye.
71250	Ct thorax w/o dye.
72125	Ct neck spine w/o dye.
72128	Ct chest spine w/o dye.
72131	Ct lumbar spine w/o dye.
72192	Ct pelvis w/o dye.
73200	Ct upper extremity w/o dye.
73700	Ct lower extremity w/o dye.
74150	Ct abdomen w/o dye.
Proposed CY 2010 APC 8006 (CT and CTA with contrast composite)	Proposed CY 2010 approximate APC median cost = $634
70487	Ct maxillofacial w/dye.
70460	Ct head/brain w/dye.
70470	Ct head/brain w/o & w/dye.
70481	Ct orbit/ear/fossa w/dye.
70482	Ct orbit/ear/fossa w/o & w/dye.
70488	Ct maxillofacial w/o & w/dye.
70491	Ct soft tissue neck w/dye.
70492	Ct sft tsue nck w/o & w/dye.
70496	Ct angiography, head.
70498	Ct angiography, neck.
71260	Ct thorax w/dye.
71270	Ct thorax w/o & w/dye.
71275	Ct angiography, chest.
72126	Ct neck spine w/dye.
72127	Ct neck spine w/o & w/dye.
72129	Ct chest spine w/dye.
72130	Ct chest spine w/o & w/dye.
72132	Ct lumbar spine w/dye.
72133	Ct lumbar spine w/o & w/dye.
72191	Ct angiograph pelv w/o & w/dye.
72193	Ct pelvis w/dye.
72194	Ct pelvis w/o & w/dye.
73201	Ct upper extremity w/dye.
73202	Ct uppr extremity w/o & w/dye.
73206	Ct angio upr extrm w/o & w/dye.

Proposed CY 2010 APC 8006 (CT and CTA with contrast composite)	Proposed CY 2010 approximate APC median cost = $634
73701	Ct lower extremity w/ dye.
73702	Ct lwr extremity w/o & w/dye.
73706	Ct angio lwr extr w/o & w/dye.
74160	Ct abdomen w/dye.
74170	Ct abdomen w/o & w/ dye.
74175	Ct angio abdom w/o & w/dye.
75635	Ct angio abdominal arteries.

* If a "without contrast" CT or CTA procedure is performed during the same session as a "with contrast" CT or CTA procedure, the I/OCE will assign APC 8006 rather than APC 8005.

Family 3—MRI and MRA with and without Contrast

Proposed CY 2010 APC 8007 (MRI and MRA without contrast composite) *	Proposed CY 2010 approximate APC median cost = $732
70336	Magnetic image, jaw joint.
70540	Mri orbit/face/neck w/ o dye.
70544	Mr angiography head w/o dye.
70547	Mr angiography neck w/o dye.
70551	Mri brain w/o dye.
70554	Fmri brain by tech.
71550	Mri chest w/o dye.
72141	Mri neck spine w/o dye.
72146	Mri chest spine w/o dye.
72148	Mri lumbar spine w/o dye.
72195	Mri pelvis w/o dye.
73218	Mri upper extremity w/o dye.
73221	Mri joint upr extrem w/o dye.
73718	Mri lower extremity w/ o dye.
73721	Mri jnt of lwr extre w/ o dye.
74181	Mri abdomen w/o dye.
75557	Cardiac mri for morph.
75559	Cardiac mri w/stress img.
C8901	MRA w/o cont, abd.
C8904	MRI w/o cont, breast, uni.
C8907	MRI w/o cont, breast, bi.
C8910	MRA w/o cont, chest.
C8913	MRA w/o cont, lwr ext.
C8919	MRA w/o cont, pelvis.

Proposed CY 2010 APC 8008 (MRI and MRA with contrast composite)	Proposed CY 2010 approximate APC median cost = $1,013
70549	Mr angiograph neck w/o & w/dye.
70542	Mri orbit/face/neck w/ dye.
70543	Mri orbt/fac/nck w/o & w/dye.
70545	Mr angiography head w/dye.
70546	Mr angiograph head w/o&w/dye.
70548	Mr angiography neck w/dye.
70552	Mri brain w/dye.
70553	Mri brain w/o & w/ dye.
71551	Mri chest w/dye.
71552	Mri chest w/o & w/ dye.
72142	Mri neck spine w/dye.
72147	Mri chest spine w/ dye.
72149	Mri lumbar spine w/ dye.
72156	Mri neck spine w/o & w/dye.
72157	Mri chest spine w/o & w/dye.
72158	Mri lumbar spine w/o & w/dye.
72196	Mri pelvis w/dye.
72197	Mri pelvis w/o & w/ dye.
73219	Mri upper extremity w/dye.
73220	Mri uppr extremity w/ o & w/dye.
73222	Mri joint upr extrem w/dye.
73223	Mri joint upr extr w/o & w/dye.
73719	Mri lower extremity w/ dye.
73720	Mri lwr extremity w/o & w/dye.
73722	Mri joint of lwr extr w/ dye.
73723	Mri joint lwr extr w/o & w/dye.
74182	Mri abdomen w/dye.
74183	Mri abdomen w/o & w/dye.
75561	Cardiac mri for morph w/dye.
75563	Card mri w/stress img & dye.
C8900	MRA w/cont, abd.
C8902	MRA w/o fol w/cont, abd.
C8903	MRI w/cont, breast, uni.
C8905	MRI w/o fol w/cont, brst, un.
C8906	MRI w/cont, breast, bi.
C8908	MRI w/o fol w/cont, breast.
C8909	MRA w/cont, chest.
C8911	MRA w/o fol w/cont, chest.
C8912	MRA w/cont, lwr ext.

Proposed CY 2010 APC 8008 (MRI and MRA with contrast composite)	Proposed CY 2010 approximate APC median cost = $1,013
C8914	MRA w/o fol w/cont, lwr ext.
C8918	MRA w/cont, pelvis.
C8920	MRA w/o fol w/cont, pelvis.

* If a "without contrast" MRI or MRA procedure is performed during the same session as a "with contrast" MRI or MRA procedure, the I/OCE will assign APC 8008 rather than 8007.

TABLE 11—PROPOSED OPPS IMAGING FAMILY SERVICES OVERLAPPING WITH HCPCS CODES ON THE PROPOSED CY 2010 BYPASS LIST

Family 1—Ultrasound

76700	Us exam, abdom, complete.
76705	Echo exam of abdomen.
76770	Us exam abdo back wall, comp.
76775	Us exam abdo back wall, lim.
76776	Us exam k transpl w/ doppler.
76856	Us exam, pelvic, complete.
76870	Us exam, scrotum.
76857	Us exam, pelvic, limited.

Family 2—CT and CTA With and Without Contrast

70450	Ct head/brain w/o dye.
70480	Ct orbit/ear/fossa w/o dye.
70486	Ct maxillofacial w/o dye.
70490	Ct soft tissue neck w/ o dye.
71250	Ct thorax w/o dye.
72125	Ct neck spine w/o dye.
72128	Ct chest spine w/o dye.
72131	Ct lumbar spine w/o dye.
72192	Ct pelvis w/o dye.
73200	Ct upper extremity w/ o dye.
73700	Ct lower extremity w/o dye.
74150	Ct abdomen w/o dye.

Family 3—MRI and MRA With and Without Contrast.

70336	Magnetic image, jaw joint.
70544	Mr angiography head w/o dye.
70551	Mri brain w/o dye.

TABLE 11—PROPOSED OPPS IMAGING FAMILY SERVICES OVERLAPPING WITH HCPCS CODES ON THE PROPOSED CY 2010 BYPASS LIST—Continued

72141	Mri neck spine w/o dye.
72146	Mri chest spine w/o dye.
72148	Mri lumbar spine w/o dye.
73218	Mri upper extremity w/o dye.
73221	Mri joint upr extrem w/o dye.
73718	Mri lower extremity w/o dye.
73721	Mri jnt of lwr extre w/o dye.

3. Proposed Calculation of OPPS Scaled Payment Weights

Using the APC median costs discussed in sections II.A.1. and 2. of this proposed rule, we calculated the proposed relative payment weights for each APC for CY 2010 shown in Addenda A and B to this proposed rule. In years prior to CY 2007, we standardized all the relative payment weights to APC 0601 (Mid Level Clinic Visit) because mid-level clinic visits were among the most frequently performed services in the hospital outpatient setting. We assigned APC 0601 a relative payment weight of 1.00 and divided the median cost for each APC by the median cost for APC 0601 to derive the relative payment weight for each APC.

Beginning with the CY 2007 OPPS (71 FR 67990), we standardized all of the relative payment weights to APC 0606 (Level 3 Clinic Visits) because we deleted APC 0601 as part of the reconfiguration of the clinic visit APCs. We selected APC 0606 as the base because APC 0606 was the mid-level clinic visit APC (that is, Level 3 of five levels). Therefore, for CY 2010, to maintain consistency in using a median for calculating unscaled weights representing the median cost of some of the most frequently provided services, we are proposing to continue to use the median cost of the mid-level clinic visit APC, APC 0606, to calculate unscaled weights. Following our standard methodology, but using the proposed CY2010 median cost for APC 0606, for CY 2010 we assigned APC 0606 a relative payment weight of 1.00 and divided the median cost of each APC by the proposed median cost for APC 0606 to derive the proposed unscaled relative payment weight for each APC. The choice of the APC on which to base the proposed relative weights for all other APCs does not affect the payments made under the OPPS because we scale the weights for budget neutrality.

Section 1833(t)(9)(B) of the Act requires that APC reclassification and recalibration changes, wage index changes, and other adjustments be made in a budget neutral manner. Budget neutrality ensures that estimated aggregate weight under the OPPS for CY 2010 is neither greater than nor less than the estimated aggregate weight that would have been made without the changes. To comply with this requirement concerning the APC changes, we are proposing to compare estimated aggregate weight using the CY 2009 scaled relative weights to estimated aggregate weight using the CY 2010 unscaled relative weights. For CY 2009, we multiply the CY 2009 scaled APC relative weight applicable to a service paid under the OPPS by the volume of that service from CY 2008 claims to calculate the total weight for each service. We then add together the total weight for each of these services in order to calculate an estimated aggregate weight for the year. For CY 2010, we perform the same process using the CY 2010 unscaled weights rather than scaled weights. We then calculate the weight scaler by dividing the CY 2009 estimated aggregate weight by the CY 2010 estimated aggregate weight. The service mix is the same in the current and prospective years because we use the same set of claims for service volume in calculating the aggregate weight for each year. For a detailed discussion of the weight scaler calculation, we refer readers to the OPPS claims accounting document available on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/*. Again this year, we included payments to CMHCs in our comparison of estimated unscaled weight in CY 2010 to estimated total weight in CY 2009 using CY 2008 claims data and holding all other things constant. Based on this comparison, we adjusted the unscaled relative weights for purposes of budget neutrality. The CY 2010 unscaled relative payment weights were adjusted by multiplying them by a proposed weight scaler of 1.2863 to ensure budget neutrality of the proposed CY 2010 relative weights in this proposed rule.

Section 1833(t)(14)(H) of the Act, as added by section 621(a)(1) of Public Law 108–173, states that, ''Additional expenditures resulting from this paragraph shall not be taken into account in establishing the conversion factor, weighting and other adjustment factors for 2004 and 2005 under paragraph (9) but shall be taken into account for subsequent years.'' Section 1833(t)(14) of the Act provides the payment rates for certain ''specified covered outpatient drugs.'' Therefore, the cost of those specified covered outpatient drugs (as discussed in section V. of this proposed rule) is included in the proposed budget neutrality calculations for the CY 2010 OPPS.

4. Proposed Changes to Packaged Services

a. Background

The OPPS, like other prospective payment systems, relies on the concept of averaging, where the payment may be more or less than the estimated cost of providing a service or bundle of services for a particular patient, but with the exception of outlier cases, the payment is adequate to ensure access to appropriate care. Packaging and bundling payment for multiple interrelated services into a single payment create incentives for providers to furnish services in the most efficient way by enabling hospitals to manage their resources with maximum flexibility, thereby encouraging long-term cost containment. For example, where there are a variety of supplies that could be used to furnish a service, some of which are more expensive than others, packaging encourages hospitals to use the least expensive item that meets the patient's needs, rather than to routinely use a more expensive item. Packaging also encourages hospitals to negotiate carefully with manufacturers and suppliers to reduce the purchase price of items and services or to explore alternative group purchasing arrangements, thereby encouraging the most economical health care. Similarly, packaging encourages hospitals to establish protocols that ensure that necessary services are furnished, while carefully scrutinizing the services ordered by practitioners to maximize the efficient use of hospital resources. Finally, packaging payments into larger payment bundles promotes the stability of payment for services over time. Packaging and bundling also may reduce the importance of refining service-specific payment because there is more opportunity for hospitals to average payment across higher cost cases requiring many ancillary services and lower cost cases requiring fewer ancillary services.

Decisions about packaging and bundling payment involve a balance between ensuring that payment is adequate to enable the hospital to provide quality care and establishing incentives for efficiency through larger units of payment. In the CY 2008 OPPS/

ASC final rule with comment period (72 FR66610 through 66659), we adopted the packaging of payment for items and services in the seven categories listed below into the payment for the primary diagnostic or therapeutic modality to which we believe these items and services are typically ancillary and supportive. The seven categories are guidance services, image processing services, intraoperative services, imaging supervision and interpretation services, diagnostic radiopharmaceuticals, contrast media, and observation services. We specifically chose these categories of HCPCS codes for packaging because we believe that the items and services described by the codes in these categories are the HCPCS codes that are typically ancillary and supportive to a primary diagnostic or therapeutic modality and, in those cases, are an integral part of the primary service they support.

We assign status indicator ''N'' to those HCPCS codes that we believe are always integral to the performance of the primary modality; therefore, we always package their costs into the costs of the separately paid primary services with which they are billed. Services assigned status indicator ''N'' are unconditionally packaged.

We assign status indicator ''Q1'' (''STVX-Packaged Codes''), ''Q2'' (''T-Packaged Codes''), or ''Q3'' (Codes that may be paid through a composite APC) to each conditionally packaged HCPCS code. An ''STVX-packaged code'' describes a HCPCS code whose payment is packaged when one or more separately paid primary services with the status indicator of ''S,'' ''T,'' ''V,'' or ''X'' are furnished in the hospital outpatient encounter. A ''T-packaged code'' describes a code whose payment is packaged when one or more separately paid surgical procedures with the status indicator of ''T'' are provided during the hospital encounter. ''STVX-packaged codes'' and ''T-packaged codes'' are paid separately in those uncommon cases when they do not meet their respective criteria for packaged payment. ''STVX-packaged codes'' and ''T-packaged HCPCS codes'' are conditionally packaged. We refer readers to section XIII.A.1. of this proposed rule for a complete listing of status indicators.

We use the term ''dependent service'' to refer to the HCPCS codes that represent services that are typically ancillary and supportive to a primary diagnostic or therapeutic modality. We use the term ''independent service'' to refer to the HCPCS codes that represent the primary therapeutic or diagnostic modality into which we package payment for the dependent service. We note that, in future years as we consider the development of larger payment groups that more broadly reflect services provided in an encounter or episode-of-care, it is possible that we might propose to bundle payment for a service that we now refer to as ''independent.''

In addition, in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66650 through 66659), we finalized additional packaging for the CY 2008 OPPS, which included the establishment of new composite APCs for CY 2008, specifically APC 8000 (Cardiac Electrophysiologic Evaluation and Ablation Composite), APC 8001 (LDR Prostate Brachytherapy Composite), APC 8002 (Level I Extended Assessment & Management Composite), and APC 8003 (Level II Extended Assessment & Management Composite). In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68559 through 68569), we expanded the composite APC model to one new clinical area, multiple imaging services. We created five multiple imaging composite APCs for payment in CY 2009 that incorporate statutory requirements to differentiate between imaging services provided with contrast and without contrast as required by section 1833(t)(2)(G) of the Act. The multiple imaging composite APCs are: APC 8004 (Ultrasound Composite); APC 8005 (CT and CTA without Contrast Composite); APC 8006 (CT and CTA with Contrast Composite); APC 8007 (MRI and MRA without Contrast Composite); and APC 8008 (MRI and MRA with Contrast Composite). We discuss composite APCs in more detail in section II.A.2.e. of this proposed rule.

Hospitals include charges for packaged services on their claims, and the estimated costs associated with those packaged services are then added to the costs of separately payable procedures on the same claims in establishing payment rates for the separately payable services. We encourage hospitals to report all HCPCS codes that describe packaged services that were provided, unless the CPT Editorial Panel or CMS provides other guidance. If a HCPCS code is not reported when a packaged service is provided, it can be challenging to track utilization patterns and resource costs.

b. Service-Specific Packaging Issues

(1) Packaged Services Addressed by the APC Panel Recommendations

The Packaging Subcommittee of the APC Panel was established to review packaged HCPCS codes. In deciding whether to package a service or pay for a code separately, we have historically considered a variety of factors, including whether the service is normally provided separately or in conjunction with other services; how likely it is for the costs of the packaged code to be appropriately mapped to the separately payable codes with which it was performed; and whether the expected cost of the service is relatively low. As discussed in section II.A.4.a. of this proposed rule regarding our packaging approach for CY 2008, we established packaging criteria that apply to seven categories of codes whose payments are packaged.

During the September 2007 APC Panel meeting, the APC Panel requested that CMS evaluate the impact of expanded packaging on beneficiaries. During the March 2008 APC Panel meeting, the APC Panel requested that CMS report to the Panel at the first Panel meeting in CY 2009 regarding the impact of packaging on net payments for patient care. In response to these requests, we shared data with the APC Panel at the February 2009 APC Panel meeting that compared the frequency of specific categories of services billed under the OPPS in CY 2007, before the expanded packaging went into effect, to the frequency of those same categories of services in CY 2008, their first year of packaged payment. In each category, the HCPCS codes that we compared are the ones that we identified in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66659 through 66664) as fitting into one of the seven packaging categories listed in section II.A.4.a. of this proposed rule. The data shared with the APC Panel at the February 2009 APC Panel meeting compared CY 2007 claims processed through September 30, 2007 to CY 2008 claims processed through September 30, 2008. We did not make any adjustments for inflation, changes in Medicare population, or other variables that potentially influenced billing between CY 2007 and CY 2008. These data represent about 60 percent of the full year data. A summary of these data analyses is provided below.

Analysis of the diagnostic radiopharmaceuticals category showed that the frequency of the reporting of diagnostic radiopharmaceuticals increased by 1 percent between the first 9 months of CY 2007 and the first 9 months of CY 2008. In CY 2007, some diagnostic radiopharmaceuticals were packaged and others were separately payable, depending on whether their per day mean costs fell above or below the $55 drug packaging threshold for CY 2007. All diagnostic

radiopharmaceuticals were uniformly packaged in CY 2008. Two percent more hospitals reported one or more diagnostic radiopharmaceuticals during CY 2008 as compared to CY 2007. Effective for CY 2008, we first required reporting of a radiolabeled product (including diagnostic radiopharmaceuticals) when billing a nuclear medicine procedure, and we believe that the increases in frequency and the number of reporting hospitals reflect hospitals meeting this reporting requirement.

We also found that nuclear medicine procedures (into which diagnostic radiopharmaceuticals were packaged) and associated diagnostic radiopharmaceuticals were billed approximately 3 million times during the first 9 months of both CY 2007 and CY 2008. Further analysis revealed that we paid hospitals over $637 million for nuclear medicine procedures and diagnostic radiopharmaceuticals during the first 9 months of CY 2007, when diagnostic radiopharmaceuticals were separately payable, and over $619 million for nuclear medicine procedures and diagnostic radiopharmaceuticals during the first 9 months of CY 2008, when payment for diagnostic radiopharmaceuticals was packaged. This represents a 3 percent decrease in aggregate payment between the first 9 months of CY 2007 and the first 9 months of CY 2008.

Using the same data, we calculated an average payment per service or item billed (including nuclear medicine procedures and packaged or separately payable diagnostic radiopharmaceuticals) of $203 in CY 2007 and $198 in CY 2008 for nuclear medicine procedures. This represents a decrease of 2 percent in average payment per item or service billed between CY 2007 and CY 2008. It is unclear how much of the decrease in estimated aggregate or average per service or item billed payment may be due to packaging payment for diagnostic radiopharmaceuticals (and other services that were newly packaged for CY 2008) and how much may be due to the usual annual APC recalibration and typical fluctuations in service frequency. However, we believe that all of these factors likely contributed to the slight decrease in aggregate payment in CY 2008, as compared to CY 2007. Overall, the observed changes between CY 2007 and CY 2008 are very small and indicate that there has been very little change in frequency or aggregate payment in this clinical area between CY 2007 and CY 2008.

We similarly analyzed 9 months of CY 2007 and CY 2008 data related to all services that were packaged during CY 2008 because they were categorized as guidance services. Analysis of the guidance category (which includes image-guided radiation therapy services) showed that the frequency of guidance services increased by 2 percent between the first 9 months of CY 2007 and the first 9 months of CY 2008. One percent fewer hospitals reported one or more guidance services during CY 2007 as compared to CY 2008.

We further analyzed 9 months of CY 2007 and CY 2008 claims data for radiation oncology services that would be accompanied by radiation oncology guidance. We found that radiation oncology services (including radiation oncology guidance services) were billed approximately 4 million times in CY 2007 and 3.9 million times in CY 2008, representing a decrease in frequency of approximately 5 percent between CY 2007 and CY 2008. These numbers represent each instance where a radiation oncology service or a radiation oncology guidance service was billed. Our analysis indicates that hospitals were paid over $818 million for radiation oncology services and radiation oncology guidance services under the OPPS during the first 9 months of CY 2007, when radiation oncology guidance services were separately payable. During the first 9 months of CY 2008, when payments for radiation oncology guidance were packaged, hospitals were paid over $740 million for radiation oncology services under the OPPS. This $740 million includes packaged payment for radiation oncology guidance services and represents a 10 percent decrease in aggregate payment from CY 2007 to CY 2008. Using the first 9 months of data for both CY 2007 and CY 2008, we calculated an average payment per radiation oncology service or item billed of $201 in CY 2007 and $190 in CY 2008, representing a decrease of 5 percent from CY 2007 to CY 2008. It is unclear how much of the decrease in aggregate payment and the decrease in average payment per service provided may be due to packaging payment for radiation oncology guidance services (and other services that were newly packaged for CY 2008) and how much may be due to the usual annual APC recalibration and typical fluctuations in service frequency. This analysis is discussed in further detail below, under ''Recommendation 1'' in this section of this proposed rule. In that analysis, we demonstrate that the volume of some packaged radiation oncology guidance services increased during the period, leading us to conclude that, irrespective of the decline in the frequency of radiation oncology services in general, hospitals do not appear to be changing their practice patterns specifically in response to packaged payment for radiation oncology guidance services.

We similarly analyzed 9 months of CY 2007 and CY 2008 data related to all services that were packaged during CY 2008 because they were categorized as intraoperative services. Analysis of the intraoperative category (which includes intravascular ultrasound (IVUS), intracardiac echocardiography (ICE), and coronary fractional flow reserve (FFR)) showed minimal changes in the frequency and the number of reporting hospitals between CY 2007 and CY 2008.

We found that cardiac catheterization and other percutaneous vascular procedures that would typically be accompanied by IVUS, ICE and FFR (including IVUS, ICE, and FFR) were billed approximately 375,000 times in CY 2007 and approximately 400,000 times in CY 2008, representing an increase of 8 percent in the number of services and items billed between CY 2007 and CY 2008. Further analysis revealed that the OPPS paid hospitals over $912 million for cardiac catheterizations, other related services, and IVUS, ICE, and FFR in CY 2007, when IVUS, ICE, and FFR were separately payable. In the first 9 months of CY 2008, the OPPS paid hospitals approximately $1.1 billion for cardiac catheterization and other percutaneous vascular procedures and IVUS, ICE, and FFR, when payments for IVUS, ICE, and FFR were packaged. This represents a 25 percent increase in payment from CY 2007 to CY 2008. Using the 9 months of data for both CY 2007 and CY 2008, we calculated an average payment per service or item provided of $2,430 in CY 2007 and $2,800 in CY 2008 for cardiac catheterization and other related services. This represents an increase of 15 percent in average payment per item or service from CY 2007 to CY 2008.

We cannot determine how much of the 25 percent increase in aggregate payment for these services may be due to the packaging of payment for IVUS, ICE, and FFR (and other services that were newly packaged for CY 2008) and how much may be due to the usual annual APC recalibration and typical fluctuations in service frequency. However, we believe that all of these factors contributed to the increase in payment between these 2 years.

The three remaining packaging categories (excluding observation services, which are further discussed in section II.A.2.e.(1) of this proposed

rule), contrast agents, image processing services, and imaging supervision and interpretation services, show minimal changes in frequency between CY 2007 and CY 2008, ranging from a 2 percent increase to a 1 percent decrease in frequency. Similarly, when examining the number of hospitals reporting these services, the data show similar numbers of hospitals reporting these services in CY 2007, when these services were separately payable, and CY2008, when they were packaged. Specifically, the percentage change in the number of reporting hospitals for these categories between CY 2007 and CY 2008 ranges from 0 percent to a decrease of 1 percent.

In summary, these preliminary data indicate that hospitals in aggregate do not appear to have significantly changed their service reporting patterns as a result of the expanded packaging adopted for the OPPS beginning in CY 2008.

The APC Panel's Packaging Subcommittee reviewed the packaging status of several CPT codes and reported its findings to the APC Panel at its February 2009 meeting. The full report of the February 18–19, 2009 APC Panel meeting can be found on the CMS Web site at: *http://www.cms.hhs.gov/FACA/05_AdvisoryPanelonAmbulatoryPaymentClassificationGroups.asp*. The APC Panel accepted the report of the Packaging Subcommittee, heard several presentations related to packaged services, discussed the deliberations of the Packaging Subcommittee, and recommended that—

1. CMS pay separately for radiation therapy guidance services performed in the treatment room for 2 years and then reevaluate packaging on the basis of claims data. (Recommendation 1)

2. CMS continue to analyze the impact of increased packaging on beneficiaries and provide more detailed versions of the analyses presented at the February 2009 meeting of services initially packaged in CY 2008 at the next Panel meeting. In addition, the Panel requested that, in the more detailed analyses of radiation oncology services that would be accompanied by radiation oncology guidance, CMS stratify the data according to the type of radiation oncology service, specifically, intensity modulated radiation therapy, stereotactic radiosurgery, brachytherapy, and conventional radiation therapy. (Recommendation 2)

3. CMS continue to analyze the impact on beneficiaries of increased packaging of diagnostic radiopharmaceuticals and provide more detailed analyses at the next Panel meeting. In addition, the Panel requested that, in the more detailed analyses of packaging of diagnostic radiopharmaceuticals by type of nuclear medicine scan, CMS break down the data according to the specific CPT codes billed with the diagnostic radiopharmaceuticals. (Recommendation 3)

4. CPT code 36592 (Collection of blood specimen using established central or peripheral catheter, venous, not otherwise specified) remain assigned to APC 0624 (Phlebotomy and Minor Vascular Access Device Procedures) for CY 2010. (Recommendation 4)

5. The Packaging Subcommittee continue its work until the next APC Panel meeting. (Recommendation 5)

We address each of these recommendations in turn in the discussion that follows.

Recommendation 1

We are not proposing to pay separately for radiation therapy guidance services provided in the treatment room for CY 2010, which would be consistent with the APC Panel's recommendation. Instead, we are proposing to maintain the packaged status of radiation therapy guidance services performed in the treatment room for CY 2010.

As discussed above in this section, during the February 2009 APC Panel meeting, we presented data that estimated that aggregate payment for radiation oncology services, including the payment for radiation oncology guidance services, decreased by approximately 10 percent between the first 9 months of CY 2007 (before the expanded packaging went into effect) and the first 9 months of CY 2008 (after the expanded packaging went into effect). This decline may be attributable to many factors, including lower payment rates for common radiation oncology services in CY 2008 specifically and generally reduced volume for separately paid radiation oncology services. The APC Panel expressed concern that this aggregate payment decrease could inhibit patient access to technologically advanced and clinically valuable radiation oncology guidance services whose payment became packaged effective January 1, 2008.

While we presented data to the APC Panel comparing payment between CY 2007 and CY 2008 in response to past APC Panel recommendations, we note that we made changes to the bypass list for CY 2009 to ensure that we more fully captured all packaged costs on each claim, which resulted in significantly increased payment rates for many of these radiation oncology services for CY 2009, as compared to the CY 2008 payment rates for these services.

Specifically, as discussed in detail in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68575), in response to public comments received, several radiation oncology CPT codes had been included on the bypass list for the CY 2008 OPPS although they failed to meet the empirical criteria for inclusion on the bypass list. For CY 2009, we removed from the bypass list those radiation oncology codes that did not meet the empirical criteria. As a result of these changes to the bypass list, the CY 2009 median costs for several common radiation oncology APCs increased by more than 9 percent as compared to the CY 2008 median costs, while the median costs for some of the other lower volume radiation oncology APCs, most notably the brachytherapy source application APCs, declined. For example, as noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68575), these changes to the bypass list resulted in payment for the common combination of intensity modulated radiation therapy (IMRT) and image guided radiation therapy (IGRT) increasing from $348 in CY 2008 to $411 in CY 2009. Notably, the CY 2007 total payment rate for this combination of services, before the expanded packaging went into effect, was $403.

We do not yet have CY 2009 claims data reflecting utilization based on the payment rates in effect for CY 2009. However, we do not expect that an overall per service payment comparison between CY 2007 and CY 2009 would likely demonstrate a significant decrease in payment for radiation oncology services because we have adopted a significant increase in the CY 2009 payment rates for the most common radiation oncology services. In addition, we note that CY 2010 proposed rule data indicate that the CY 2010 APC median costs applicable to most radiation oncology services experience increases of approximately 2 to 15 percent when compared to their CY 2009 median costs. Although a small number of other lower volume radiation oncology APCs, most notably the brachytherapy and stereotactic radiosurgery APCs, experience declines in median costs, we do not expect that an overall per service payment comparison between CY 2007 and CY 2010 would likely demonstrate a significant decrease in payment for radiation oncology services over this time period.

While we understand that the CY 2007 to CY 2008 aggregate payment

comparison provided to the APC Panel during the February 2009 meeting may have contributed to the APC Panel's particular concern about payment for radiation oncology services for CY 2010, we do not believe that packaging payment for radiation oncology guidance services has primarily caused this decline. In addition, we do not believe that beneficiaries' access to these services has been limited as a result of packaging payment for radiation oncology guidance services. In the data presented to the APC Panel at the February 2009 meeting, the number of all packaged guidance services provided during the first 9 months of CY 2008 represented a 2 percent increase from the number of guidance services provided during the first 9 months of CY 2007. Further, although the CY 2008 volume of the radiation oncology guidance codes that we newly packaged for CY 2008 varied, with some of the services experiencing increases in volume and others experiencing decreases in volume, in aggregate, the reporting of radiation oncology guidance services increased by 4 percent in the first 9 months of claims for CY 2008, as compared to the first 9 months of CY 2007, and the number of hospitals reporting these services also increased. This further supports our belief that, irrespective of the decline in the frequency of radiation oncology services in general, hospitals do not appear to be changing their practice patterns specifically in response to packaged payment for radiation oncology guidance services.

Therefore, we are not proposing to pay separately for radiation therapy guidance services performed in the treatment room for 2 years as the APC Panel recommended. Instead, for CY 2010, we are proposing to maintain the packaged status of all radiation therapy guidance services, including those radiation therapy guidance services performed in the treatment room.

Recommendation 2

We are accepting the APC Panel recommendation to continue to analyze the impact of increased packaging on beneficiaries and to share more data with the APC Panel. We will carefully consider which additional data would be most informative for the APC Panel and will discuss these data with the APC Panel at the next CY 2009 APC Panel meeting and/or the first CY 2010 APC Panel meeting. Similarly, we will determine what additional detailed data related to radiation oncology services would be helpful to the APC Panel and will share these data at the next CY 2009 APC Panel meeting and/or the first CY 2010 APC Panel meeting.

Recommendation 3

We are accepting the APC Panel's recommendation that CMS continue to analyze the impact on beneficiaries of increased packaging of diagnostic radiopharmaceuticals and provide more detailed analyses at the next APC Panel meeting. In these analyses of diagnostic radiopharmaceuticals by type of nuclear medicine scan, the APC Panel further recommended that CMS analyze the data according to the specific CPT codes billed with the diagnostic radiopharmaceuticals. This APC Panel recommendation is discussed in detail in section II.A.2.d (5) of this proposed rule. We are accepting the APC Panel's recommendation and will provide additional data to the APC Panel at an upcoming meeting.

Recommendation 4

For CY 2010, we are proposing to continue to treat CPT code 36592 (Collection of blood specimen using established central or peripheral catheter, venous, not otherwise specified) as an ''STVX packaged code'' and to assign it to APC 0624 (Phlebotomy and Minor Vascular Access Device Procedures), the same APC to which CPT code 36591 (Collection of blood specimen from a completely implantable venous access device) is currently assigned as the APC Panel recommended. CPT code 36592 became effective January 1, 2008 and was assigned interim status indicator ''N'' in the CY 2008 OPPS/ASC final rule with comment period. For CY 2009, in response to public comments, we proposed to treat CPT code 36592 as a conditionally packaged code, with assignment to APC 0624. In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68576), we discussed the public comments we received regarding our proposed treatment of CPT code 36592. Several of these commenters supported our proposal to treat CPT code 36592 as a conditionally packaged code with assignment to APC 0624. We stated in the CY 2009 OPPS/ASC final rule with comment period that when cost data for CPT code 36592 became available for the CY 2010 OPPS annual update, we would reevaluate whether assignment to APC 0624 continued to be appropriate.

Based on our analysis of claims data, our clinical understanding of the service, and our discussion with the APC Panel Packaging Subcommittee, we are proposing to maintain the assignment of CPT code 36592 to APC 0624 for CY 2010, consistent with the APC Panel recommendation, and we are proposing to continue to treat CPT code 36592 as an ''STVX packaged code'' and assign it to APC 0624. We note that we expect hospitals to follow the CPT guidance related to CPT codes 36591 and 36592 regarding when these services should be appropriately reported.

Recommendation 5

In response to the APC Panel's recommendation for the Packaging Subcommittee to remain active until the next APC Panel meeting, we note that we have accepted this recommendation and the APC Panel Packaging Subcommittee remains active. Additional issues and new data concerning the packaging status of codes will be shared for its consideration as information becomes available. We continue to encourage submission of common clinical scenarios involving currently packaged HCPCS codes to the Packaging Subcommittee for its ongoing review. We also encourage recommendations of specific services or procedures whose payment would be most appropriately packaged under the OPPS. Additional detailed suggestions for the Packaging Subcommittee should be submitted by e-mail to *APCPanel@cms.hhs.gov* with Packaging Subcommittee in the subject line.

(2) Other Service-Specific Packaging Issues

The APC Panel also recommended that CMS reassign CPT code 76098 (Radiological examination, surgical specimen) from APC 0317 (Level II Miscellaneous Radiology Procedures) to APC 0260 (Level I Plain Film), and to place CPT code 76098 on the bypass list. Based on our analysis of the CY 2010 claims containing CPT 76098 and clinical review of the services being furnished, we are proposing to treat CPT code 76098 as a ''T-packaged'' code for CY 2010 with continued assignment to APC 0317. As discussed above, a ''T-packaged code,'' identified with status indicator ''Q2,'' describes a code whose payment is packaged when one or more separately paid surgical procedures with a status indicator of ''T'' are provided during the hospital encounter. The assignment of status indicator ''Q2'' to CPT code 76098 would result in more claims data being available to set the median costs for the surgical procedures with which CPT code 76098 is most commonly billed (for example, CPT code 19101 (Biopsy of breast, percutaneous, needle core, not using image guidance; open incisional)), while continuing to provide appropriate

separate payment that reflects the costs of the service, including its packaged costs, when it is not billed with a surgical procedure. Further discussion related to this proposal is included in section II.A.1.b. of this proposed rule.

B. Proposed Conversion Factor Update

Section 1833(t)(3)(C)(ii) of the Act requires us to update the conversion factor used to determine payment rates under the OPPS on an annual basis. Section 1833(t)(3)(C)(iv) of the Act provides that, for CY 2010, the update is equal to the hospital inpatient market basket percentage increase applicable to hospital discharges under section 1886(b)(3)(B)(iii) of the Act. The proposed hospital market basket increase for FY 2010 published in the FY 2010 IPPS/LTCH PPS proposed rule (74 FR24239 through 24241) is 2.1 percent. To set the proposed OPPS conversion factor for CY 2010, we increased the CY 2009 conversion factor of $66.059, as specified in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68584 through 68585), by 2.1 percent. Hospitals that fail to meet the reporting requirements of the Hospital Outpatient Quality Data Reporting Program (HOP QDRP) are subject to a reduction of 2.0 percentage points from the market basket update to the conversion factor. For a complete discussion of the HOP QDRP requirements and the payment reduction for hospitals that fail to meet those requirements, we refer readers to section XVI. of this proposed rule.

In accordance with section 1833(t)(9)(B) of the Act, we further adjusted the conversion factor for CY 2010 to ensure that any revisions we are proposing to make to our updates for a revised wage index and rural adjustment are made on a budget neutral basis. We calculated an overall budget neutrality factor of 1.0000 for wage index changes by comparing total payments from our simulation model using the FY 2010 IPPS proposed wage index values to those payments using the current (FY 2009) IPPS wage index values. For CY 2010, we are not proposing a change to our rural adjustment policy. Therefore, the proposed budget neutrality factor for the rural adjustment is 1.0000.

For this proposed rule, we estimate that pass-through spending for both drugs and biologicals and devices for CY 2010 would equal approximately $38 million, which represents 0.12 percent of total projected CY 2010 OPPS spending. Therefore, the conversion factor is also adjusted by the difference between the 0.11 percent estimate of pass-through spending set aside for CY 2009 and the 0.12 percent estimate of CY 2010 pass-through spending. Finally, estimated payments for outliers remain at 1.0 percent of total OPPS payments for CY 2010.

The proposed market basket increase update factor of 2.1 percent for CY 2010 and the adjustment of 0.01 percent of projected OPPS spending for the difference in the pass-through spending set aside resulted in a full proposed market basket conversion factor for CY 2010 of $67.439. To calculate the proposed CY 2010 reduced market basket conversion factor for those hospitals that fail to meet the requirements of the HOP QDRP for the full CY 2010 payment update, we made all other adjustments discussed above, but used a proposed reduced market basket increase update factor of 0.1 percent. This resulted in a proposed reduced market basket conversion factor for CY 2010 of $66.118 for those hospitals that fail to meet the HOP QDRP requirements.

C. Proposed Wage Index Changes

Section 1833(t)(2)(D) of the Act requires the Secretary to determine a wage adjustment factor to adjust, for geographic wage differences, the portion of the OPPS payment rate, which includes the copayment standardized amount, that is attributable to labor and labor-related cost. This adjustment must be made in a budget neutral manner and budget neutrality is discussed in section II.B. of this proposed rule.

The OPPS labor-related share is 60 percent of the national OPPS payment. This labor-related share is based on a regression analysis that determined that approximately 60 percent of the costs of services paid under the OPPS were attributable to wage costs. We confirmed that this labor-related share for outpatient services is still appropriate during our regression analysis for the payment adjustment for rural hospitals in the CY 2006 OPPS final rule with comment period (70 FR 68553). Therefore, we are not proposing to revise this policy for the CY 2010 OPPS. We refer readers to section II.G. of this proposed rule for a description and example of how the wage index for a particular hospital is used to determine the payment for the hospital.

As discussed in section II.A.2.c. of this proposed rule, for estimating national median APC costs, we standardize 60 percent of estimated claims costs for geographic area wage variation using the same FY 2010 pre-reclassified wage indices that the IPPS uses to standardize costs. This standardization process removes the effects of differences in area wage levels from the determination of a national unadjusted OPPS payment rate and the copayment amount.

As published in the original OPPS April 7, 2000 final rule with comment period (65 FR 18545), the OPPS has consistently adopted the final IPPS wage indices as the wage indices for adjusting the OPPS standard payment amounts for labor market differences. Thus, the wage index that applies to a particular acute care short-stay hospital under the IPPS would also apply to that hospital under the OPPS. As initially explained in the September 8, 1998 OPPS proposed rule, we believed and continue to believe that using the IPPS wage index as the source of an adjustment factor for the OPPS is reasonable and logical, given the inseparable, subordinate status of the HOPD within the hospital overall. In accordance with section 1886(d)(3)(E) of the Act, the IPPS wage index is updated annually. Therefore, in accordance with our established policy, we are proposing to use the final FY 2010 version of the IPPS wage indices used to pay IPPS hospitals to adjust the CY 2010 OPPS payment rates and copayment amounts for geographic differences in labor cost for all providers that participate in the OPPS, including providers that are not paid under the IPPS (referred to in this section as ''non-IPPS'' providers).

We note that the proposed FY 2010 IPPS wage indices continue to reflect a number of adjustments implemented over the past few years, including revised Office of Management and Budget (OMB) standards for defining geographic statistical areas (Core-Based Statistical Areas or CBSAs), reclassification to different geographic areas, rural floor provisions and the accompanying budget neutrality adjustment, an adjustment for out-migration labor patterns, an adjustment for occupational mix, and a policy for allocating hourly wage data among campuses of multicampus hospital systems that cross CBSAs. For the FY 2010 wage indices, these changes include a continuing transition to the new reclassification threshold criteria that were finalized in the FY 2009 IPPS final rule (73 FR 48568 through 48570), updated 2007–2008 occupational mix survey data, and a continuing transition to State-level budget neutrality for the rural and imputed floors. We refer readers to the FY 2010 IPPS/LTCH PPS proposed rule (74 FR 24137 through 24153) for a detailed discussion of all proposed changes to the FY 2010 IPPS wage indices. In addition, we refer readers to the CY 2005 OPPS final rule with comment period (69 FR 65842 through 65844) and subsequent OPPS

rules for a detailed discussion of the history of these wage index adjustments as applied under the OPPS.

The IPPS wage indices that we are proposing to adopt in this proposed rule include all reclassifications that are approved by the Medicare Geographic Classification Review Board (MGCRB) for FY 2010. We note that reclassifications under section 508 of Public Law 108–173 and certain special exception reclassifications that were extended by section 106(a) of Public Law 109–432 (MIEA–TRHCA) and section 117(a)(1) of Public Law 110–173 (MMSEA) were set to terminate September 30, 2008, but were further extended by section 124 of Public Law 110–275 (MIPPA) through September 30, 2009.

As noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68585), after issuance of the CY 2009 OPPS/ASC proposed rule, section 124 of Public Law 110–275 further extended geographic reclassifications under section 508 and certain special exception reclassifications until September 30, 2009. We did not make any proposals related to these provisions for the CY 2009 OPPS wage indices in our CY 2009 proposed rule because Public Law 110–275 was enacted after issuance of the CY 2009 OPPS/ASC proposed rule. In accordance with section 124 of Public Law 110–275, for CY 2009, we adopted all section 508 geographic reclassifications through September 30, 2009. Similar to our treatment of section 508 reclassifications extended under Public Law 110–173 as described in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68586), hospitals with section 508 reclassifications revert to their home area wage index, with out-migration adjustment if applicable, from October 1, 2009, to December 31, 2009. As we did for CY 2008, we also have extended the special exception wage indices for certain hospitals through December 31, 2009, under the OPPS, in order to give these hospitals the special exception wage indices under the OPPS for the same time period as under the IPPS. We refer readers to the **Federal Register** notice published subsequent to the FY 2009 IPPS final rule for a detailed discussion of the changes to the wage indices as required by section 124 of Public Law 110–275 (73 FR 57888). Because the provisions of section 124 of Public Law 110–275 expire in 2009 and are not applicable to FY 2010, we are not making any proposals related to those provisions for the OPPS wage indices for CY 2010.

For purposes of the OPPS, we are proposing to continue our policy in CY 2010 to allow non-IPPS hospitals paid under the OPPS to qualify for the out-migration adjustment if they are located in a section 505 out-migration county. We note that because non-IPPS hospitals cannot reclassify, they are eligible for the out-migration wage adjustment. Table 4J in the **Federal Register** for the FY 2010 IPPS proposed wage indices (74 FR 24446 through 24462) identifies counties eligible for the out-migration adjustment and providers receiving the adjustment. As we have done in prior years, we are reprinting Table 4J as Addendum L to this proposed rule, with the addition of non-IPPS hospitals that would receive the section 505 out-migration adjustment under the CY 2010 OPPS.

As stated earlier in this section, we continue to believe that using the IPPS wage indices as the source of an adjustment factor for the OPPS is reasonable and logical, given the inseparable, subordinate status of the HOPD within the hospital overall. Therefore, we are proposing to use the final FY 2010 IPPS wage indices for calculating the OPPS payments in CY 2010. With the exception of the out-migration wage adjustment table (Addendum L to this proposed rule), which includes non-IPPS hospitals paid under the OPPS, we are not reprinting the FY 2010 IPPS proposed wage indices referenced in this discussion of the wage index. We refer readers to the CMS Web site for the OPPS at: *http://www.cms.hhs.gov/providers/hopps*. At this link, readers will find a link to the FY 2010 IPPS proposed wage index tables.

D. Proposed Statewide Average Default CCRs

In addition to using CCRs to estimate costs from charges on claims for ratesetting, CMS uses CCRs to determine outlier payments, payments for pass-through devices, and monthly interim transitional corridor payments under the OPPS during the PPS year. Medicare contractors cannot calculate a CCR for some hospitals because there is no cost report available. For these hospitals, CMS uses the statewide average default CCRs to determine the payments mentioned above until a hospital's Medicare contractor is able to calculate the hospital's actual CCR from its most recently submitted Medicare cost report. These hospitals include, but are not limited to, hospitals that are new, have not accepted assignment of an existing hospital's provider agreement, and have not yet submitted a cost report. CMS also uses the statewide average default CCRs to determine payments for hospitals that appear to have a biased CCR (that is, the CCR falls outside the predetermined ceiling threshold for a valid CCR) or for hospitals whose most recent cost report reflects an all-inclusive rate status (Medicare Claims Processing Manual, Pub. 100–04, Chapter 4, Section 10.11). We are proposing to update the default ratios for CY 2010 using the most recent cost report data. We discuss our policy for using default CCRs, including setting the ceiling threshold for a valid CCR, in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68594 through 68599) in the context of our adoption of an outlier reconciliation policy for cost reports beginning on or after January 1, 2009.

For CY 2010, we used our standard methodology of calculating the statewide average default CCRs using the same hospital overall CCRs that we use to adjust charges to costs on claims data for setting the CY 2010 proposed OPPS relative weights. Table 12 below lists the proposed CY 2010 default urban and rural CCRs by State and compares them to last year's default CCRs. These proposed CCRs are the ratio of total costs to total charges from each hospital's most recently submitted cost report, for those cost centers relevant to outpatient services weighted by Medicare Part B charges. We also adjusted ratios from submitted cost reports to reflect final settled status by applying the differential between settled to submitted costs and charges from the most recent pair of final settled and submitted cost reports. We then weighted each hospital's CCR by the volume of separately paid line-items on hospital claims corresponding to the year of the majority of cost reports used to calculate the overall CCRs. We refer readers to the CY 2008 OPPS/ASC final rule with comment period (72 FR 66680 through 66682) and prior OPPS rules for a more detailed discussion of our established methodology for calculating the statewide average default CCRs, including the hospitals used in our calculations and our trimming criteria.

For this proposed rule, approximately 85 percent of the submitted cost reports utilized in the default ratio calculations represented data for cost reporting periods ending in CY 2007 and 14 percent were for cost reporting periods ending in CY 2006. For Maryland, we used an overall weighted average CCR for all hospitals in the nation as a substitute for Maryland CCRs. Few hospitals in Maryland are eligible to receive payment under the OPPS, which limits the data available to calculate an accurate and representative CCR. In

general, observed changes in the statewide average default CCRs between CY 2009 and CY 2010 are modest and the few significant changes are associated with areas that have a small number of hospitals.

TABLE 12—PROPOSED CY 2010 STATEWIDE AVERAGE CCRS

State	Urban/rural	Proposed CY 2010 default CCR	Previous default CCR (CY 2009 OPPS Final rule)
ALASKA	RURAL	0.511	0.562
ALASKA	URBAN	0.334	0.345
ALABAMA	RURAL	0.218	0.221
ALABAMA	URBAN	0.202	0.202
ARKANSAS	RURAL	0.256	0.256
ARKANSAS	URBAN	0.259	0.268
ARIZONA	RURAL	0.260	0.267
ARIZONA	URBAN	0.219	0.226
CALIFORNIA	RURAL	0.210	0.219
CALIFORNIA	URBAN	0.212	0.218
COLORADO	RURAL	0.343	0.346
COLORADO	URBAN	0.251	0.248
CONNECTICUT	RURAL	0.371	0.372
CONNECTICUT	URBAN	0.333	0.322
DISTRICT OF COLUMBIA	URBAN	0.327	0.329
DELAWARE	RURAL	0.320	0.302
DELAWARE	URBAN	0.382	0.349
FLORIDA	RURAL	0.205	0.204
FLORIDA	URBAN	0.189	0.189
GEORGIA	RURAL	0.267	0.267
GEORGIA	URBAN	0.247	0.251
HAWAII	RURAL	0.357	0.367
HAWAII	URBAN	0.307	0.344
IOWA	RURAL	0.332	0.439
IOWA	URBAN	0.292	0.294
IDAHO	RURAL	0.477	0.449
IDAHO	URBAN	0.425	0.419
ILLINOIS	RURAL	0.277	0.280
ILLINOIS	URBAN	0.261	0.266
INDIANA	RURAL	0.295	0.298
INDIANA	URBAN	0.297	0.295
KANSAS	RURAL	0.297	0.300
KANSAS	URBAN	0.238	0.238
KENTUCKY	RURAL	0.233	0.236
KENTUCKY	URBAN	0.260	0.255
LOUISIANA	RURAL	0.281	0.283
LOUISIANA	URBAN	0.265	0.258
MARYLAND	RURAL	0.299	0.303
MARYLAND	URBAN	0.271	0.276
MASSACHUSETTS	URBAN	0.325	0.328
MAINE	RURAL	0.451	0.452
MAINE	URBAN	0.436	0.428
MICHIGAN	RURAL	0.319	0.317
MICHIGAN	URBAN	0.319	0.321
MINNESOTA	RURAL	0.485	0.488
MINNESOTA	URBAN	0.330	0.348
MISSOURI	RURAL	0.274	0.269
MISSOURI	URBAN	0.276	0.282
MISSISSIPPI	RURAL	0.261	0.261
MISSISSIPPI	URBAN	0.198	0.209
MONTANA	RURAL	0.468	0.455
MONTANA	URBAN	0.466	0.439
NORTH CAROLINA	RURAL	0.272	0.272
NORTH CAROLINA	URBAN	0.288	0.292
NORTH DAKOTA	RURAL	0.349	0.369
NORTH DAKOTA	URBAN	0.352	0.354
NEBRASKA	RURAL	0.346	0.345
NEBRASKA	URBAN	0.264	0.283
NEW HAMPSHIRE	RURAL	0.350	0.350
NEW HAMPSHIRE	URBAN	0.288	0.296
NEW JERSEY	URBAN	0.251	0.257
NEW MEXICO	RURAL	0.264	0.263
NEW MEXICO	URBAN	0.337	0.328
NEVADA	RURAL	0.311	0.312
NEVADA	URBAN	0.192	0.192
NEW YORK	RURAL	0.421	0.412

TABLE 12—PROPOSED CY 2010 STATEWIDE AVERAGE CCRS—Continued

State	Urban/rural	Proposed CY 2010 default CCR	Previous default CCR (CY 2009 OPPS Final rule)
NEW YORK	URBAN	0.385	0.388
OHIO	RURAL	0.348	0.353
OHIO	URBAN	0.254	0.258
OKLAHOMA	RURAL	0.275	0.278
OKLAHOMA	URBAN	0.238	0.238
OREGON	RURAL	0.311	0.318
OREGON	URBAN	0.353	0.374
PENNSYLVANIA	RURAL	0.282	0.284
PENNSYLVANIA	URBAN	0.224	0.232
PUERTO RICO	URBAN	0.487	0.519
RHODE ISLAND	URBAN	0.293	0.294
SOUTH CAROLINA	RURAL	0.243	0.242
SOUTH CAROLINA	URBAN	0.245	0.240
SOUTH DAKOTA	RURAL	0.328	0.336
SOUTH DAKOTA	URBAN	0.263	0.267
TENNESSEE	RURAL	0.237	0.244
TENNESSEE	URBAN	0.220	0.221
TEXAS	RURAL	0.256	0.257
TEXAS	URBAN	0.230	0.238
UTAH	RURAL	0.406	0.413
UTAH	URBAN	0.409	0.430
VIRGINIA	RURAL	0.253	0.257
VIRGINIA	URBAN	0.263	0.266
VERMONT	RURAL	0.412	0.406
VERMONT	URBAN	0.422	0.422
WASHINGTON	RURAL	0.354	0.349
WASHINGTON	URBAN	0.336	0.342
WISCONSIN	RURAL	0.402	0.399
WISCONSIN	URBAN	0.334	0.346
WEST VIRGINIA	RURAL	0.292	0.293
WEST VIRGINIA	URBAN	0.348	0.349
WYOMING	RURAL	0.413	0.418
WYOMING	URBAN	0.315	0.331

E. Proposed OPPS Payment to Certain Rural and Other Hospitals

1. Hold Harmless Transitional Payment Changes Made by Public Law 110–275 (MIPPA)

When the OPPS was implemented, every provider was eligible to receive an additional payment adjustment (called either transitional corridor payments or transitional outpatient payments (TOPs)) if the payments it received for covered OPD services under the OPPS were less than the payments it would have received for the same services under the prior reasonable cost-based system (referred to as the pre-BBA amount). Section 1833(t)(7) of the Act provides that the transitional corridor payments are temporary payments for most providers and were intended to ease their transition from the prior reasonable cost-based payment system to the OPPS system. There are two exceptions to this provision, cancer hospitals and children's hospitals, and those hospitals receive the transitional corridor payments on a permanent basis. Section 1833(t)(7)(D)(i) of the Act originally provided for transitional corridor payments to rural hospitals with 100 or fewer beds for covered OPD services furnished before January 1, 2004. However, section 411 of Public Law 108–173 amended section 1833(t)(7)(D)(i) of the Act to extend these payments through December 31, 2005, for rural hospitals with 100 or fewer beds. Section 411 also extended the transitional corridor payments to SCHs located in rural areas for services furnished during the period that began with the provider's first cost reporting period beginning on or after January 1, 2004, and ended on December 31, 2005. Accordingly, the authority for making transitional corridor payments under section 1833(t)(7)(D)(i) of the Act, as amended by section 411 of Public Law 108–173, for rural hospitals having 100 or fewer beds and SCHs located in rural areas expired on December 31, 2005.

Section 5105 of Public Law 109–171 reinstituted the TOPs for covered OPD services furnished on or after January 1, 2006, and before January 1, 2009, for rural hospitals having 100 or fewer beds that are not SCHs. When the OPPS payment was less than the provider's pre-BBA amount, the amount of payment was increased by 95 percent of the amount of the difference between the two payment systems for CY 2006, by 90 percent of the amount of that difference for CY 2007, and by 85 percent of the amount of that difference for CY 2008.

For CY 2006, we implemented section 5105 of Public Law 109–171 through Transmittal 877, issued on February 24, 2006. In the Transmittal, we did not specifically address whether TOPs apply to essential access community hospitals (EACHs), which are considered to be SCHs under section 1886(d)(5)(D)(iii)(III) of the Act. Accordingly, under the statute, EACHs are treated as SCHs. In the CY 2007 OPPS/ASC final rule with comment period (71 FR 68010), we stated that EACHs were not eligible for TOPs under Public Law 109–171. However, we stated they were eligible for the adjustment for rural SCHs. In the CY 2007 OPPS/ASC final rule with comment period (71 FR 68010 and 68228), we updated § 419.70(d) of our regulations to reflect the requirements of Public Law 109–171.

In the CY 2009 OPPS/ASC proposed rule (73 FR 41461), we stated that, effective for services provided on or after January 1, 2009, rural hospitals having 100 or fewer beds that are not SCHs would no longer be eligible for TOPs, in accordance with section 5105 of Public Law 109–171. However, subsequent to issuance of the CY 2009 OPPS/ASC proposed rule, section 147 of Public Law 110–275 amended section 1833(t)(7)(D)(i) of the Act by extending the period of TOPs to rural hospitals with 100 beds or fewer for 1 year, for services provided before January 1, 2010. Section 147 of Public Law 110–275 also extended TOPs to SCHs (including EACHs) with 100 or fewer beds for covered OPD services provided on or after January 1, 2009, and before January 1, 2010. In accordance with section 147 of Public Law 110–275, when the OPPS payment is less than the provider's pre-BBA amount, the amount of payment is increased by 85 percent of the amount of the difference between the two payment systems for CY 2009.

For CY 2009, we revised §§ 419.70(d)(2) and (d)(4) and added a new paragraph (d)(5) to incorporate the provisions of section 147 of Public Law 110–275. In addition, we made other technical changes to § 419.70(d)(2) to more precisely capture our existing policy and to correct an inaccurate cross-reference. We also made technical corrections to the cross-references in paragraphs (e), (g), and (i) of § 419.70. For CY 2010, we are proposing to make a technical correction to the heading of § 419.70(d)(5) to correctly identify the policy as described in the subsequent regulation text. The paragraph heading should indicate that the adjustment applies to small SCHs, rather than to rural SCHs.

Effective for services provided on or after January 1, 2010, rural hospitals and SCHs (including EACHs) having 100 or fewer beds will no longer be eligible for hold harmless TOPs, in accordance with section 147 of Public Law 110–275.

2. Proposed Adjustment for Rural SCHs Implemented in CY 2006 Related to Public Law 108–173 (MMA)

In the CY 2006 OPPS final rule with comment period (70 FR 68556), we finalized a payment increase for rural SCHs of 7.1 percent for all services and procedures paid under the OPPS, excluding drugs, biologicals, brachytherapy sources, and devices paid under the pass-through payment policy in accordance with section 1833(t)(13)(B) of the Act, as added by section 411 of Public Law 108–173. Section 411 gave the Secretary the authority to make an adjustment to OPPS payments for rural hospitals, effective January 1, 2006, if justified by a study of the difference in costs by APC between hospitals in rural and hospitals in urban areas. Our analysis showed a difference in costs for rural SCHs. Therefore, for the CY 2006 OPPS, we finalized a payment adjustment for rural SCHs of 7.1 percent for all services and procedures paid under the OPPS, excluding separately payable drugs and biologicals, brachytherapy sources, and devices paid under the pass-through payment policy, in accordance with section 1833(t)(13)(B) of the Act.

In CY 2007, we became aware that we did not specifically address whether the adjustment applies to EACHs, which are considered to be SCHs under section 1886(d)(5)(D)(iii)(III) of the Act. Thus, under the statute, EACHs are treated as SCHs. Therefore, in the CY 2007 OPPS/ASC final rule with comment period (71 FR 68010 and 68227), for purposes of receiving this rural adjustment, we revised § 419.43(g) to clarify that EACHs are also eligible to receive the rural SCH adjustment, assuming these entities otherwise meet the rural adjustment criteria. Currently, fewer than 10 hospitals are classified as EACHs and as of CY 1998, under section 4201(c) of Public Law 105–33, a hospital can no longer become newly classified as an EACH.

This adjustment for rural SCHs is budget neutral and applied before calculating outliers and copayment. As stated in the CY 2006 OPPS final rule with comment period (70 FR 68560), we would not reestablish the adjustment amount on an annual basis, but we may review the adjustment in the future and, if appropriate, would revise the adjustment. We provided the same 7.1 percent adjustment to rural SCHs, including EACHs, again in CY 2008 and CY 2009. Further, in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68590), we updated the regulations at § 419.43(g)(4) to specify, in general terms, that items paid at charges adjusted to costs by application of a hospital-specific CCR are excluded from the 7.1 percent payment adjustment.

For the CY 2010 OPPS, we are proposing to continue our policy of a budget neutral 7.1 percent payment adjustment for rural SCHs, including EACHs, for all services and procedures paid under the OPPS, excluding separately payable drugs and biologicals, devices paid under the pass-through payment policy, and items paid at charges reduced to costs. We intend to reassess the 7.1 percent adjustment in the near future by examining differences between urban and rural hospitals' costs using updated claims, cost, and provider information.

F. Proposed Hospital Outpatient Outlier Payments

1. Background

Currently, the OPPS pays outlier payments on a service-by-service basis. For CY 2009, the outlier threshold is met when the cost of furnishing a service or procedure by a hospital exceeds 1.75 times the APC payment amount and exceeds the APC payment rate plus a $1,800 fixed-dollar threshold. We introduced a fixed-dollar threshold in CY 2005 in addition to the traditional multiple threshold in order to better target outliers to those high cost and complex procedures where a very costly service could present a hospital with significant financial loss. If the cost of a service meets both of these conditions, the multiple threshold and the fixed-dollar threshold, the outlier payment is calculated as 50 percent of the amount by which the cost of furnishing the service exceeds 1.75 times the APC payment rate. Before CY 2009, this outlier payment had historically been considered a final payment by longstanding OPPS policy. We implemented a reconciliation process similar to the IPPS outlier reconciliation process for cost reports with cost reporting periods beginning on or after January 1, 2009 (73 FR 68594 through 68599).

It has been our policy for the past several years to report the actual amount of outlier payments as a percent of total spending in the claims being used to model the proposed OPPS. We previously estimated that CY 2008 outlier payments were approximately 0.73 percent of the total CY 2008 OPPS payments (73 FR 68592). Our current estimate of total outlier payments as a percent of total CY 2008 OPPS payment, using available CY 2008 claims and the revised OPPS expenditure estimate, is approximately 1.2 percent of the total aggregated OPPS payments. Therefore, for CY 2008, we estimate that we paid approximately 0.2 percent more than the CY 2008 outlier target of 1.0 percent of total aggregated OPPS payments. We will update our estimate of CY 2008 outlier spending in the CY 2010 OPPS/ASC final rule with comment period.

As explained in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68594), we set our projected target for aggregate outlier payments at 1.0 percent of the aggregate total payments under the OPPS for CY 2009. The outlier thresholds were set so that estimated CY 2009 aggregate outlier payments would equal 1.0 percent of

the total aggregated payments under the OPPS. Using the same set of CY 2008 claims and CY 2009 payment rates, we currently estimate that the aggregate outlier payments for CY 2009 would be approximately 1.08 percent of the total CY 2009 OPPS payments. The difference between 1.0 percent and 1.08 percent is reflected in the regulatory impact analysis in section XXI.B. of this proposed rule. We note that we provide estimated CY 2010 outlier payments for hospitals and CMHCs with claims included in the claims data that we used to model impacts in the Hospital-Specific Impacts—Provider-Specific Data file on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/*.

2. Proposed Outlier Calculation

For CY 2010, we are proposing to continue our policy of estimating outlier payments to be 1.0 percent of the estimated aggregate total payments under the OPPS for outlier payments. We are proposing that a portion of that 1.0 percent, specifically 0.02 percent, would be allocated to CMHCs for PHP outlier payments. This is the amount of estimated outlier payments that would result from the proposed CMHC outlier threshold as a proportion of total estimated outlier payments. As discussed in section X.C. of this proposed rule, for CMHCs, we are proposing that if a CMHC's cost for partial hospitalization services, paid under either APC 0172 (Level I Partial Hospitalization (3 services)) or APC 0173 (Level II Partial Hospitalization (4 or more services)), exceeds 3.40 times the payment for APC 0173, the outlier payment would be calculated as 50 percent of the amount by which the cost exceeds 3.40 times the APC 0173 payment rate. For further discussion of CMHC outlier payments, we refer readers to section X.C. of this proposed rule. To ensure that the estimated CY 2010 aggregate outlier payments would equal 1.0 percent of estimated aggregate total payments under the OPPS, we are proposing that the hospital outlier threshold be set so that outlier payments would be triggered when the cost of furnishing a service or procedure by a hospital exceeds 1.75 times the APC payment amount and exceeds the APC payment rate plus a $2,225 fixed-dollar threshold. This proposed threshold reflects the methodology discussed below in this section, as well as the proposed APC recalibration for CY 2010.

We calculated the fixed-dollar threshold for this proposed rule using largely the same methodology as we did in CY 2009 (73 FR 41462). For purposes of estimating outlier payments for this proposed rule, we used the CCRs available in the April 2009 update to the Outpatient Provider Specific File (OPSF). The OPSF contains provider-specific data, such as the most current CCR, which are maintained by the Medicare contractors and used by the OPPS Pricer to pay claims. The claims that we use to model each OPPS update lag by 2 years. For this proposed rule, we used CY 2008 claims to model the CY 2010 OPPS. In order to estimate the CY 2010 hospital outlier payments for this proposed rule, we inflated the charges on the CY 2008 claims using the same inflation factor of 1.1511 that we used to estimate the IPPS fixed-dollar outlier threshold for the FY 2010 IPPS/LTCH PPS proposed rule (74 FR 24245). For 1 year, the inflation factor we used is 1.0729. The methodology for determining this charge inflation factor was discussed in the FY 2010 IPPS/LTCH PPS proposed rule (74 FR 24245). As we stated in the CY 2005 OPPS final rule with comment period (69 FR 65845), we believe that the use of this charge inflation factor is appropriate for the OPPS because, with the exception of the routine service cost centers, hospitals use the same cost centers to capture costs and charges across inpatient and outpatient services.

As noted in the CY 2007 OPPS/ASC final rule with comment period (71 FR 68011), we are concerned that we could systematically overestimate the OPPS hospital outlier threshold if we did not apply a CCR inflation adjustment factor. Therefore, we are proposing to apply the same CCR inflation adjustment factor that we proposed to apply for the FY 2010 IPPS outlier calculation to the CCRs used to simulate the CY 2010 OPPS outlier payments that determine the fixed-dollar threshold. Specifically, for CY 2010, we are proposing to apply an adjustment of 0.9840 to the CCRs that were in the April 2009 OPSF to trend them forward from CY 2009 to CY 2010. The methodology for calculating this adjustment is discussed in the FY 2010 IPPS/LTCH PPS proposed rule (74 FR 24245 through 24247).

Therefore, to model hospital outlier payments for this proposed rule, we applied the overall CCRs from the April 2009 OPSF file after adjustment (using the proposed CCR inflation adjustment factor of 0.9840 to approximate CY 2010 CCRs) to charges on CY 2008 claims that were adjusted (using the proposed charge inflation factor of 1.1511 to approximate CY 2010 charges). We simulated aggregated CY 2010 hospital outlier payments using these costs for several different fixed-dollar thresholds, holding the 1.75 multiple threshold constant and assuming that outlier payment would continue to be made at 50 percent of the amount by which the cost of furnishing the service would exceed 1.75 times the APC payment amount, until the total outlier payments equaled 1.0 percent of aggregated estimated total CY 2010 OPPS payments. We estimate that a proposed fixed-dollar threshold of $2,225, combined with the proposed multiple threshold of 1.75 times the APC payment rate, would allocate 1.0 percent of aggregated total OPPS payments to outlier payments. We are proposing to continue to make an outlier payment that equals 50 percent of the amount by which the cost of furnishing the service exceeds 1.75 times the APC payment amount when both the 1.75 multiple threshold and the proposed fixed-dollar $2,225 threshold are met. For CMHCs, if a CMHC's cost for partial hospitalization services, paid under either APC 0172 or APC 0173, exceeds 3.40 times the payment for APC 0173, the outlier payment would be calculated as 50 percent of the amount by which the cost exceeds 3.40 times the APC 0173 payment rate.

Section 1833(t)(17)(A) of the Act, which applies to hospitals as defined under section 1886(d)(1)(B) of the Act, requires that hospitals that fail to report data required for the quality measures selected by the Secretary, in the form and manner required by the Secretary under 1833(t)(17)(B) of the Act, incur a 2.0 percentage point reduction to their OPD fee schedule increase factor, that is, the annual payment update factor. The application of a reduced OPD fee schedule increase factor results in reduced national unadjusted payment rates that will apply to certain outpatient items and services furnished by hospitals that are required to report outpatient quality data and that fail to meet the HOP QDRP requirements. For hospitals that fail to meet the HOP QDRP requirements, we are proposing to continue our policy that we implemented in CY 2009 that the hospitals' costs would be compared to the reduced payments for purposes of outlier eligibility and payment calculation. For more information on the HOP QDRP, we refer readers to section XVI. of this proposed rule.

3. Outlier Reconciliation

In the CY 2009 OPPS/ASC final rule with comment period (73 CFR 68599), we adopted as final policy a process to reconcile hospital or CMHC outlier payments at cost report settlement for services furnished during cost reporting periods beginning in CY 2009. OPPS outlier reconciliation ensures accurate

outlier payments for those facilities whose CCRs fluctuate significantly relative to the CCRs of other facilities, and who receive a significant amount of outlier payments. OPPS outlier reconciliation thresholds are provided in section 10.7.2.1 of Chapter 4 of the Medicare Claims Processing Manual (Pub. 100–4), reevaluated annually, and modified if necessary. When the cost report is settled, reconciliation of outlier payments will be based on the overall CCR, calculated as the ratio of costs and charges computed from the cost report at the time the cost report coinciding with the service dates is settled. Reconciling outlier payments ensures that the outlier payments made are appropriate and that final outlier payments reflect the most accurate cost data. In the CY 2009 OPPS/ASC finale rule with comment period (73 FR 68599), we also finalized a proposal to adjust the amount of final outlier payments determined during reconciliation for the time value of money. The OPPS outlier reconciliation process will require recalculating outlier payments for individual claims in order to accurately determine the net effect of a change in an overall CCR on a facility's total outlier payments. For cost reporting periods beginning in CY 2009, Medicare contractors will begin to identify cost reports that require outlier reconciliation as a component of cost report settlement. At this time, CMS continues to develop a method for reexamining claims to calculate the change in total outlier payments in order to reconcile outlier payments for these cost reports.

As under the IPPS, we do not adjust the fixed-dollar threshold or amount of total OPPS payment set aside for outlier payments for reconciliation activity. The predictability of the fixed-dollar threshold is an important component of a prospective payment system. We do not adjust the prospectively set outlier threshold for the amount of outlier payment reconciled at cost report settlement because such action would be contrary to the prospective nature of the system. Our outlier threshold calculation assumes that CCRs accurately estimate hospital costs based on the information available to us at the time we set the prospective fixed-dollar outlier threshold. For these reasons, we are not incorporating any assumptions about the effects of reconciliation into our calculation of the proposed OPPS fixed-dollar outlier threshold.

G. Proposed Calculation of an Adjusted Medicare Payment From the National Unadjusted Medicare Payment

The basic methodology for determining prospective payment rates for HOPD services under the OPPS is set forth in existing regulations at 42 CFR Part 419, subparts C and D. The payment rate for most services and procedures for which payment is made under the OPPS is the product of the conversion factor calculated in accordance with section II.B. of this proposed rule and the relative weight determined under section II.A. of this proposed rule. Therefore, the proposed national unadjusted payment rate for most APCs contained in Addendum A to this proposed rule and for most HCPCS codes to which separate payment under the OPPS has been assigned in Addendum B to this proposed rule was calculated by multiplying the proposed CY 2010 scaled weight for the APC by the proposed CY 2010 conversion factor.

We note that section 1833(t)(17) of the Act, which applies to hospitals as defined under section 1886(d)(1)(B) of the Act, requires that hospitals that fail to submit data required to be submitted on quality measures selected by the Secretary, in the form and manner and at a time specified by the Secretary, receive a 2.0 percentage point reduction to their OPD fee schedule increase factor, that is, the annual payment update factor. The application of a reduced OPD fee schedule increase factor results in reduced national unadjusted payment rates that apply to certain outpatient items and services provided by hospitals that are required to report outpatient quality data and that fail to meet the Hospital Outpatient Quality Data Reporting Program (HOP QDRP) requirements. For further discussion of the proposed payment reduction for hospitals that fail to meet the requirements of the HOP QDRP, we refer readers to section XVI.D. of this proposed rule.

We demonstrate in the steps below how to determine the APC payments that would be made in a calendar year under the OPPS to a hospital that fulfills the HOP QDRP requirements and to a hospital that fails to meet the HOP QDRP requirements for a service that has any of the following status indicator assignments: ''P,'' ''Q1,'' ''Q2,'' ''Q3,'' ''R,'' ''S,'' ''T,'' ''U,'' ''V,'' or ''X'' (as defined in Addendum D1 to this proposed rule), in a circumstance in which the multiple procedure discount does not apply and the procedure is not bilateral.

Individual providers interested in calculating the payment amount that they would receive for a specific service from the proposed national unadjusted payment rates presented in Addenda A and B to this proposed rule should follow the formulas presented in the following steps. For purposes of the payment calculations below, we refer to the national unadjusted payment rate for hospitals that meet the requirements of the HOP QDRP as the ''full'' national unadjusted payment rate. We refer to the national unadjusted payment rate for hospitals that fail to meet the requirements of the HOP QDRP as the ''reduced'' national unadjusted payment rate. The reduced national unadjusted payment rate is calculated by multiplying the reporting ratio of 0.98 times the ''full'' national unadjusted payment rate. The national unadjusted payment rate used in the calculations below is either the full national unadjusted payment rate or the reduced national unadjusted payment rate, depending on whether the hospital met its HOP QDRP requirements in order to receive the full CY 2010 OPPS increase factor.

Step 1. Calculate 60 percent (the labor-related portion) of the proposed national unadjusted payment rate. Since the initial implementation of the OPPS, we have used 60 percent to represent our estimate of that portion of costs attributable, on average, to labor. We refer readers to the April 7, 2000 OPPS final rule with comment period (65 FR 18496 through 18497) for a detailed discussion of how we derived this percentage. We confirmed that this labor-related share for hospital outpatient services is still appropriate during our regression analysis for the payment adjustment for rural hospitals in the CY 2006 OPPS final rule with comment period (70 FR 68553).

The formula below is a mathematical representation of Step 1 and identifies the labor-related portion of a specific payment rate for a specific service.

X is the labor-related portion of the national unadjusted payment rate.

$X = .60 * (\text{national unadjusted payment rate})$

Step 2. Determine the wage index area in which the hospital is located and identify the wage index level that applies to the specific hospital. The wage index values assigned to each area reflect the geographic statistical areas (which are based upon OMB standards) to which hospitals are assigned for FY 2010 under the IPPS, reclassifications through the MGCRB, section 1886(d)(8)(B) of the Act, as well as ''Lugar'' reclassifications under section

1886(d)(8)(B) of the Act. We note that the reclassifications of hospitals under section 508 of Public Law 108–173, as extended by section 124 of Public Law 110–275, will expire on September 30, 2009, and will not be applicable under the IPPS for FY 2010. Therefore, these reclassifications will not apply to the CY 2010 OPPS. For further discussion of the proposed changes to the FY 2010 IPPS wage indices, as applied to the CY 2010 OPPS, we refer readers to section II.C. of this proposed rule. The proposed wage index values include the occupational mix adjustment described in section II.C. of this proposed rule that was developed for the FY 2010 IPPS proposed payment rates appearing in the **Federal Register** on May 22, 2009 (74 FR 24140 through 24144).

Step 3. Adjust the wage index of hospitals located in certain qualifying counties that have a relatively high percentage of hospital employees who reside in the county, but who work in a different county with a higher wage index, in accordance with section 505 of Public Law 108–173. Addendum L to this proposed rule contains the qualifying counties and the proposed wage index increase developed for the FY 2010 IPPS published in the FY 2010 IPPS/LTCH PPS proposed rule as Table 4J (74 FR 24446 through24462). This step is to be followed only if the hospital has chosen not to accept reclassification under Step 2 above.

Step 4. Multiply the applicable wage index determined under Steps 2 and 3 by the amount determined under Step 1 that represents the labor-related portion of the national unadjusted payment rate.

The formula below is a mathematical representation of Step 4 and adjusts the labor-related portion of the national payment rate for the specific service by the wage index.

X_a *is the labor-related portion of the national unadjusted payment rate (wage adjusted).*

X_a = .60 * (national unadjusted payment rate) * applicable wage index.

Step 5. Calculate 40 percent (the nonlabor-related portion) of the national unadjusted payment rate and add that amount to the resulting product of Step 4. The result is the wage index adjusted payment rate for the relevant wage index area.

The formula below is a mathematical representation of Step 5 and calculates the remaining portion of the national payment rate, the amount not attributable to labor, and the adjusted payment for the specific service.

Y is the nonlabor-related portion of the national unadjusted payment rate.

Y = .40 * (national unadjusted payment rate)

Adjusted Medicare Payment = $Y + X_a$

Step 6. If a provider is a SCH, set forth in the regulations at § 412.92, or an EACH, which is considered to be a SCH under section 1886(d)(5)(D)(iii)(III) of the Act, and located in a rural area, as defined in § 412.64(b), or is treated as being located in a rural area under § 412.103, multiply the wage index adjusted payment rate by 1.071 to calculate the total payment.

The formula below is a mathematical representation of Step 6 and applies the rural adjustment for rural SCHs.

Adjusted Medicare Payment (SCH or EACH) = Adjusted Medicare Payment * 1.071

We have provided examples below of the calculation of both the proposed full and reduced national unadjusted payment rates that would apply to certain outpatient items and services performed by hospitals that meet and that fail to meet the HOP QDRP requirements, using the steps outlined above. For purposes of this example, we will use a provider that is located in Wayne, New Jersey that is assigned to CBSA 35644. This provider bills one service that is assigned to APC 0019 (Level I Excision/Biopsy). The proposed CY 2010 full national unadjusted payment rate for APC 0019 is $292.33. The proposed reduced national unadjusted payment rate for a hospital that fails to meet the HOP QDRP requirements is $286.48. This reduced rate is calculated by multiplying the reporting ratio of 0.98 by the full unadjusted payment rate for APC 0019.

The proposed FY 2010 wage index for a provider located in CBSA 35644 in New Jersey is 1.2986. The labor portion of the full national unadjusted payment is $227.77 (.60 * $292.33 *1.2986). The labor portion of the reduced national unadjusted payment is $223.21 (.60 * $286.48 *1.2986). The nonlabor portion of the full national unadjusted payment is $116.93 (.40 * $292.33). The nonlabor portion of the reduced national unadjusted payment is $114.59 (.40 * $286.48). The sum of the labor and nonlabor portions of the full national adjusted payment is $344.70 ($227.77 + $116.93). The sum of the reduced national adjusted payment is $337.80 ($223.21 + $114.59).

H. Proposed Beneficiary Copayments

1. Background

Section 1833(t)(3)(B) of the Act requires the Secretary to set rules for determining the unadjusted copayment amounts to be paid by beneficiaries for covered OPD services. Section 1833(t)(8)(C)(ii) of the Act specifies that the Secretary must reduce the national unadjusted copayment amount for a covered OPD service (or group of such services) furnished in a year in a manner so that the effective copayment rate (determined on a national unadjusted basis) for that service in the year does not exceed a specified percentage. As specified in section 1833(t)(8)(C)(ii)(V) of the Act, for all services paid under the OPPS in CY 2010, and in calendar years thereafter, the percentage is 40 percent of the APC payment rate. Section 1833(t)(3)(B)(ii) of the Act provides that, for a covered OPD service (or group of such services) furnished in a year, the national unadjusted copayment amount cannot be less than 20 percent of the OPD fee schedule amount. Sections 1834(d)(2)(C)(ii) and (d)(3)(C)(ii) of the Act further require that the copayment for screening flexible sigmoidoscopies and screening colonoscopies be equal to 25 percent of the payment amount. Since the beginning of the OPPS, we have applied the 25-percent copayment to screening flexible sigmoidoscopies and screening colonoscopies.

2. Proposed Copayment Policy

For CY 2010, we are proposing to determine copayment amounts for new and revised APCs using the same methodology that we implemented beginning in CY 2004. (We refer readers to the November 7, 2003 OPPS final rule with comment period (68 FR 63458)). In addition, we are proposing to use the same standard rounding principles that we have historically used in instances where the application of our standard copayment methodology would result in a copayment amount that is less than 20 percent and cannot be rounded, under standard rounding principles, to 20 percent. (We refer readers to the CY 2008 OPPS/ASC final rule with comment period (72 FR 66687) in which we discuss our rationale for applying these rounding principles.) The national unadjusted copayment amounts for services payable under the OPPS that would be effective January 1, 2010, are shown in Addenda A and B to this proposed rule. As discussed in section XVI.D. of this proposed rule, we are proposing that for CY 2010, the Medicare beneficiary's minimum unadjusted copayment and national unadjusted copayment for a service to which a reduced national unadjusted payment rate applies would equal the product of the reporting ratio and the national unadjusted copayment, or the product of the reporting ratio and the minimum unadjusted copayment, respectively, for the service.

3. Proposed Calculation of an Adjusted Copayment Amount for an APC Group

Individuals interested in calculating the national copayment liability for a Medicare beneficiary for a given service provided by a hospital that met or failed to meet its HOP QDRP requirements should follow the formulas presented in the following steps.

Step 1. Calculate the beneficiary payment percentage for the APC by dividing the APC's national unadjusted copayment by its payment rate. For example, using APC 0019, $64.13 is 22 percent of the full national unadjusted payment rate of $292.33.

The formula below is a mathematical representation of Step 1 and calculates national copayment as a percentage of national payment for a given service.

B is the beneficiary payment percentage.

B = National unadjusted copayment for APC/national unadjusted payment rate for APC

Step 2. Calculate the appropriate wage-adjusted payment rate for the APC for the provider in question, as indicated in section II.G. of this proposed rule. Calculate the rural adjustment for eligible providers as indicated in Step 6 under section II.G. of this proposed rule.

Step 3. Multiply the percentage calculated in Step 1 by the payment rate calculated in Step 2. The result is the wage-adjusted copayment amount for the APC.

The formula below is a mathematical representation of Step 3 and applies the beneficiary percentage to the adjusted payment rate for a service calculated under section II.G. of this proposed rule, with and without the rural adjustment, to calculate the adjusted beneficiary copayment for a given service.

Wage-adjusted copayment amount for the APC = Adjusted Medicare Payment * *B*

Wage-adjusted copayment amount for the APC (SCH or EACH) = (Adjusted Medicare Payment * 1.071) * *B*

Step 4. For a hospital that failed to meet its HOP QDRP requirements, multiply the copayment calculated in Step 3 by the reporting ratio of 0.98.

The proposed unadjusted copayments for services payable under the OPPS that would be effective January 1, 2010 are shown in Addenda A and B to this proposed rule. We note that the proposed national unadjusted payment rates and copayment rates shown in Addenda A and B to this proposed rule reflect the full market basket conversion factor increase, as discussed in section XVI.D. of this proposed rule.

III. Proposed OPPS Ambulatory Payment Classification (APC) Group Policies

A. Proposed OPPS Treatment of New CPT and Level II HCPCS Codes

CPT and Level II HCPCS codes are used to report procedures, services, items, and supplies under the hospital OPPS. Specifically, CMS recognizes the following codes on OPPS claims: (1) Category I CPT codes, which describe medical services and procedures; (2) Category III CPT codes, which describe new and emerging technologies, services, and procedures; and (3) Level II HCPCS codes, which are used primarily to identify products, supplies, temporary procedures, and services not described by CPT codes. CPT codes are established by the AMA and the Level II HCPCS codes are established by the CMS HCPCS Workgroup. These codes are updated and changed throughout the year. CPT and HCPCS code changes that affect the OPPS are published both through the annual rulemaking cycle and through the OPPS quarterly update Change Requests (CRs). CMS releases new Level II HCPCS codes to the public or recognizes the release of new CPT codes by the AMA and makes these codes effective (that is, the codes can be reported on Medicare claims) outside of the formal rulemaking process via OPPS quarterly update CRs. This quarterly process offers hospitals access to codes that may more accurately describe items or services furnished and/or provides payment or more accurate payment for these items or services in a more timely manner than if CMS waited for the annual rulemaking process. We solicit comments on these new codes and finalize our proposals related to these codes through our annual rulemaking process. In Table 13 below, we summarize our proposed process for updating codes through our OPPS quarterly update CRs, seeking public comment, and finalizing their treatment under the OPPS.

TABLE 13—COMMENT TIMEFRAME FOR NEW OR REVISED HCPCS CODES

OPPS quarterly update CR	Type of code	Effective date	Comments sought	When finalized
April 1, 2009	Level II HCPCS Codes	April 1, 2009	CY 2010 OPPS/ASC proposed rule.	CY 2010 OPPS/ASC final rule with comment period.
July 1, 2009	Level II HCPCS Codes	July 1, 2009	CY 2010 OPPS/ASC proposed rule.	CY 2010 OPPS/ASC final rule with comment period.
	Category I (certain vaccine codes) and III CPT Codes.	July 1, 2009	CY 2010 OPPS/ASC proposed rule.	CY 2010 OPPS/ASC final rule with comment period.
October 1, 2009	Level II HCPCS Codes	October 1, 2009	CY 2010 OPPS/ASC final rule with comment period.	CY 2011 OPPS/ASC final rule with comment period.
January 1, 2010	Level II HCPCS Codes	January 1, 2010	CY 2010 OPPS/ASC final rule with Comment Period.	CY 2011 OPPS/ASC final rule with comment period.
	Category I and III CPT Codes	January 1, 2010	CY 2010 OPPS/ASC final rule with comment period.	CY 2011 OPPS/ASC final rule with comment period.

This process is discussed in detail below and we have separated our discussion into two sections based on whether we are proposing to solicit public comments in this CY 2010 proposed rule on a specific group of the CPT and Level II HCPCS codes or whether we are proposing to solicit public comments on another specific group of the codes in the CY 2010 final rule with comment period. We note that we sought public comments in the CY 2009 OPPS/ASC final rule with comment period on the new CPT and Level II HCPCS codes that were effective January 1, 2009. Earlier, the AMA had released the new Category I vaccine codes and Category III CPT codes effective January 1, 2009, on the AMA Web site in July 2009. The new Level II HCPCS codes and Category I and III CPT codes were included in our January 2009 OPPS quarterly update CR. We also sought public comments in the CY2009 OPPS/ASC final rule with comment period on the new Level II HCPCS codes effective October 1, 2008.

These new codes with effective dates of October 1, 2008, or January 1, 2009, were flagged with comment indicator ''NI'' (New code, interim APC assignment; comments will be accepted on the interim APC assignment for the new code) in Addendum B to the CY 2009 OPPS/ASC final rule with comment period to indicate that we were assigning them an interim payment status and an APC and payment rate, if applicable, which were subject to public comment following publication of the CY2009 OPPS/ASC final rule with comment period. We will respond to public comments and finalize our proposed OPPS treatment of these codes in the CY 2010 OPPS/ASC final rule with comment period.

1. Proposed Treatment of New Level II HCPCS Codes and Category I CPT Vaccine Codes and Category III CPT Codes for Which We Are Soliciting Public Comments in this Proposed Rule

Effective April 1 and July 1 of CY 2009, we made effective a total of 13 new Level II HCPCS codes and 5 new Category I vaccine and Category III CPT codes that were not addressed in the CY 2009 OPPS/ASC final rule with comment period that updated the OPPS. Thirteen new Level II HCPCS codes were made effective for the April and July 2009 updates, and 13 Level II HCPCS codes were newly recognized for separate payment. Although one of the new Level II HCPCS codes is not payable under the OPPS, we changed the OPPS status indicator for one existing Level II HCPCS code from the interim status indicator designated in the CY 2009 OPPS/ASC final rule with comment period.

Through the April 2009 OPPS quarterly update CR (Transmittal 1702, Change Request 6416, dated March 13, 2009), we allowed separate payment for a total of 2 additional Level II HCPCS codes, specifically existing HCPCS code C9247 (Iobenguane, I–123, diagnostic, per study dose, up to 10 millicuries) and new HCPCS code C9249 (Injection, certolizumab pegol, 1 mg). HCPCS code C9249, which received separate payment as a result of its pass-through status under the OPPS, was made effective on April 1, 2009. HCPCS code C9247 was released January 1, 2009, through the January 2009 OPPS quarterly update CR (Transmittal 1657, Change Request 6320, dated December 31, 2008). From January 1, 2009, through March 31, 2009, because HCPCS code C9247 is a nonpass-through diagnostic radiopharmaceutical, and nonpass-through diagnostic radiopharmaceutical are always packaged under the CY 2009 OPPS, it was packaged under the OPPS and assigned status indicator ''N'' (Items and Services Packaged into APC Rates. Paid under OPPS; payment is packaged into payment for other services, including outliers). Therefore, there was no separate APC payment for HCPCS code C9247 from January 1, 2009, through March 31, 2009. Effective April 1, 2009, HCPCS code C9247 was allowed separate pass-through payment and its status indicator was changed from ''N'' to ''G'' (Pass-Through Drugs and Biologicals. Paid under OPPS; separate APC payment includes pass-through amount).

Through the July 2009 OPPS quarterly update CR (Transmittal 107, Change Request 6492, dated May 22, 2009) which included HCPCS codes that were made effective July 1, 2009, we allowed separate payment for a total of 11 new Level II HCPCS codes for pass-through drugs and biologicals and new nonpass-through drugs and nonimplantable biologicals. Specifically, we provided separate payment for HCPCS codes C9250 (Human plasma fibrin sealant, vapor-heated, solvent-detergent (Artiss), 2ml); C9251 (Injection, C1 esterase inhibitor (human), 10 units); C9252 (Injection, plerixafor, 1 mg); C9253 (Injection, temozolomide, 1 mg); C9360 (Dermal substitute, native, non-denatured collagen, neonatal bovine origin (SurgiMend Collagen Matrix), per 0.5 square centimeters); C9361 (Collagen matrix nerve wrap (NeuroMend Collagen Nerve Wrap), per 0.5 centimeter length); C9362 (Porous purified collagen matrix bone void filler (Integra Mozaik Osteoconductive Scaffold Strip), per 0.5 cc); C9363 (Skin substitute, Integra Meshed Bilayer Wound Matrix, per square centimeter); C9364 (Porcine implant, Permacol, per square centimeter); Q2023 (Injection, factor viii (antihemophilic factor, recombinant) (Xyntha), per i.u.); and Q4116 (Skin substitute, Alloderm, per square centimeter).

Although HCPCS code Q4115 (Skin substitute, Alloskin, per square centimeter) was initially assigned status indicator ''K'' (Nonpass-Through Drugs and Biologicals) for July 2009 to signify its separate payment, we are correcting its status indicator assignment to ''M'' (Items and Services Not Billable to the Fiscal Intermediary/MAC) retroactive to July 2009 because no July 2009 pricing information is available for the ASP payment methodology that applies to payment of new HCPCS codes for drugs and biologicals. If ASP information becomes available for a later quarter in CY 2009 or for a quarter in CY 2010, we would reassign HCPCS code Q4115 status indicator ''K'' for that quarter and pay separately for the new biological HCPCS code at ASP+4 percent, consistent with the final CY 2009 policy and the proposed CY 2010 policy for payment of new drug and biological HCPCS codes.

For CY 2010, we are proposing to continue our established policy of recognizing Category I CPT vaccine codes for which FDA approval is imminent and Category III CPT codes that the AMA releases in January of each year for implementation in July through the OPPS quarterly update process. Under the OPPS, Category I vaccine codes and Category III CPT codes that are released on the AMA Web site in January are made effective in July of the same year through the July OPPS quarterly update CR, consistent with the AMA's implementation date for the codes. Through the July 2009 OPPS quarterly update CR, we allowed separate payment for 3 of the 5 new Category I vaccine and Category III CPT Codes effective July 1, 2009. Specifically, as displayed in Table 16, we allowed payment for CPT codes 0199T (Physiologic recording of tremor using accelerometer(s) and gyroscope(s), (including frequency and amplitude) including interpretation and report); 0200T (Percutaneous sacral augmentation (sacroplasty), unilateral injection(s), including the use of a balloon or mechanical device (if utilized), one or more needles); and 0201T (Percutaneous sacral augmentation (sacroplasty), bilateral injections, including the use of a balloon or mechanical device (if utilized), two or more needles). We note that CPT code 0202T (Posterior vertebral joint(s) arthroplasty (*e.g.* , facet joint[s] replacement) including facetectomy, laminectomy, foraminotomy and vertebral column fixation, with or without injection of bone cement, including fluoroscopy, single level, lumbar spine) was assigned status indicator ''C'' (Inpatient procedures. Not paid under OPPS. Admit patient. Bill as inpatient.) because we believe that this procedure may only be safely performed on Medicare beneficiaries in the hospital inpatient setting. In addition, CPT code 90670 (Pneumococcal conjugate vaccine, 13 valent, for intramuscular use), a Category I CPT vaccine code, was assigned status indicator ''E'' (Items, Codes, and Services * * * Not paid by Medicare when submitted on outpatient claims (any outpatient bill type)) because the drug has not yet been approved by the FDA for marketing.

In this proposed rule, we are soliciting public comments on the proposed status indicators and the

proposed APC assignments and payment rates, if applicable, for the 14 Level II HCPCS codes and the 5 Category I vaccine and Category III CPT codes that were newly recognized or had a change in OPPS status indicator in April or July 2009 through the respective OPPS quarterly update CRs. These codes are listed in Tables 14, 15, and 16 of this proposed rule. We are proposing to finalize their status indicators and their APC assignments and payment rates, if applicable, in the CY 2010 OPPS/ASC final rule with comment period. Because the July 2009 OPPS quarterly update CR was issued close to the publication of this proposed rule, the Level II HCPCS codes and the Category I vaccine and Category III CPT codes implemented through the July 2009 OPPS quarterly update CR could not be included in Addendum B to this proposed rule, but these codes are listed in Tables 15 and 16, respectively. We are proposing to incorporate them into Addendum B to the CY 2010 OPPS/ASC final rule with comment period, which is consistent with our annual OPPS update policy. The Level II HCPCS codes implemented or modified through the April 2009 OPPS update CR and displayed in Table 14 are included in Addendum B to this proposed rule, where their proposed CY 2010 payment rates also are shown.

TABLE 14—LEVEL II HCPCS CODES WITH A CHANGE IN OPPS STATUS INDICATOR OR NEWLY IMPLEMENTED IN APRIL 2009

CY 2009 HCPCS Code	CY 2009 Long Descriptor	Proposed CY 2010 Status Indicator	Proposed CY 2010 APC
C9247	Iobenguane, I–123, diagnostic, per study dose, up to 10 millicuries	G	9247
C9249	Injection, certolizumab pegol, 1 mg	G	9249

TABLE 15—NEW LEVEL II HCPCS CODES IMPLEMENTED IN JULY 2009

CY 2009 HCPCS Code	CY 2009 Long Descriptor	Proposed CY 2010 Status Indicator	Proposed CY 2010 APC	Proposed CY 2010 Payment Rate*
C9250	Human plasma fibrin sealant, vapor-heated, solvent-detergent (Artiss), 2ml	G	9250	$155.00
C9251	Injection, C1 esterase inhibitor (human), 10 units	G	9251	41.34
C9252	Injection, plerixafor, 1 mg	G	9252	276.04
C9253	Injection, temozolomide, 1 mg	G	9253	5.00
C9360	Dermal substitute, native, non-denatured collagen, neonatal bovine origin (SurgiMend Collagen Matrix), per 0.5 square centimeters.	G	9360	14.31
C9361	Collagen matrix nerve wrap (NeuroMend Collagen Nerve Wrap), per 0.5 centimeter length.	G	9361	124.55
C9362	Porous purified collagen matrix bone void filler (Integra Mozaik Osteoconductive Scaffold Strip), per 0.5 cc.	G	9362	56.71
C9363	Skin substitute, Integra Meshed Bilayer Wound Matrix, per square centimeter	G	9363	11.13
C9364	Porcine implant, Permacol, per square centimeter	G	9364	18.57
Q2023	Injection, factor viii (antihemophilic factor, recombinant) (Xyntha), per i.u	K	1268	1.15
Q4115	Skin substitute, Alloskin, per square centimeter	M	Not Applicable.	Not Applicable
Q4116	Skin substitute, Alloderm, per square centimeter	K	1270	32.42

*Based on July 2009 ASP information.

TABLE 16—CATEGORY I VACCINE AND CATEGORY III CPT CODES IMPLEMENTED IN JULY 2009

CY 2009 HCPCS code	CY 2009 long descriptor	Proposed CY 2010 status indicator	Proposed CY 2010 APC	Proposed CY 2010 payment rate
0199T	Physiologic recording of tremor using accelerometer(s) and gyroscope(s), (including frequency and amplitude) including interpretation and report.	S	0215	$40.79
0200T	Percutaneous sacral augmentation (sacroplasty), unilateral injection(s), including the use of a balloon or mechanical device (if utilized), one or more needles.	T	0049	1,489.69
0201T	Percutaneous sacral augmentation (sacroplasty), bilateral injections, including the use of a balloon or mechanical device (if utilized), two or more needles.	T	0050	2,134.51
0202T	Posterior vertebral joint(s) arthroplasty (*e.g.,* facet joint[s] replacement) including facetectomy, laminectomy, foraminotomy and vertebral column fixation, with or without injection of bone cement, including fluoroscopy, single level, lumbar spine.	C	Not applicable.	Not applicable
90670	Pneumococcal conjugate vaccine, 13 valent, for intramuscular use	E	Not applicable.	Not applicable

2. Proposed Process for New Level II HCPCS Codes and Category I and III CPT Codes for Which We Will Be Soliciting Public Comments in the CY 2010 OPPS/ASC Final Rule With Comment Period

As has been our practice in the past, we incorporate those new Category I and III CPT codes and new Level II HCPCS codes that are effective January 1 in the final rule with comment period updating the OPPS for the following calendar year. These codes are released to the public via the CMS HCPCS (for Level II HCPCS codes) and AMA Web sites (for CPT codes), and also through the January OPPS quarterly update CRs. In the past, we also have released new Level II HCPCS codes that are effective October 1 through the October OPPS quarterly update CRs and incorporated these new codes in the final rule with comment period updating the OPPS for the following calendar year. All of these codes are flagged with comment indicator ''NI'' in Addendum B to the OPPS/ASC final rule with comment period to indicate that we are assigning them an interim payment status which is subject to public comment. Specifically, the status indicator and the APC assignment, and payment rate, if applicable, for all such codes flagged with comment indicator ''NI'' are open to public comment in the OPPS/ASC final rule with comment period, and we respond to these comments in the final rule with comment period for the next calendar year's OPPS/ASC update. We are proposing to continue this process for CY 2010. Specifically, for CY 2010, we are proposing to include in Addendum B to the CY 2010 OPPS/ASC final rule with comment period the new Category I and III CPT codes effective January 1, 2010 (including those Category I vaccine and Category III CPT codes that were released by the AMA in July 2009) that would be incorporated in the January 2010 OPPS quarterly update CR and the new Level II HCPCS codes, effective October 1, 2009 or January 1, 2010, that would be released by CMS in its October 2009 and January 2010 OPPS quarterly update CRs. These codes would be flagged with comment indicator ''NI'' in Addendum B to the CY 2010 OPPS/ASC final rule with comment period to indicate that we have assigned them an interim OPPS payment status. Their status indicators and their APC assignments and payment rates, if applicable, would be open to public comment in the CY 2010 OPPS/ASC final rule with comment period and would be finalized in the CY 2011 OPPS/ASC final rule with comment period.

B. Proposed OPPS Changes—Variations Within APCs

1. Background

Section 1833(t)(2)(A) of the Act requires the Secretary to develop a classification system for covered outpatient department services. Section 1833(t)(2)(B) of the Act provides that the Secretary may establish groups of covered outpatient department services within this classification system, so that services classified within each group are comparable clinically and with respect to the use of resources (and so that an implantable item is classified to the group that includes the service to which the item relates). In accordance with these provisions, we developed a grouping classification system, referred to as APCs, as set forth in § 419.31 of the regulations. We use Level I and Level II HCPCS codes and descriptors to identify and group the services within each APC. The APCs are organized such that each group is homogeneous both clinically and in terms of resource use. Using this classification system, we have established distinct groups of similar services, as well as medical visits. We also have developed separate APC groups for certain medical devices, drugs, biologicals, therapeutic radiopharmaceuticals, and brachytherapy devices.

We have packaged into payment for each procedure or service within an APC group the costs associated with those items or services that are directly related to and supportive of performing the main independent procedures or furnishing the services. Therefore, we do not make separate payment for these packaged items or services. For example, packaged items and services include: (1) Use of an operating, treatment, or procedure room; (2) use of a recovery room; (3) observation services; (4) anesthesia; (5) medical/surgical supplies; (6) pharmaceuticals (other than those for which separate payment may be allowed under the provisions discussed in section V. of this proposed rule); (7) incidental services such as venipuncture; and (8) guidance services, image processing services, intraoperative services, imaging supervision and interpretation services, diagnostic radiopharmaceuticals, and contrast media. Further discussion of packaged services is included in section II.A.4. of this proposed rule.

In CY 2008 (72 FR 66650), we implemented composite APCs to provide a single payment for groups of services that are typically performed together during a single clinical encounter and that result in the provision of a complete service. Under our CY 2009 OPPS policy, we provide composite APC payment for certain extended assessment and management services, low dose rate (LDR) prostate brachytherapy, cardiac electrophysiologic evaluation and ablation, mental health services, and multiple imaging services. Further discussion of composite APCs is included in section II.A.2.e. of this proposed rule.

Under the OPPS, we generally pay for hospital outpatient services on a rate-per-service basis, where the service may be reported with one or more HCPCS codes. Payment varies according to the APC group to which the independent service or combination of services is assigned. Each APC weight represents the hospital median cost of the services included in that APC relative to the hospital median cost of the services included in APC 0606 (Level 3 Hospital Clinic Visits). The APC weights are scaled to APC 0606 because it is the middle level clinic visit APC (that is, where the Level 3 clinic visit CPT code of five levels of clinic visits is assigned), and because middle level clinic visits are among the most frequently furnished services in the hospital outpatient setting.

Section 1833(t)(9)(A) of the Act requires the Secretary to review not less often than annually and revise the groups, relative payment weights, and the wage and other adjustments under the OPPS to take into account changes in medical practice, changes in technology, the addition of new services, new cost data, and other relevant information and factors. Section 1833(t)(9)(A) of the Act, as amended by section 201(h) of the BBRA, also requires the Secretary to consult with an outside panel of experts to review (and advise the Secretary concerning) the clinical integrity of the APC groups and the relative payment weights (the APC Panel recommendations for specific services for the CY 2010 OPPS and our responses to them are discussed in the relevant specific sections throughout this proposed rule).

Finally, section 1833(t)(2) of the Act provides that, subject to certain exceptions, the items and services within an APC group cannot be considered comparable with respect to the use of resources if the highest median cost (or mean cost as elected by the Secretary) for an item or service in the group is more than 2 times greater than the lowest median cost (or mean cost, if so elected) for an item or service within the same group (referred to as the ''2 times rule''). We use the median cost

of the item or service in implementing this provision. Section 1833(t)(2) of the Act authorizes the Secretary to make exceptions to the 2 times rule in unusual cases, such as low-volume items and services (but the Secretary may not make such an exception in the case of a drug or biological that has been designated as an orphan drug under section 526 of the Federal Food, Drug, and Cosmetic Act).

2. Application of the 2 Times Rule

In accordance with section 1833(t)(2) of the Act and § 419.31 of the regulations, we annually review the items and services within an APC group to determine, with respect to comparability of the use of resources, if the median cost of the highest cost item or service within an APC group is more than 2 times greater than the median of the lowest cost item or service within that same group. We are proposing to make exceptions to this limit on the variation of costs within each APC group in unusual cases, such as low-volume items and services for CY 2010.

During the APC Panel's February 2009 meeting, we presented median cost and utilization data for services furnished during the period of January 1, 2008 through September 30, 2008, about which we had concerns or about which the public had raised concerns regarding their APC assignments, status indicator assignments, or payment rates. The discussions of most service-specific issues, the APC Panel recommendations, and our proposals for CY 2010 are contained mainly in sections III.C. and III.D. of this proposed rule.

In addition to the assignment of specific services to APCs that we discussed with the APC Panel, we also identified APCs with 2 times violations that were not specifically discussed with the APC Panel but for which we are proposing changes to their HCPCS codes APC assignments in Addendum B to this proposed rule. In these cases, to eliminate a 2 times violation or to improve clinical and resource homogeneity, we are proposing to reassign the codes to APCs that contain services that are similar with regard to both their clinical and resource characteristics. We also are proposing to rename existing APCs or create new clinical APCs to complement proposed HCPCS code reassignments. In many cases, the proposed HCPCS code reassignments and associated APC reconfigurations for CY 2010 included in this proposed rule are related to changes in median costs of services that were observed in the CY 2008 claims data newly available for CY 2010 ratesetting. In addition, we are proposing changes to the status indicators for some codes that are not specifically and separately discussed in this proposed rule. In these cases, we are proposing to change the status indicators for some codes because we believe that another status indicator would more accurately describe their payment status from an OPPS perspective based on the policies that we are proposing for CY 2010.

Addendum B to this proposed rule identifies with comment indicator ''CH'' those HCPCS codes for which we are proposing a change to the APC assignment or status indicator that were initially assigned in the April 2009 Addendum B update (Transmittal 1702, Change Request 6416, dated March13, 2009).

3. Proposed Exceptions to the 2 Times Rule

As discussed earlier, we may make exceptions to the 2 times limit on the variation of costs within each APC group in unusual cases such as low-volume items and services. Taking into account the APC changes that we are proposing for CY 2010 based on the APC Panel recommendations discussed mainly in sections III.C. and III.D. of this proposed rule, the other proposed changes to status indicators and APC assignments as identified in Addendum B to this proposed rule, and the use of CY 2008 claims data to calculate the median costs of procedures classified in the APCs, we reviewed all the APCs to determine which APCs would not satisfy the 2 times rule and to determine which APCs should be proposed as exceptions to the 2 times rule for CY 2010. We used the following criteria to decide whether to propose exceptions to the 2 times rule for affected APCs:

- Resource homogeneity
- Clinical homogeneity
- Hospital outpatient setting
- Frequency of service (volume)
- Opportunity for upcoding and code fragments.

For a detailed discussion of these criteria, we refer readers to the April 7, 2000 OPPS final rule with comment period (65 FR 18457).

Table 17 of this proposed rule lists 14 APCs that we are proposing to exempt from the 2 times rule for CY 2010 based on the criteria cited above. For cases in which a recommendation by the APC Panel appeared to result in or allow a violation of the 2 times rule, we generally accepted the APC Panel's recommendation because those recommendations were based on explicit consideration of resource use, clinical homogeneity, hospital specialization, and the quality of the CY 2008 claims data used to determine the APC payment rates that we are proposing for CY 2010. The median costs for hospital outpatient services for these and all other APCs that were used in the development of this proposed rule can be found on the CMS Web site at: *http: //www.cms.hhs.gov/HospitalOutpatientPPS/01_overview.asp*.

TABLE 17—PROPOSED APC EXCEPTIONS TO THE 2 TIMES RULE FOR CY 2010

Proposed CY 2010 APC	Proposed CY 2010 APC title
0080	Diagnostic Cardiac Catheterization.
0105	Repair/Revision/Removal of Pacemakers, AICDs, or Vascular Devices.
0128	Echocardiogram with Contrast.
0141	Level I Upper GI Procedures.
0142	Small Intestine Endoscopy.
0237	Level II Posterior Segment Eye Procedures.
0245	Level I Cataract Procedures without IOL Insert.
0303	Treatment Device Construction.
0325	Group Psychotherapy.
0381	Single Allergy Tests.
0432	Health and Behavior Services.
0436	Level I Drug Administration.
0604	Level 1 Hospital Clinic Visits.
0664	Level I Proton Beam Radiation Therapy.

C. New Technology APCs

1. Background

In the November 30, 2001 final rule (66 FR 59903), we finalized changes to the time period a service was eligible for payment under a New Technology APC. Beginning in CY 2002, we retain services within New Technology APC groups until we gather sufficient claims data to enable us to assign the service to a clinically appropriate APC. This policy allows us to move a service from a New Technology APC in less than 2 years if sufficient data are available. It also allows us to retain a service in a New Technology APC for more than 2 years if sufficient data upon which to base a decision for reassignment have not been collected.

We note that the cost bands for New Technology APCs range from $0 to $50 in increments of $10, from $50 to $100 in increments of $50, from $100 through $2,000 in increments of $100, and from $2,000 through $10,000 in increments of $500. These cost bands identify the APCs to which new technology procedures and services with estimated service costs that fall within those cost bands are assigned under the OPPS. Payment for each APC is made at the mid-point of the APC's assigned cost band. For example, payment for New Technology APC 1507 (New Technology—Level VII ($500–$600)) is made at $550. Currently, there are 82 New Technology APCs, ranging from the lowest cost band assigned to APC 1491 (New Technology—Level IA ($0–$10)) through the highest cost band assigned to APC 1574 (New Technology—Level XXXVII ($9,500–$10000). In CY 2004 (68 FR 63416), we last restructured the New Technology APCs to make the cost intervals more consistent across payment levels and refined the cost bands for these APCs to retain two parallel sets of New Technology APCs, one set with a status indicator of ''S'' (Significant Procedures, Not Discounted when Multiple. Paid under OPPS; separate APC payment) and the other set with a status indicator of ''T'' (Significant Procedure, Multiple Reduction Applies. Paid under OPPS; separate APC payment). These current New Technology APC configurations allow us to price new technology services more appropriately and consistently.

2. Proposed Movement of Procedures from New Technology APCs to Clinical APCs

As we explained in the November 30, 2001 final rule (66 FR 59902), we generally keep a procedure in the New Technology APC to which it is initially assigned until we have collected sufficient data to enable us to move the procedure to a clinically appropriate APC. However, in cases where we find that our original New Technology APC assignment was based on inaccurate or inadequate information (although it was the best information available at the time), or where the New Technology APCs are restructured, we may, based on more recent resource utilization information (including claims data) or the availability of refined New Technology APC cost bands, reassign the procedure or service to a different New Technology APC that most appropriately reflects its cost.

Consistent with our current policy, in this proposed rule, for CY 2010 we are proposing to retain services within New Technology APC groups until we gather sufficient claims data to enable us to assign the service to a clinically appropriate APC. The flexibility associated with this policy allows us to move a service from a New Technology APC in less than 2 years if sufficient data are available. It also allows us to retain a service in a New Technology APC for more than 2 years if sufficient hospital claims data upon which to base a decision for reassignment have not been collected.

Table 18 below lists the HCPCS code and its associated status indicator that we are proposing to reassign from a New Technology APC to a clinically appropriate APC for CY 2010. Based on the CY2008 OPPS claims data available for this proposed rule, we believe we have sufficient claims data to propose reassignment of CPT code 0182T to a clinically appropriate APC. Specifically, we are proposing to reassign this electronic brachytherapy service from APC 1519 (New Technology—Level IXX ($1700–$1800)) to APC 0313 (Brachytherapy), where other brachytherapy services also reside. Based on hospital claims data for CPT code 0182T, its hospital resource costs are similar to those of other services assigned to APC 0313.

TABLE 18—PROPOSED CY 2010 REASSIGNMENT OF A NEW TECHNOLOGY PROCEDURE TO A CLINICAL APC

CY 2009 HCPCS code	CY 2009 short descriptor	CY 2009 SI	CY 2009 APC	Proposed CY 2010 SI	Proposed CY 2010 APC
0182T	Hdr elect brachytherapy	S	1519	S	0313

D. Proposed OPPS APC Specific Policies: Insertion of Posterior Spinous Process Distraction Device (APC 0052)

For CY 2009 (73 FR 68620), we reassigned CPT codes 0171T (Insertion of posterior spinous process distraction device (including necessary removal of bone or ligament for insertion and imaging guidance), lumbar, single level) and 0172T (Insertion of posterior spinous process distraction device (including necessary removal of bone or ligament for insertion and imaging guidance), lumbar, each additional level) from APC 0050 (Level II Musculoskeletal Procedures Except Hand and Foot) to APC 0052 (Level IV Musculoskeletal Procedures Except Hand and Foot). For CY 2007 and CY 2008, the device implanted in procedures described by CPT codes 0171T and 0172T, HCPCS code C1821 (Interspinous process distraction device (implantable)), was assigned pass-through payment status and, therefore, was paid separately at charges adjusted to cost. The period of pass-through payment for HCPCS code C1821 expired after December 31, 2008. According to our established methodology, the costs of devices no longer eligible for pass-through payments are packaged into the costs of the procedures with which the devices are reported in the claims data used to set the payment rates for those procedures. Therefore, the costs of the implanted device identified by HCPCS code C1821 are packaged into the costs of CPT codes 0171T and 0172T beginning in CY 2009.

At the February 2009 meeting, the APC Panel heard a public presentation that recommended reassignment of CPT codes 0171T and 0172T from APC 0052 to APC 0425 (Level II Arthroplasty or Implantation with Prosthesis). The presenter believed that APC resource homogeneity would be improved if CPT codes 0171T and 0172T were reassigned to APC 0425. The presenter asserted, based on its analysis of CY 2007 claims

data, that the median cost of CPT code 0171T was significantly higher than the median cost of APC 0052, while only slightly lower than the median cost of APC 0425. The presenter indicated that, while the median cost of APC 0052 was significantly higher than the median cost of device HCPCS code C1821, device costs are only one element of the overall procedure cost and other associated procedure costs are more than $3,200. Regarding clinical homogeneity, the presenter stated that kyphoplasty is the only spine procedure currently assigned to APC 0052 other than CPT codes 0171T and 0172T. The presenter also claimed that 36 percent of claims for CPT code 0171T are reported without HCPCS code C1821, which identified a device that is always implanted in procedures reported with CPT codes 0171T and 0172T. The presenter requested reassignment of CPT codes 0171T and 0172T to APC 0425 because this APC is a device-dependent APC, and CPT codes 0171T and 0172T would then be subject to procedure-to-device claims processing edits.

The APC Panel recommended that CMS continue the assignment of CPT codes 0171T and 0172T to APC 0052 for CY 2010, institute procedure-to-device claims processing edits for HCPCS code C1821, and then reevaluate the APC assignments of CPT codes 0171T and 0172T in one year.

Under our existing policy, we generally do not identify any individual HCPCS codes as device-dependent codes under the OPPS. We create device edits, when appropriate, for procedures assigned to device-dependent APCs, where those APCs have been historically identified under the OPPS as having very high device costs. As we noted in the CY 2009 OPPS/ASC final rule with comment period regarding APC 0052 (73 FR 68621), we typically do not implement procedure-to-device edits for an APC where there are not device HCPCS codes for all possible devices that could be used to perform a procedure that always requires a device, and the APC is not designated as a device-dependent APC. APC 0052 is not a device-dependent APC because a number of the procedures assigned to the APC do not require the use of implantable devices. Furthermore, in some cases, there may not be HCPCS codes that describe all devices that may be used to perform the procedures in APC 0052.

We examined the CY 2008 claims data available for this proposed rule to determine the frequency of billing CPT code 0171T (which is the main procedure code reported with HCPCS code C1821) with and without device HCPCS code C1821. CPT code 0172T is an add-on code to CPT code 0171T. We recognize that our single claims for CPT code 0172T may not be correctly coded claims and, therefore, our cost estimation for CPT code 0172T may not be accurate. Our analysis shows that the CY 2010 proposed rule median cost for CPT code 0171T is approximately $7,717 based on over 800 single claims. The CY 2010 proposed rule claims data for CPT code 0171T reveal a median cost of approximately $7,916 based on over 500 single claims with HCPCS code C1821, and a median cost of approximately $7,387 based on about 300 single claims without HCPCS code C1821. Therefore, the median cost of claims for CPT code 0171T reported with HCPCS code C1821 is similar to the median cost of claims for the procedure reported without HCPCS code C1821. We have no reason to believe that those hospitals not reporting the device HCPCS code have failed to consider the cost of the device in charging for the procedure. Furthermore, claims for CPT code 0171T reported with HCPCS code C1821 account for about two-thirds of the single claims available for ratesetting. The overall median cost of CPT code 0171T falls within an appropriate range of HCPCS code-specific median costs for those services proposed for CY 2010 assignment to APC 0052, which has a proposed APC median cost of approximately $5,939 and no 2 times violation. Moreover, we do not believe that procedure-to-device claims processing edits are necessary to ensure accurate cost estimation for CPT code 0171T.

The CY 2010 proposed rule line-item median cost for HCPCS code C1821 is approximately $4,625, while the CY 2010 proposed rule median cost of APC 0052 is approximately $1,300 more than this device cost. Previous estimates of procedure time presented to us at the time of the device pass-through application for the interspinous process distraction device described by HCPCS code C1821 were approximately 30 to 60 minutes of procedure time for the service currently described by CPT code 0171T. This is reasonably comparable to the typical procedure time for kyphoplasty described by CPT code 22523 (Percutaneous vertebral augmentation, including cavity creation (fracture reduction and bone biopsy included when performed) using mechanical device, one vertebral body, unilateral or bilateral cannulation (*e.g.*, kyphoplasty); thoracic) and CPT code 22524 (Percutaneous vertebral augmentation, including cavity creation (fracture reduction and bone biopsy included when performed) using mechanical device, one vertebral body, unilateral or bilateral cannulation (*e.g.*, kyphoplasty); lumbar), which are also assigned to APC 0052.

In summary, because we believe that APC 0052 pays appropriately for the procedure cost of CPT codes 0171T and 0172T, we are proposing to maintain the assignment of CPT codes 0171T and 0172T to APC0052 for CY 2010 and not to implement device edits for these procedures. We are accepting one part of the APC Panel's recommendation regarding the continued assignment of CPT codes 0171T and 0172T to APC 0052, but we are not accepting the APC Panel's further recommendation to institute procedure-to-device edits for these services for CY 2010. As we do for all OPPS services, we will reevaluate the APC assignments of CPT codes 0171T and 0172T when additional claims data become available for CY 2011 ratesetting, in accordance with the final part of the APC Panel's recommendation for these procedures.

IV. Proposed OPPS Payment for Devices

A. Pass-Through Payments for Devices

1. Expiration of Transitional Pass-Through Payments for Certain Devices

Section 1833(t)(6)(B)(iii) of the Act requires that, under the OPPS, a category of devices be eligible for transitional pass-through payments for at least 2, but not more than 3, years. This pass-through payment eligibility period begins with the first date on which transitional pass-through payments may be made for any medical device that is described by the category. We may establish a new device category for pass-through payment in any quarter. Under our established policy, we base the pass-through status expiration dates for the category codes on the date on which a category is in effect. The date on which a category is in effect is the first date on which pass-through payment may be made for any medical device that is described by such category. We propose and finalize the dates for expiration of pass-through status for device categories as part of the OPPS annual update.

We also have an established policy to package the costs of the devices no longer eligible for pass-through payments into the costs of the procedures with which the devices are reported in the claims data used to set the payment rates (67 FR 66763). Brachytherapy sources, which are now separately paid in accordance with

section 1833(t)(2)(H) of the Act, are an exception to this established policy.

There currently are no device categories eligible for pass-through payment, and there are no categories for which we would propose expiration of pass-through status. If we create new device categories for pass-through payment status during the remainder of CY 2009 or during CY 2010, we will propose future expiration dates in accordance with the statutory requirement that they be eligible for pass-through payments for at least 2, but not more than 3, years from the date on which pass-through payment for any medical device described by the category may first be made.

2. Proposed Provisions for Reducing Transitional Pass-Through Payments to Offset Costs Packaged into APC Groups

a. Background

We have an established policy to estimate the portion of each APC payment rate that could reasonably be attributed to the cost of the associated devices that are eligible for pass-through payments (66 FR 59904). We deduct from the pass-through payments for identified device categories eligible for pass-through payments an amount that reflects the portion of the APC payment amount that we determine is associated with the cost of the device, defined as the device APC offset amount, as required by section 1833(t)(6)(D)(ii) of the Act. We have consistently employed an established methodology to estimate the portion of each APC payment rate that could reasonably be attributed to the cost of an associated device eligible for pass-through payment, using claims data from the period used for the most recent recalibration of the APC rates (72 FR 66751 through 66752). We establish and update the applicable device APC offset amounts for eligible pass-through device categories through the transmittals that implement the quarterly OPPS updates.

We currently have published a list of all procedural APCs with the CY 2009 portions (both percentages and dollar amounts) of the APC payment amounts that we determine are associated with the cost of devices, on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/01_overview.asp*. The dollar amounts are used as the device APC offset amounts. In addition, in accordance with our established practice, the device APC offset amounts in a related APC are used in order to evaluate whether the cost of a device in an application for a new device category for pass-through payment is not insignificant in relation to the APC payment amount for the service related to the category of devices, as specified in our regulations at § 419.66(d).

b. Proposed Policy

For CY 2010, we are proposing to continue our established policies for calculating and setting the device APC offset amounts for each device category eligible for pass-through payment. We also are proposing to continue to review each new device category on a case-by-case basis to determine whether device costs associated with the new category are already packaged into the existing APC structure. If device costs packaged into the existing APC structure are associated with the new category, we would deduct the device APC offset amount from the pass-through payment for the device category. As stated earlier, these device APC offset amounts also would be used in order to evaluate whether the cost of a device in an application for a new device category for pass-through payment is not insignificant in relation to the APC payment amount for the service related to the category of devices (§ 419.66(d)).

We are proposing in section V.A.4. of this proposed rule to specify that, beginning in CY 2010, the pass-through evaluation process and pass-through payment methodology for implantable biologicals that are surgically inserted or implanted (through a surgical incision or a natural orifice) would be the device pass-through process and payment methodology only. As a result of that proposal, we are proposing in this section that, beginning in CY 2010, we would include implantable biologicals in our calculation of the device APC offset amounts. As of CY 2009, the costs of implantable biologicals not eligible for pass-through payment are packaged into the costs of the procedures in which they are implanted because nonpass-through implantable biologicals are not separately paid. We are proposing to calculate and set any device APC offset amount for a new device pass-through category that includes a newly eligible implantable biological beginning in CY 2010 using the same methodology we have historically used to calculate and set device APC offset amounts for device categories eligible for pass-through payment (72 FR 66751 through 66752), with one modification. Because implantable biologicals would be considered devices rather than drugs for purposes of pass-through evaluation and payment under this proposal for CY 2010, the device APC offset amounts would include the costs of implantable biologicals for the first time. We also would utilize these revised device APC offset amounts to evaluate whether the cost of an implantable biological in an application for a new device category for pass-through payment is not insignificant in relation to the APC payment amount for the service related to the category of devices. Further, we are proposing to no longer use the ''policy-packaged'' drug APC offset amounts for evaluating the cost significance of implantable biological pass-through applications under review and for setting the APC offset amounts that would apply to pass-through payment for those implantable biologicals, effective for new pass-through status determinations beginning in CY 2010. In addition, we are proposing to update, on the CMS Web site at *http://www.cms.hhs.gov/HospitalOutpatientPPS*, the list of all procedural APCs with the final CY 2010 portions of the APC payment amounts that we determine are associated with the cost of devices so that this information is available for use by the public in developing potential CY2010 device pass-through payment applications and by CMS in reviewing those applications.

B. Proposed Adjustment to OPPS Payment for No Cost/Full Credit and Partial Credit Devices

1. Background

In recent years, there have been several field actions on and recalls of medical devices as a result of implantable device failures. In many of these cases, the manufacturers have offered devices without cost to the hospital or with credit for the device being replaced if the patient required a more expensive device. In order to ensure that payment rates for procedures involving devices reflect only the full costs of those devices, our standard ratesetting methodology for device-dependent APCs uses only claims that contain the correct device code for the procedure, do not contain token charges, and do not contain the ''FB'' modifier signifying that the device was furnished without cost or with a full credit. As discussed in section II.A.2.d.(1) of this proposed rule, we are proposing to refine further our standard ratesetting methodology for device-dependent APCs for CY 2010 by also excluding claims with the ''FC'' modifier signifying that the device was furnished with partial credit.

To ensure equitable payment when the hospital receives a device without cost or with full credit, in CY 2007 we implemented a policy to reduce the payment for specified device-dependent

APCs by the estimated portion of the APC payment attributable to device costs (that is, the device offset) when the hospital receives a specified device at no cost or with full credit (71 FR 68071 through 68077). Hospitals are instructed to report no cost/full credit cases using the ''FB'' modifier on the line with the procedure code in which the no cost/full credit device is used. In cases in which the device is furnished without cost or with full credit, the hospital is instructed to report a token device charge of less than $1.01. In cases in which the device being inserted is an upgrade (either of the same type of device or to a different type of device) with a full credit for the device being replaced, the hospital is instructed to report as the device charge the difference between its usual charge for the device being implanted and its usual charge for the device for which it received full credit. In CY 2008, we expanded this payment adjustment policy to include cases in which hospitals receive partial credit of 50 percent or more of the cost of a specified device. Hospitals are instructed to append the ''FC'' modifier to the procedure code that reports the service provided to furnish the device when they receive a partial credit of 50 percent or more of the cost of the new device. We reduce the OPPS payment for the implantation procedure by 100 percent of the device offset for no cost/full credit cases when both a specified device code is present on the claim and the procedure code maps to a specified APC. Payment for the implantation procedure is reduced by 50 percent of the device offset for partial credit cases when both a specified device code is present on the claim and the procedure code maps to a specified APC. Beneficiary copayment is based on the reduced payment amount when either the ''FB'' or the ''FC'' modifier is billed and the procedure and device codes appear on the lists of procedures and devices to which this policy applies. We refer readers to the CY 2008 OPPS/ASC final rule with comment period for more background information on the ''FB'' and ''FC'' payment adjustment policies (72 FR 66743 through 66749).

2. Proposed APCs and Devices Subject to the Adjustment Policy

For CY 2010, we are proposing to continue the policy of reducing OPPS payment for specified APCs by 100 percent of the device offset amount when a hospital furnishes a specified device without cost or with a full credit and by 50 percent of the device offset amount when the hospital receives partial credit in the amount of 50 percent or more of the cost for the specified device. Because the APC payments for the related services are specifically constructed to ensure that the full cost of the device is included in the payment, we continue to believe that it is appropriate to reduce the APC payment in cases in which the hospital receives a device without cost, with full credit, or with partial credit, in order to provide equitable payment in these cases. (We refer readers to section II.A.2.d.(1) of this proposed rule for a description of our standard ratesetting methodology for device-dependent APCs.) Moreover, the payment for these devices comprises a large part of the APC payment on which the beneficiary copayment is based, and we continue to believe it is equitable that the beneficiary cost sharing reflects the reduced costs in these cases.

We also are proposing to continue using the three criteria established in the CY 2007 OPPS/ASC final rule with comment period for determining the APCs to which this policy applies (71 FR 68072 through 68077). Specifically, (1) all procedures assigned to the selected APCs must involve implantable devices that would be reported if device insertion procedures were performed; (2) the required devices must be surgically inserted or implanted devices that remain in the patient's body after the conclusion of the procedure (at least temporarily); and (3) the device offset amount must be significant, which, for purposes of this policy, is defined as exceeding 40 percent of the APC cost. We are proposing to continue to restrict the devices to which the APC payment adjustment would apply to a specific set of costly devices to ensure that the adjustment would not be triggered by the implantation of an inexpensive device whose cost would not constitute a significant proportion of the total payment rate for an APC. We continue to believe that these criteria are appropriate because free devices and device credits are likely to be associated with particular cases only when the device must be reported on the claim and is of a type that is implanted and remains in the body when the beneficiary leaves the hospital. We believe that the reduction in payment is appropriate only when the cost of the device is a significant part of the total cost of the APC into which the device cost is packaged, and that the 40-percent threshold is a reasonable definition of a significant cost.

We examined the offset amounts calculated from the CY 2010 proposed rule data and the clinical characteristics of APCs to determine whether the APCs to which the no cost/full credit and partial credit device adjustment policy applies in CY 2009 continue to meet the criteria for CY 2010, and to determine whether other APCs to which the policy does not apply in CY 2009 would meet the criteria for CY 2010. Based on the CY 2008 claims data available for this proposed rule, we are not proposing any changes to the APCs and devices to which this policy applies. Table 19 below lists the proposed APCs to which the payment reduction policy for no cost/full credit and partial credit devices would apply in CY 2010 and displays the proposed payment reduction percentages for both no cost/full credit and partial credit circumstances. Table 20 below lists the proposed devices to which this policy would apply in CY 2010. We will update the lists of APCs and devices to which the no cost/full credit and partial credit device adjustment policy would apply in CY 2010, consistent with the three selection criteria discussed earlier in this section, based on the final CY 2008 claims data available for the CY 2010 OPPS/ASC final rule with comment period.

TABLE 19—PROPOSED APCS TO WHICH THE NO COST/FULL CREDIT AND PARTIAL CREDIT DEVICE ADJUSTMENT POLICY WOULD APPLY

Proposed CY 2010 APC	Proposed CY 2010 APC title	Proposed CY 2010 device offset percentage for no cost/full credit case	Proposed CY 2010 device offset percentage for partial credit case
0039	Level I Implantation of Neurostimulator Generator	85	43

TABLE 19—PROPOSED APCS TO WHICH THE NO COST/FULL CREDIT AND PARTIAL CREDIT DEVICE ADJUSTMENT POLICY WOULD APPLY—Continued

Proposed CY 2010 APC	Proposed CY 2010 APC title	Proposed CY 2010 device offset percentage for no cost/full credit case	Proposed CY 2010 device offset percentage for partial credit case
0040	Percutaneous Implantation of Neurostimulator Electrodes	58	29
0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electrodes.	63	31
0089	Insertion/Replacement of Permanent Pacemaker and Electrodes	71	35
0090	Insertion/Replacement of Pacemaker Pulse Generator	73	37
0106	Insertion/Replacement of Pacemaker Leads and/or Electrodes	41	20
0107	Insertion of Cardioverter-Defibrillator	88	44
0108	Insertion/Replacement/Repair of Cardioverter-Defibrillator Leads	88	44
0225	Implantation of Neurostimulator Electrodes, Cranial Nerve	73	37
0227	Implantation of Drug Infusion Device	82	41
0259	Level VII ENT Procedures	85	42
0315	Level II Implantation of Neurostimulator Generator	88	44
0385	Level I Prosthetic Urological Procedures	58	29
0386	Level II Prosthetic Urological Procedures	70	35
0418	Insertion of Left Ventricular Pacing Elect	81	40
0425	Level II Arthroplasty or Implantation with Prosthesis	57	28
0648	Level IV Breast Surgery	47	23
0654	Insertion/Replacement of a permanent dual chamber pacemaker	74	37
0655	Insertion/Replacement/Conversion of a permanent dual chamber pacemaker.	75	37
0680	Insertion of Patient Activated Event Recorders	73	36

TABLE 20—PROPOSED DEVICES TO WHICH THE NO COST/FULL CREDIT AND PARTIAL CREDIT DEVICE ADJUSTMENT POLICY WOULD APPLY

CY 2009 device HCPCS code	CY 2009 short descriptor
C1721	AICD, dual chamber.
C1722	AICD, single chamber.
C1728	Cath, brachytx seed adm.
C1764	Event recorder, cardiac.
C1767	Generator, neurostim, imp.
C1771	Rep dev, urinary, w/sling.
C1772	Infusion pump, programmable.
C1776	Joint device (implantable).
C1777	Lead, AICD, endo single coil.
C1778	Lead, neurostimulator.
C1779	Lead, pmkr, transvenous VDD.
C1785	Pmkr, dual, rate-resp.
C1786	Pmkr, single, rate-resp.
C1789	Prosthesis, breast, imp.
C1813	Prosthesis, penile, inflatab.
C1815	Pros, urinary sph, imp.
C1820	Generator, neuro rechg bat sys.
C1881	Dialysis access system.
C1882	AICD, other than sing/dual.
C1891	Infusion pump, non-prog, perm.
C1895	Lead, AICD, endo dual coil.
C1896	Lead, AICD, non sing/dual.
C1897	Lead, neurostim, test kit.
C1898	Lead, pmkr, other than trans.
C1899	Lead, pmkr/AICD combination.
C1900	Lead coronary venous.
C2619	Pmkr, dual, non rate-resp.
C2620	Pmkr, single, non rate-resp.
C2621	Pmkr, other than sing/dual.
C2622	Prosthesis, penile, non-inf.

TABLE 20—PROPOSED DEVICES TO WHICH THE NO COST/FULL CREDIT AND PARTIAL CREDIT DEVICE ADJUSTMENT POLICY WOULD APPLY—Continued

CY 2009 device HCPCS code	CY 2009 short descriptor
C2626	Infusion pump, non-prog, temp.
C2631	Rep dev, urinary, w/o sling.
L8600	Implant breast silicone/eq.
L8614	Cochlear device/system.
L8685	Implt nrostm pls gen sng rec.
L8686	Implt nrostm pls gen sng non.
L8687	Implt nrostm pls gen dua rec.
L8688	Implt nrostm pls gen dua non.
L8690	Aud osseo dev, int/ext comp.

V. Proposed OPPS Payment Changes for Drugs, Biologicals, and Radiopharmaceuticals

A. Proposed OPPS Transitional Pass-Through Payment for Additional Costs of Drugs, Biologicals, and Radiopharmaceuticals

1. Background

Section 1833(t)(6) of the Act provides for temporary additional payments or ''transitional pass-through payments'' for certain drugs and biological agents. As enacted by the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act (BBRA) of 1999 (Pub. L. 106–113), this provision requires the Secretary to make additional payments to hospitals for current orphan drugs, as designated under section 526 of the Federal Food, Drug, and Cosmetic Act (Pub. L. 107–186); current drugs and biological agents and brachytherapy sources used for the treatment of cancer; and current radiopharmaceutical drugs and biological products. For those drugs and biological agents referred to as ''current,'' the transitional pass-through payment began on the first date the hospital OPPS was implemented.

Transitional pass-through payments also are provided for certain ''new'' drugs and biological agents that were not being paid for as an HOPD service as of December 31, 1996, and whose cost is ''not insignificant'' in relation to the OPPS payments for the procedures or services associated with the new drug or biological. For pass-through payment purposes, radiopharmaceuticals are included as ''drugs.'' Under the statute, transitional pass-through payments for a drug or biological described in section 1833(t)(6)(C)(i)(II) of the Act can be made for at least 2 years but not more than 3 years after the product's first payment as a hospital outpatient service under Part B. The pass-through payment eligibility period is discussed in detail in section V.A.5. of this proposed rule. Proposed CY 2010 pass-through drugs and biologicals and their designated APCs are assigned status indicator ''G''

as indicated in Addenda A and B to this proposed rule.

Section 1833(t)(6)(D)(i) of the Act specifies that the pass-through payment amount, in the case of a drug or biological, is the amount by which the amount determined under section 1842(o) of the Act (or, if the drug or biological is covered under a competitive acquisition contract under section 1847B of the Act, an amount determined by the Secretary to be equal to the average price for the drug or biological for all competitive acquisition areas and the year established under such section as calculated and adjusted by the Secretary) for the drug or biological exceeds the portion of the otherwise applicable Medicare OPD fee schedule that the Secretary determines is associated with the drug or biological. This methodology for determining the pass-through payment amount is set forth in § 419.64 of the regulations, which specifies that the pass-through payment equals the amount determined under section 1842(o) of the Act minus the portion of the APC payment that CMS determines is associated with the drug or biological. Section 1847A of the Act establishes the use of the average sales price (ASP) methodology as the basis for payment for drugs and biologicals described in section 1842(o)(1)(C) of the Act that are furnished on or after January 1, 2005. The ASP methodology, as applied under the OPPS, uses several sources of data as a basis for payment, including the ASP, wholesale acquisition cost (WAC), and average wholesale price (AWP). In this proposed rule, the term ''ASP methodology'' and ''ASP-based'' are inclusive of all data sources and methodologies described therein. Additional information on the ASP methodology can be found on the CMS Web site at: *http://www.cms.hhs.gov/McrPartBDrugAvgSalesPrice.*

As noted above, section 1833(t)(6)(D)(i) of the Act also states that if a drug or biological is covered under a competitive acquisition contract under section 1847B of the Act, the payment rate is equal to the average price for the drug or biological for all competitive acquisition areas and the year established as calculated and adjusted by the Secretary. Section 1847B of the Act establishes the payment methodology for Medicare Part B drugs and biologicals under the competitive acquisition program (CAP). The Part B drug CAP was implemented on July 1, 2006, and included approximately 190 of the most common Part B drugs provided in the physician's office setting. As we noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68633), the Part B drug CAP program was suspended beginning in CY 2009 (Medicare Learning Network (MLN) Matters Special Edition 0833, available via the Web site: *http://www.medicare.gov*). Therefore, there is no effective Part B drug CAP rate for pass-through drugs and biologicals as of January 1, 2009. As we noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68633), if the program is reinstituted during CY 2010 and Part B drug CAP rates become available, we would again use the Part B drug CAP rate for pass-through drugs and biologicals if they are a part of the Part B drug CAP program. Otherwise, we would continue to use the rate that would be paid in the physician's office setting for drugs and biologicals with pass-through status. We note that the June 2009 CY 2010 MPFS proposed rule (CMS–1413–P; Medicare Program; Payment Policies under the Physician Fee Schedule and Other Revisions to Part B for CY 2010) includes proposed changes to the operation of the Part B drug CAP program, including a proposal to change the frequency of CAP drug pricing updates.

For CYs 2005, 2006, and 2007, we estimated the OPPS pass-through payment amount for drugs and biologicals to be zero based on our interpretation that the ''otherwise applicable Medicare OPD fee schedule'' amount was equivalent to the amount to be paid for pass-through drugs and biologicals under section 1842(o) of the Act (or section 1847B of the Act, if the drug or biological is covered under a competitive acquisition contract). We concluded for those years that the resulting difference between these two rates would be zero. For CYs 2008 and 2009, we estimated the OPPS pass-through payment amount for drugs and biologicals to be $6.6 million and $23.3 million, respectively. Our proposed OPPS pass-through payment estimate for drugs and biologicals in CY 2010 is $28 million, which is discussed in section VI.B. of this proposed rule.

The pass-through application and review process for drugs and biologicals is explained on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/04_passthrough_payment.asp.*

2. Proposed Drugs and Biologicals With Expiring Pass-Through Status in CY 2009

We are proposing that the pass-through status of 6 drugs and biologicals would expire on December 31, 2009, as listed in Table 21 below. All of these drugs and biologicals will have received OPPS pass-through payment for at least 2 years and no more than 3 years by December 31, 2009. These items were approved for pass-through status on or before January 1, 2008. With the exception of those groups of drugs and biologicals that are always packaged when they do not have pass-through status, specifically diagnostic radiopharmaceuticals, contrast agents, and implantable biologicals, our standard methodology for providing payment for drugs and biologicals with expiring pass-through status in an upcoming calendar year is to determine the product's estimated per day cost and compare it with the OPPS drug packaging threshold for that calendar year (which is proposed at $65 for CY 2010), as discussed further in section V.B.2. of this proposed rule. If the drug's or biological's estimated per day cost is less than or equal to the applicable OPPS drug packaging threshold, we would package payment for the drug or biological into the payment for the associated procedure in the upcoming calendar year. If the estimated per day cost is greater than the OPPS drug packaging threshold, we would provide separate payment at the applicable relative ASP-based payment amount (which is proposed at ASP+4 percent for CY 2010). Section V.B.2.d. of this proposed rule discusses the packaging of all nonpass-through contrast agents, diagnostic radiopharmaceuticals, and implantable biologicals.

TABLE 21—PROPOSED DRUGS AND BIOLOGICALS FOR WHICH PASS-THROUGH STATUS WOULD EXPIRE DECEMBER 31, 2009

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 SI	Proposed CY 2010 APC
C9354	Veritas collagen matrix, cm2	N	N/A
C9355	Neuromatrix nerve cuff, cm	N	N/A
J1300	Eculizumab injection	K	9236

TABLE 21—PROPOSED DRUGS AND BIOLOGICALS FOR WHICH PASS-THROUGH STATUS WOULD EXPIRE DECEMBER 31, 2009—Continued

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 SI	Proposed CY 2010 APC
J3488	Reclast injection	K	0951
J9261	Nelarabine injection	K	0825
J9330	Temsirolimus injection	K	1168

3. Proposed Drugs, Biologicals, and Radiopharmaceuticals With New or Continuing Pass-Through Status in CY 2010

We are proposing to continue pass-through status in CY 2010 for 31 drugs and biologicals. None of these products will have received OPPS pass-through payment for at least 2 years and no more than 3 years by December 31, 2009. These items, which were approved for pass-through status between April 1, 2008 and July 1, 2009, are listed in Table 22 below. The APCs and HCPCS codes for these drugs and biologicals are assigned status indicator ''G'' in Addenda A and B to this proposed rule.

Section 1833(t)(6)(D)(i) of the Act sets the amount of pass-through payment for pass-through drugs and biologicals (the pass-through payment amount) as the difference between the amount authorized under section 1842(o) of the Act (or, if the drug or biological is covered under a CAP under section 1847B of the Act, an amount determined by the Secretary equal to the average price for the drug or biological for all competitive acquisition areas and the year established under such section as calculated and adjusted by the Secretary) and the portion of the otherwise applicable OPD fee schedule that the Secretary determines is associated with the drug or biological. Payment for drugs and biologicals with pass-through status under the OPPS is currently made at the physician's office payment rate of ASP+6 percent. We believe it is consistent with the statute to continue to provide payment for drugs and biologicals with pass-through status at a rate of ASP+6 percent in CY 2010, the amount that drugs and biologicals receive under section 1842(o) of the Act. Thus, for CY 2010, we are proposing to pay for pass-through drugs and biologicals at ASP+6 percent, equivalent to the rate these drugs and biologicals would receive in the physician's office setting in CY 2010. The difference between ASP+4 percent that we are proposing to pay for nonpass-through separately payable drugs under the CY 2010 OPPS and ASP+6 percent, therefore, would be the CY 2010 pass-through payment amount for these drugs and biologicals. In the case of pass-through contrast agents, diagnostic radiopharmaceuticals, and implantable biologicals, their pass-through payment amount would be equal to ASP+6 percent because, if not on pass-through status, payment for these products would be packaged into the associated procedures.

In addition, we are proposing to update pass-through payment rates on a quarterly basis on the CMS Web site during CY 2010 if later quarter ASP submissions (or more recent WAC or AWP information, as applicable) indicate that adjustments to the payment rates for these pass-through drugs or biologicals are necessary. If the Part B drug CAP is reinstated during CY 2010, and a drug or biological that has been granted pass-through status for CY 2010 becomes covered under the Part B drug CAP, we are proposing to provide pass-through payment at the Part B drug CAP rate and to make the appropriate adjustments to the payment rates for these drugs and biologicals on a quarterly basis as appropriate.

In CY 2010, consistent with our CY 2009 policy for diagnostic radiopharmaceuticals, we are proposing to provide payment for both diagnostic and therapeutic radiopharmaceuticals that are granted pass-through status based on the ASP methodology. As stated above, for purposes of pass-through payment, we consider radiopharmaceuticals to be drugs under the OPPS and, therefore, if a diagnostic or therapeutic radiopharmaceutical receives pass-through status during CY 2010, we are proposing to follow the standard ASP methodology to determine its pass-through payment rate under the OPPS. If ASP information is available, the payment rate would be equivalent to the payment rate that drugs receive under section 1842(o) of the Act, that is, ASP+6 percent. If ASP data are not available for a radiopharmaceutical, we are proposing to provide pass-through payment at WAC+6 percent, the equivalent payment provided to nonradiopharmaceutical pass-through drugs and biologicals without ASP information. If WAC information is also not available, we are proposing to provide payment for the pass-through radiopharmaceutical at 95 percent of its most recent AWP.

TABLE 22—PROPOSED DRUGS AND BIOLOGICALS WITH PASS-THROUGH STATUS IN CY 2010

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 SI	Proposed CY 2010 APC
C9245	Injection, romiplostim	G	9245
C9246	Inj, gadoxetate disodium	G	9246
C9247	Inj, iobenguane, I–123, dx	G	9247
C9248	Inj, clevidipine butyrate	G	9248
C9249	Inj, certolizumab pegol	G	9249
C9250	Artiss fibrin sealant	G	9250
C9251	Inj, C1 esterase inhibitor	G	9251
C9252	Injection, plerixafor	G	9252
C9253	Injection, temozolomide	G	9253
C9356	TendoGlide Tendon Prot, cm2	G	9356
C9358	SurgiMend, fetal	G	9358
C9359	Implnt, bon void filler-putty	G	9359

TABLE 22—PROPOSED DRUGS AND BIOLOGICALS WITH PASS-THROUGH STATUS IN CY 2010—Continued

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 SI	Proposed CY 2010 APC
C9360	SurgiMend, neonatal	G	9360
C9361	NeuraMend nerve wrap	G	9361
C9362	Implnt, bon void filler-strip	G	9362
C9363	Integra Meshed Bil Wound Mat	G	9363
C9364	Porcine implant, Permacol	G	9364
J0641	Levoleucovorin injection	G	1236
J1267	Doripenem injection	G	9241
J1453	Fosaprepitant injection	G	9242
J1459	Inj IVIG privigen 500 mg	G	1214
J1571	Hepagam b im injection	G	0946
J1573	Hepagam b intravenous, inj	G	1138
J1953	Levetiracetam injection	G	9238
J2785	Injection, regadenoson	G	9244
J8705	Topotecan oral	G	1238
J9033	Bendamustine injection	G	9243
J9207	Ixabepilone injection	G	9240
J9225	Vantas implant	G	1711
J9226	Supprelin LA implant	G	1142
Q4114	Flowable Wound Matrix, 1 cc	G	1251

As discussed in more detail in section V.B.2.d. of this proposed rule, over the last 2 years, we implemented a policy whereby payment for all nonpass-through diagnostic radiopharmaceuticals, contrast agents, and implantable biologicals is packaged into payment for the associated procedure, and we are proposing to continue the packaging of these items, regardless of their per-day cost, in CY 2010. As stated earlier, pass-through payment is the difference between the amount authorized under section 1842(o) of the Act (or, if the drug or biological is covered under a CAP under section 1847B of the Act, an amount determined by the Secretary equal to the average price for the drug or biological for all competitive acquisition areas and the year established under such section as calculated and adjusted by the Secretary) and the portion of the otherwise applicable OPD fee schedule that the Secretary determines is associated with the drug or biological. Because payment for a drug that is either a diagnostic radiopharmaceutical or a contrast agent (identified as a ''policy-packaged'' drug, first described in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68639)) or for an implantable biological (which we are proposing to consider to be a device for all payment purposes beginning in CY2010 as discussed in sections V.A.4. and V.B.2.d. of this proposed rule) would otherwise be packaged if the product did not have pass-through status, we believe the otherwise applicable OPPS payment amount would be equal to the ''policy-packaged'' drug or the device APC offset amount for the associated clinical APC in which the drug or biological is utilized. The calculation of the ''policy-packaged'' drug and the device APC offset amounts are described in more detail in sections V.A.6.b. and IV.A.2. of this proposed rule, respectively. It follows that the copayment for the nonpass-through payment portion (the otherwise applicable fee schedule amount that we would also offset from payment for the drug or biological if a payment offset applies) of the total OPPS payment for this subset of drugs and biologicals would, therefore, be accounted for in the copayment for the associated clinical APC in which the drug or biological is used. According to section 1833(t)(8)(E) of the Act, the amount of copayment associated with pass-through items is equal to the amount of copayment that would be applicable if the pass-through adjustment was not applied. Therefore, beginning in CY 2010, we are proposing to set the associated copayment amount for pass-through diagnostic radiopharmaceuticals, contrast agents, and implantable biologicals that would otherwise be packaged if the item did not have pass-through status to zero. The separate OPPS payment to a hospital for the pass-through diagnostic radiopharmaceutical, contrast agent, or implantable biological, after taking into account any applicable payment offset for the item due to the device or ''policy-packaged'' APC offset policy, is the item's pass-through payment, which is not subject to a copayment according to the statute. Therefore, we are not publishing a copayment amount for these items in Addendum A and B to this proposed rule.

4. Pass-Through Payment for Implantable Biologicals

a. Background

Section 1833(t)(6)(A)(iv) of the Act authorizes transitional pass-through payments for new medical devices, drugs, and biologicals, for those items where payment was not being made as a hospital outpatient service under Part B as of December 31, 1996, and whose cost is not insignificant in relation to the OPD fee schedule amount payable for the service (or group of services) involved. These pass-through payments are in addition to the usual APC payments for services in which the product is used. Coding and payment for drugs and biologicals with pass-through status are generally provided on a product-specific basis, while coding and payment for devices with pass-through status are provided for categories of devices that may describe numerous products. The Act specifies that the duration of transitional pass-through payments for devices must be no less than 2 and no more than 3 years from the first date on which payment is made for any medical device that is described by the category. For drugs and biologicals, as further discussed in section V.A.5. of this proposed rule, generally beginning in CY 2010 we are specifying, consistent with the statute, that the pass-through payment eligibility period for drugs and biologicals is no less than 2 and no more than 3 years from the first date on which payment is made for the drug or biological under Part B as an outpatient

hospital service. Therefore, we utilize separate pass-through application and evaluation processes and criteria for drugs and biologicals and device categories because the statutory provisions are not the same for all items that may receive pass-through payment. These processes and the applicable evaluation criteria are available on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/04_passthrough_payment.asp#TopOfPage*. The regulations that govern pass-through payment for drugs and biologicals are found in § 419.64 and those applicable to pass-through device categories are found in § 419.66.

Section 1833(t)(6)(D)(i) of the Act specifies that the pass-through payment amount, in the case of a drug or biological, is the amount by which the amount determined under section 1842(o) of the Act (or, if the drug or biological is covered under a competitive acquisition contract under section 1847B of the Act, an amount determined by the Secretary equal to the average price for the drug or biological for all competitive acquisition areas and the year established under such section as calculated and adjusted by the Secretary) for the drug or biological exceeds the portion of the otherwise applicable Medicare OPD fee schedule that the Secretary determines is associated with the drug or biological. For the drugs and biologicals that would have otherwise been paid under the Part B drug CAP, because the Part B drug CAP has been suspended beginning January 1, 2009, pass-through payment for these drugs and biologicals is currently made at the physician's office payment rate of ASP+6 percent. In the case of diagnostic radiopharmaceuticals, where all products without pass-through status are packaged into payment for nuclear medicine procedures, the pass-through payment is reduced by an amount that reflects the diagnostic radiopharmaceutical portion of the APC payment amount for the associated nuclear medicine procedure (the ''policy-packaged'' drug APC offset) that we determine is associated with the cost of predecessor diagnostic radiopharmaceuticals. We are proposing a similar payment offset policy for contrast agents beginning in CY 2010, as discussed in section V.A.6. of this proposed rule. Pass-through payment for a category of devices is made at the hospital's charge for the device adjusted to cost by application of the hospital's CCR. If applicable, the device payment is reduced by an amount that reflects the portion of the APC payment amount for the associated surgical procedure that we determine is associated with the cost of the device, called the device APC offset and discussed further in section IV.A.2. of this proposed rule.

In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68633 through 68636), we finalized a policy to package payment for implantable biologicals without pass-through status that are surgically inserted or implanted (through a surgical incision or a natural orifice) into payment for the associated surgical procedure. Prior to our implementation of this policy for nonpass-through implantable biologicals, we adopted in the CY 2003 OPPS final rule with comment period (67 FR 66763) the current OPPS policy that packages payment for an implantable device into the associated surgical procedures when its pass-through payment period ends because payment for all implantable devices without pass-through status under the OPPS is packaged. We consider nonpass-through implantable devices to be integral and supportive items for which packaged payment is most appropriate. As we stated in the CY2009 OPPS/ASC final rule with comment period (73 FR 68634), we believe this policy to package payment for implantable devices that are integral to the performance of procedures paid separately through an APC payment should also apply to payment for implantable biologicals without pass-through status, when those biologicals function as implantable devices. Implantable biologicals may be used in place of other implantable nonbiological devices whose costs are already accounted for in the associated procedural APC payments for surgical procedures. We reasoned that if we were to provide separate payment for nonpass-through implantable biologicals, we would potentially be providing duplicate device payment, both through the packaged nonbiological device cost included in the surgical procedure's payment and the separate biological payment.

In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68634), we stated our belief that the three implantable biologicals with expiring pass-through status for CY 2009 differ from other biologicals paid under the OPPS in that they specifically always function as surgically implanted devices. We noted that both implantable nonbiological devices under the OPPS and the three biologicals with expiring pass-through status in CY 2009 are surgically inserted or implanted (including through a surgical incision or a natural orifice). These three biologicals are approved by the FDA as devices, and they are solely surgically implanted according to their FDA-approved indications. Furthermore, in some cases, these implantable biologicals can substitute for implantable nonbiological devices (such as for synthetic nerve conduits or synthetic mesh used in tendon repair).

For other nonpass-through biologicals paid under the OPPS that may sometimes be used as implantable devices, we have instructed hospitals, beginning via Transmittal 1336, Change Request 5718, dated September 14, 2007, to not separately bill the HCPCS codes for the products when using these items as implantable devices (including as a scaffold or an alternative to human or nonhuman connective tissue or mesh used in a graft) during surgical procedures. In such cases, we consider payment for the biological used as an implantable device in a specific clinical case to be included in payment for the surgical procedure. We stated that hospitals may include the charge for the biological in their charge for the procedure, report the charge on an uncoded revenue center line, or report the charge under a device HCPCS code, if one exists, so that the biological costs may be considered in future ratesetting for the associated surgical procedures.

Several commenters to the CY 2009 OPPS/ASC proposed rule supported CMS' proposal to package payment for implantable biologicals without pass-through status into payment for the associated surgical procedure (73 FR 68635). One commenter also recommended that CMS treat biologicals that are always surgically implanted or inserted and have FDA device approval, as devices for purposes of pass-through payment, rather than as drugs. The commenter observed that this would allow all implantable devices, biological and otherwise, to be subject to a single pass-through payment policy. The commenter concluded that this policy change would provide consistency in billing and payment for these products functioning as implantable devices during their pass-through payment period, as well as after the expiration of pass-through status.

We finalized in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68635) our proposal to package payment for any nonpass-through biological that is surgically inserted or implanted (through a surgical incision or a natural orifice) into the payment for the associated surgical procedure, just as we package payment for all nonpass-through, implantable, nonbiological devices. As a result of this final policy, the three implantable biologicals with

expiring pass-through status in CY 2009 were packaged and assigned status indicator ''N'' as of January 1, 2009. In addition, any new biologicals without pass-through status that are surgically inserted or implanted (through a surgical incision or a natural orifice) are also packaged beginning in CY 2009. Hospitals continue to report the HCPCS codes that describe biologicals that are always used as implantable devices on their claims, and we package the costs of those biologicals into the associated procedures, according to the standard OPPS ratesetting methodology that is described in section II.A.2. of this proposed rule. Moreover, for nonpass-through biologicals that may sometimes be used as implantable devices, we continue to instruct hospitals to not bill separately for the HCPCS codes for the products when used as implantable devices. This reporting ensures that the costs of these products that may be, but are not always, used as implanted biologicals are appropriately packaged into payment for the associated implantation procedures when the products are used as implantable devices.

b. Proposed Policy for CY 2010

Some implantable biologicals are described by device category codes for expired pass-through categories, including HCPCS code C1781 (Mesh (implantable)), HCPCS code C1762 (Connective tissue, human), and HCPCS code C1763 (Connective tissue, non-human). All implantables described by the latter two categories are biologicals, while HCPCS code C1781 describes both implantable biological and nonbiological devices. Historically, these category codes included biological products that we approved for pass-through payment under the device pass-through process, initially when we paid for pass-through devices on a brand-specific basis from CY 2000 through March 31, 2001, and later through the device categories described by HCPCS codes C1781, C1762, and C1763 which were developed effective April 1, 2001.

We believe that it is most appropriate for a product to be eligible for a single period of OPPS pass-through payment, rather than a period of device pass-through payment and a period of drug or biological pass-through payment. The limited timeframe for transitional pass-through payment ensures that new devices, drugs, and biologicals may receive special payment consideration under the OPPS for the first few years after their initial use, in order to allow sufficient time for their cost information to be reflected in hospital claims data and, therefore, to be available for OPPS ratesetting. After the pass-through payment period ends, like other existing services, we have cost information regarding these new products provided to us by hospitals from claims and cost report data. We then utilize that information when packaging the costs of the items (all devices, diagnostic radiopharmaceuticals, contrast agents, and implantable biologicals, and other drugs with an estimated per day cost equal to or less than the annual drug packaging threshold) or paying separately for the products (drugs except contrast agents and diagnostic radiopharmaceuticals and also nonimplantable biologicals with estimated per day costs above the annual drug packaging threshold). Further, although implantable biologicals with pass-through status may substitute for nonpass-through implantable devices whose costs are packaged into procedural APC payments, our existing APC offset policies for the costs of predecessor items packaged into APC payment for the associated services do not apply to pass-through payment for biologicals. We note that the APC offset amount that would be most applicable to implantable biologicals, were we to establish such an offset policy for them, would be the device APC offset amount, based on their similarity of function to the implantable devices whose costs have been included in establishing the procedural APC payment, not the ''policy-packaged'' or ''threshold-packaged'' drug APC offset amounts that one would expect to apply to pass-through drugs and biologicals. Similarly, when we currently evaluate a pass-through implantable biological application for the cost significance of the product, our methodology utilizes the ''policy-packaged'' APC offset amount to assess the candidate implantable biological, not the device APC offset amount that would be more reflective of the costs of predecessor devices related to the candidate implantable biological, such as those of device category HCPCS codes C1781, C1762, and C1763.

Many implantable biologicals, such as the three biologicals that expired from pass-through status after CY 2008, have FDA approval as devices. A number of other implantable biologicals with FDA approval as devices have also been approved for OPPS pass-through payment over the past several years, based on their product-specific pass-through applications as biologicals, not devices. Moreover, outside of the period of pass-through payment, the costs of implantable biologicals, like the costs of implantable devices, are now packaged into the cost of the procedure in which they are used. Implantable biologicals may be used in place of other implantable nonbiological devices whose costs are already accounted for in the associated procedural APC payments. Payment is made for nonpass-through implantable biologicals, like for devices, through the APC payment for the associated surgical procedure.

In view of these considerations, we are proposing that the pass-through evaluation process and pass-through payment methodology for implantable biologicals that are surgically inserted or implanted (through a surgical incision or a natural orifice) and that are newly approved for pass-through status beginning on or after January 1, 2010, be the device pass-through process and payment methodology only. Given the shared payment methodologies for implantable biological and nonbiological devices during their nonpass-through payment periods, as well as their overlapping and sometimes identical clinical uses and their similar regulation by the FDA as devices, we believe that the most consistent pass-through payment policy for these different types of items that are surgically inserted or implanted and that may sometimes substitute for one another is to evaluate all such devices, both biological and nonbiological, only under the device pass-through process. As a result, implantable biologicals would no longer be eligible to submit biological pass-through applications and to receive biological pass-through payment at ASP+6 percent. While we understand that implantable biologicals have characteristics that result in their meeting the definitions of both devices and biologicals, we believe that biologicals are most similar to devices because of their required surgical insertion or implantation and that it would be appropriate to only evaluate them as devices because they share significant clinical similarity with implantable nonbiological devices. We refer readers to the CMS Web site specified previously in this section to view the device pass-through application requirements and review criteria that would apply to the evaluation of all implantable biologicals for pass-through status when their pass-through payment would begin on or after January 1, 2010.

However, those implantable biologicals that are surgically inserted or implanted (through a surgical incision or natural orifice) and that are receiving pass-through payment as biologicals prior to January 1, 2010, would continue

to be considered pass-through biologicals for the duration of their period of pass-through payment. These products have already been evaluated for pass-through status based on their application as biologicals and have been approved for pass-through status based on the established criteria for biological pass-through payment. We believe it would be most appropriate for them to complete their 2- to 3-year period of pass-through payment as biologicals in accordance with the pass-through payment policies that were applicable at the time their pass-through status was initially approved.

We note that, in conducting our pass-through review of implantable biologicals as devices beginning for CY 2010 pass-through payment, we would apply the portions of APC payment amounts associated with devices (that is, the device APC offset amounts) to assess the cost significance of the candidate implantable biologicals, as we do for other devices. The CY 2009 device APC offset amounts are posted on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/04_passthrough_payment.asp*. The result of evaluating all implantable biological items only for device pass-through payment is that payment for implantable biologicals eligible for pass-through payment beginning on or after January 1, 2010, would be based on hospital charges adjusted to cost, rather than the ASP methodology that is applicable to pass-through drugs and biologicals. Treating implantable biologicals as devices for pass-through payment evaluation and payment would result in their consistent treatment with respect to coding and payment during their pass-through and nonpass-through periods of payment. This proposed policy would allow us to appropriately offset the pass-through payment for an implantable biological using the device APC offset amounts, which would incorporate the costs of predecessor devices (both biological and nonbiological) that are similar to the implantable biological item with pass-through status. Finally, this proposed policy would ensure that each implantable biological is eligible for OPPS pass-through payment for only one 2- to 3-year time period (as a device only, not as a biological), so that once OPPS claims data incorporate cost information for the implantable biological, the product would not be again eligible for OPPS pass-through payment in the future.

Further, because we are proposing that the pass-through evaluation process for CY 2010 pass-through status approvals and pass-through payment methodology for implantable biologicals that are surgically inserted or implanted (through a surgical incision or a natural orifice) beginning in CY 2010 be the device pass-through process and payment methodology only, we also are proposing to revise our regulations at §§ 419.64 and 419.66 to conform to this new policy. Specifically, we are proposing to amend § 419.64 by adding a new paragraph (a)(4)(iii) and language under a new paragraph (c)(3) to exclude implantable biologicals from consideration for drug and biological pass-through payment. Furthermore, proposed new paragraph (a)(4)(iv) of § 419.64 would specify the continued inclusion of implantable biologicals for which pass-through payment as a biological is made on or before December 31, 2009, as eligible for biological pass-through payment, consistent with our proposal to allow these products to complete their period of pass-through payment as biologicals.

Moreover, in light of our CY 2010 proposal that implantable biological applications approved for pass-through status beginning on or after January 1, 2010, would be considered only for device pass-through evaluation and payment, we believe it would also be appropriate to clarify the current example in § 419.66(b)(4)(iii) of the regulations regarding the exclusion of materials, for example biological or synthetic materials, that may be used to replace human skin from device pass-through payment eligibility. While, by definition, implantable biologicals that are surgically implanted or inserted would not be biological materials that replace human skin, we are proposing to more precisely state this in the regulations. Therefore, we are proposing to revise § 419.66(b)(4) (iii), which currently states that a device is not a material that may be used to replace human skin and provides an example of such a material as ''a biological or synthetic material.'' We are proposing to revise § 419.66(b)(4)(iii) to specify that the biological materials be a ''biological skin replacement material'' rather than a ''biological'' and the synthetic materials be a ''synthetic skin replacement material'' rather than a ''synthetic material'' because we do not believe this example should refer to biologicals or synthetic materials that are used for purposes other than as a skin replacement material, given that the regulatory provision in § 419.66(b)(4)(iii) applies only to a material that may be used to replace human skin.

5. Definition of Pass-Through Payment Eligibility Period for New Drugs and Biologicals

Section 1833(t)(6) of the Act provides for transitional pass-through payments for medical devices, drugs, and biologicals. Section 1833(t)(6)(A) of the Act generally describes two groups of services—''current'' and ''new''—that are eligible for pass-through payments, depending, in part, on when they were first paid. One of the criteria for ''new'' drugs and biologicals to receive pass-through payments under section 1833(t)(6)(A)(iv)(I) of the Act is that payment for the item as an outpatient hospital service under Part B was not being made as of December 31, 1996. For those ''new'' drugs and biologicals, section 1833(t)(6)(C)(i)(II) of the Act specifies that there is a 2- to 3-year limitation on the pass-through period that begins on the first date on which payment is made under Part B for the drug or biological as an outpatient hospital service.

Section 419.64 of the regulations codifies the transitional pass-through payment provisions for drugs and biologicals. Section 419.64(a) describes the drugs and biologicals that are eligible for pass-through payments, essentially capturing the distinction between ''new'' and ''current'' services. Section 419.64(c)(2) provides that the pass-through payment eligibility period for drugs and biologicals that fall into the ''new'' category begins on the date that CMS makes its first pass-through payment for the drug or biological.

It has come to our attention that our pass-through payment eligibility period for ''new'' drugs and biologicals in § 419.64(c)(2) does not most accurately reflect the statutory requirements of section1833(t)(6)(C)(i)(II) of the Act. Where our regulations indicate that the pass-through payment eligibility period for ''new'' drugs and biologicals begins on the first date on which pass-through payment is made for the item, section 1833(t)(6)(c)(i)(II) of the Act specifies that the pass-through period of 2 to 3 years for ''new'' drugs and biologicals begins on the first date on which payment is made under Part B for the drug or biological as an outpatient hospital service. In order to better reflect the statutory requirement for the pass-through period for a ''new'' drug or biological, we are proposing to revise paragraph (c)(2) of § 419.64 and add a new paragraph (c)(3) to § 419.64 of the regulations.

In order to conform the regulations to the statutory provisions, we are proposing to change the start date of the pass-through payment eligibility period

for a drug or biological from the first date on which pass-through payment is made to the date on which payment is first made for a drug or biological as an outpatient hospital service under Part B. Under this proposal, we would need to identify a first date of payment for a drug or biological as an outpatient hospital service under Part B. (Under our current policy, we have not needed to establish a first date on which payment is made under Part B for the drug or biological as an outpatient hospital service because the pass-through payment eligibility period begins on the first date pass-through payment is made for the item.) Due to the 2-year delay in the availability of claims data, under our CY 2010 proposal we would not be able to identify an exact date of first payment for a drug or biological as an outpatient hospital service under Part B in order to determine the start date of the pass-through payment eligibility period until years after an application for pass-through payment for a ''new'' drug or biological has been submitted. At that later point in time, the pass-through payment eligibility period may be close to expiring, and the result of relying upon our claims data to evaluate an item for its eligibility for pass-through status could be a very short period of pass-through payment for the new drug or biological. Consequently, we believe it would be desirable to identify an appropriate and timely proxy for the date of first payment for the drug or biological as an outpatient hospital service under Part B. We believe the date of first sale for a drug or biological in the U.S. following FDA approval is an appropriate proxy, as explained below, and we are proposing this as the date on which the pass-through payment eligibility period would begin. We also note that, in light of our CY 2010 proposal, described in section V.A.4. of this proposed rule, to treat implantable biologicals as medical devices for purposes of pass-through eligibility and payment under section 1833(t)(6) of the Act, these proposed revisions to the pass-through payment eligibility period for a drug or biological approved for pass-through payment beginning on or after January 1, 2010, would not apply to implantable biologicals, but rather only to nonimplantable biologicals.

We believe that the date of first sale of the drug or nonimplantable biological in the U.S. following FDA approval is an appropriate proxy for the first date of payment for the drug or nonimplantable biological as an outpatient hospital service under Part B for several reasons. We anticipate that Medicare beneficiaries would be among the first to use these drugs and nonimplantable biologicals and that the date of first sale is the date upon which a drug or nonimplantable biological would become available to those beneficiaries and be paid under Part B as an outpatient hospital service. Further, we already use the date of first sale of a drug or biological in the U.S. following FDA approval under the ASP methodology and in the existing OPPS pass-through payment eligibility determination. In determining the ASP for a drug under the ASP payment methodology in section 1847A of the Act, we use the date of first sale of a drug or biological in the U.S. following FDA approval to identify ''single source drugs'' and ''biological products'' when determining a payment amount. We also use the date of first sale of a drug or biological in the U.S. under our current OPPS pass-through payment application process to determine if a drug or biological is ''new,'' that is, whether the item was paid as an outpatient hospital service on or after January 1, 1997. Finally, we do not believe that there is a more accurate and readily available proxy for the first date of payment for a drug or biological under Part B as an outpatient hospital service. In summary, we believe that the date of first sale of the drug or nonimplantable biological in the U.S. following FDA approval is an appropriate proxy for the first date on which payment is made under Part B for the item as an outpatient hospital service because it is an accepted and available indicator of initial payment for the Medicare program.

In proposed new § 419.64(c)(3), we indicate that the date of first sale of a drug or nonimplantable biological in the U.S. following FDA approval would be the start date of the pass-through payment eligibility period for drugs or nonimplantable biologicals approved for pass-through payment beginning on or after January 1, 2010. We also are proposing modifications to § 419.64(c)(2) to specify that our current policy—that the pass-through payment eligibility period of 2 to 3 years begins on the first date that pass-through payment is made for the drug or biological—applies only to drugs and biologicals approved for and receiving pass-through payment on or before December 31, 2009. Although we believe that we have the authority to stop pass-through payments and to recover pass-through payments already made for such drugs and biologicals, we are proposing in these specific limited circumstances to permit pass-through status to continue.

We currently implement new approvals of pass-through status for drugs and biologicals on a quarterly basis, and for CY 2010, we would continue to implement these new approvals on a quarterly basis. We describe our quarterly process for reviewing and approving applications for drugs and biologicals to receive pass-through payment on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/04_passthrough_payment.asp*. Interested parties may submit a complete application at any time. We typically review and make pass-through status approval decisions about complete applications for initiation of pass-through payment within 4 months of their submission and implement new pass-through status approvals on a quarterly basis through the next available OPPS quarterly update. The CMS Web site provides a timeline showing the relationship between the date of submission of a complete application and the earliest date of pass-through payment that would result from approval of pass-through status for the drug or biological.

Under our current policy, the pass-through payment eligibility period and period of pass-through payment are the same. However, the pass-through payment eligibility period and the period of pass-through payment would not be identical under our proposed policy. For our proposed policy, we need to identify both the pass-through payment eligibility period as well as the period during which pass-through payments would be made, including the respective start and expiration dates of the pass-through payment eligibility period and the period of pass-through payment. The period of pass-through payment would coincide with the time period during which the drug or biological is designated as having pass-through status. (We note that being within the pass-through payment eligibility period alone does not qualify a ''new'' drug or biological for pass-through payment; the drug or biological must also meet the other requirements for pass-through payment, including that CMS determines that the cost of a drug or biological is not insignificant.) Under our proposal, the pass-through payment eligibility period would run for at least 2 years but no more than 3 years. For example, for a drug with a first date of sale in the United States after FDA approval of May 3, 2009, the pass-through payment eligibility period would start on May 3, 2009. If the pass-through payment eligibility period ran

for 3 years, it would expire on May 2, 2012. We are proposing to modify § 419.64 accordingly by adding new paragraph (c)(3) to state: ''For a drug or nonimplantable biological described in paragraph (a)(4) of this section and approved for pass-through payment beginning on or after January 1, 2010—[the pass-through payment eligibility period begins on] the date of first sale of the drug or nonimplantable biological in the United States after FDA approval.'' Next, we are proposing that pass-through payment would start on the first day of the calendar quarter following the calendar quarter during which the completed application was approved. We would reflect this in regulation text, in proposed new § 419.64(c)(3), as follows. ''Pass-through payment for the drug or nonimplantable biological begins on the first day of the hospital outpatient prospective payment system update (for example, calendar quarter) following the update period during which the drug or nonimplantable biological was approved for pass-through status.'' The start date for the period of pass-through payment would be specified in a letter to the applicant conveying pass-through status approval for the new drug or biological and would be the first day of the calendar quarter following the calendar quarter during which a complete pass-through application is approved by CMS for pass-through status.

We also are proposing to expire pass-through status on a quarterly basis. We would use the pass-through payment eligibility period expiration date to determine when the period of pass-through payment would expire. The way we would operationalize this would be to make the last date of the period of pass-through payment be the last day of the calendar quarter that preceded the pass-through payment eligibility period expiration date. This proposal to expire the pass-through status of drugs and nonimplantable biologicals on a quarterly basis would be a departure from our current policy for expiring the pass-through status of drugs and biologicals. Presently, we expire the pass-through status of drugs and biologicals at the end of the calendar year preceding the year of the applicable annual OPPS update. (We discuss our CY 2010 proposal to expire the pass-through status of drugs and biologicals currently receiving pass-through payment that will have already received between 2 and 3 years of pass-through payment by January 1, 2010, in section V.A.2. of this proposed rule.) Because our current pass-through payment eligibility period policy effectively aligns the start of pass-through payment with the beginning of the 2- to 3-year pass-through payment eligibility period, expiration of pass-through status on a calendar year basis affords those drugs and biologicals at least 2 but not more than 3 years of pass-through payment. This would continue to be the case for drugs and biologicals that have been approved for pass-through status and that are receiving pass-through payment on or before December 31, 2009, as reflected in our proposed revision to § 419.64(c)(2). However, beginning in CY 2010, for ''new'' drugs and nonimplantable biologicals with a pass-through payment eligibility period described by proposed new § 419.64(c)(3), we would expire pass-through status on a quarterly basis. Under the proposed revised definition of the pass-through payment eligibility period, the pass-through payment eligibility period may begin well before application is made for pass-through payment for the drug or nonimplantable biological and pass-through status is approved, which could have the effect of a shorter period of pass-through payment for some drugs and biologicals than would be the case under our current policy. Therefore, we are proposing to expire pass-through status on a quarterly basis to ensure that drugs and nonimplantable biologicals for which a pass-through payment application has been made after the pass-through payment eligibility period has begun can most benefit from pass-through payment. We provide the following examples to illustrate how our proposed policies would work.

First, if CMS receives a complete pass-through payment application on March 1, 2010, for a ''new'' drug with a date of first sale in the United States after FDA approval of December 15, 2009, the pass-through payment eligibility period would begin on December 15, 2009. If the pass-through payment eligibility period ran for 3 years, it would expire on December 14, 2012. If we process the application and approve pass-through status within 4 months, the period of pass-through payment for that drug would begin on July 1, 2010, because that would be the first day of the calendar quarter following the calendar quarter during which the completed application was approved for pass-through status. The period of pass-through payment would expire no later than September 30, 2012, because that would be the last day of the calendar quarter that preceded the pass-through eligibility period expiration date. We would indicate the drug's change from pass-through to nonpass-through status, as discussed below, in the October 2012 OPPS quarterly update.

In another example, if CMS receives a complete pass-through payment application on December 1, 2009, for a ''new'' drug with a date of first sale of the drug in the United States after FDA approval of May 3, 2009, the pass-through payment eligibility period for that drug would begin on May 3, 2009, and would end no later than May 2, 2012. If we process the application and approve pass-through status within 4 months, the period of pass-through payment would begin on April 1, 2010, because that would be the first day of the calendar quarter following the calendar quarter during which the completed application was approved for pass-through status, and would end no later than March 31, 2012, because that would be the last day of the calendar quarter that preceded the pass-through payment eligibility period expiration date. We would indicate the drug's change from pass-through to nonpass-through status, as discussed below, in the April 2012 OPPS quarterly update.

In another example, in the case of a complete application for a ''new'' drug, with a date of first sale of the drug in the United States after FDA approval of November 16, 2006, that is received by December 1, 2009, the pass-through payment eligibility period for that drug would have begun on November 16, 2006. The pass-through payment eligibility period would expire no later than November 15, 2009, because that would be 3 years from the date on which the pass-through payment eligibility period began. In this example, the drug would not be approved for pass-through status because the pass-through payment eligibility period would have already expired. The earliest date that the period of pass-through payment for the drug could have begun would have been April 1, 2010, which would be after the expiration of the pass-through payment eligibility period.

As noted above, for those ''new'' drugs or biologicals approved for pass-through status beginning in a calendar quarter prior to CY 2010 that are described by § 419.64(c)(2), we would continue our current policy. That means that we would expire pass-through status for the drug or biological at the end of the calendar year after the drug or biological has received at least 2 but not more than 3 years of pass-through payment.

In addition to proposing to expire the pass-through status of ''new'' drugs and nonimplantable biologicals described by

proposed new § 419.64(c)(3) on a quarterly basis, we also would continue our established policy of determining whether a drug or biological would receive separate payment or packaged payment, after the expiration of the period of pass-through payment, on a calendar year basis through the annual OPPS rulemaking process as described in section V.B.2. of this proposed rule. Under our current drug payment policies, we propose and finalize packaging determinations for drugs and biologicals subject to the OPPS annual drug packaging threshold only once a year based on the most updated claims data and ASP information available for the annual rulemaking cycle. We are not proposing to change this annual packaging determination process. Therefore, after the expiration of pass-through status of a ''new'' drug or biological in a given year's calendar quarter, we would continue to make separate payment through the end of that calendar year for those drugs and nonimplantable biologicals that would be subject to the drug packaging threshold when they did not have pass-through status (therefore, excluding contrast agents and diagnostic radiopharmaceuticals for CY 2010 which would always be packaged when not on pass-through status) at the applicable OPPS payment rate for separately payable drugs and biologicals without pass-through status for that year, proposed to be ASP+4 percent for CY 2010. We would change their status indicator from ''G'' (Pass-Through Drugs and Biologicals) to ''K'' (Nonpass-Through Drugs and Nonimplantable Biologicals) in the applicable quarterly OPPS update that immediately followed the last day of the calendar quarter in which the pass-through status of the drug or nonimplantable biological expired. In our proposed rule for the upcoming prospective payment year that is after the calendar year quarter in which the pass-through status of a drug or nonimplantable biological expired, we would use ASP information and our claims data to assess whether the drug or biological would be packaged or separately payable in the upcoming calendar year. For those drugs with expiring pass-through status that are always packaged when not on pass-through status (''policy-packaged''), specifically diagnostic radiopharmaceuticals and contrast agents for CY 2010 as discussed in section V.B.2.d. of this proposed rule, we would make packaged payment for them for the remainder of the calendar year after the expiration of pass-through payment. We would change their status indicator from ''G'' to ''N'' (Items and Services Packaged into APC Rates) in the applicable quarterly OPPS update that immediately followed the last day of the calendar quarter in which the pass-through status of the drug or nonimplantable biological expired. For example, for a drug (excluding contrast agents and diagnostic radiopharmaceuticals) described by proposed new § 419.64(c)(3) with pass-through status expiring on September 30, 2010, we would make separate pass-through payment for the drug at ASP+6 percent until September 30, 2010, and we would then make separate nonpass-through payment for the drug at ASP+4 percent between October 1, 2010 and December 31, 2010. For CY2011, we would use ASP information and our claims data to propose whether the drug would be packaged or separately payable.

6. Proposed Provisions for Reducing Transitional Pass-Through Payments for Diagnostic Radiopharmaceuticals and Contrast Agents to Offset Costs Packaged Into APC Groups

a. Background

Prior to CY 2008, diagnostic radiopharmaceuticals and contrast agents were paid separately under the OPPS if their mean per day costs were greater than the applicable year's drug packaging threshold. In CY 2008 (72 FR 66768), we began a policy of packaging payment for all nonpass-through diagnostic radiopharmaceuticals and contrast agents as ancillary and supportive items and services into their associated nuclear medicine procedures. Therefore, beginning in CY2008, nonpass-through diagnostic radiopharmaceuticals and contrast agents were not subject to the annual OPPS drug packaging threshold to determine their packaged or separately payable payment status, and instead all nonpass-through diagnostic radiopharmaceuticals and contrast agents were packaged as a matter of policy. For CY 2010, we are proposing to continue to package payment for all nonpass-through diagnostic radiopharmaceuticals and contrast agents as discussed in section V.B.2.d. of this proposed rule.

b. Payment Offset Policy for Diagnostic Radiopharmaceuticals

As previously noted, radiopharmaceuticals are considered to be drugs for OPPS pass-through payment purposes. As described above, section 1833(t)(6)(D)(i) of the Act specifies that the transitional pass-through payment amount for pass-through drugs and biologicals is the difference between the amount paid under section 1842(o) (or the Part B drug CAP rate) and the otherwise applicable OPD fee schedule amount. There is currently one radiopharmaceutical with pass-through status under the OPPS, HCPCS code C9247 (Iobenguane, I–123, diagnostic, per study dose, up to 10 millicuries). HCPCS code C9247 was granted pass-through status beginning April 1, 2009, and will continue to receive pass-through status in CY 2010. We currently apply the established radiopharmaceutical payment offset policy to pass-through payment for this product. As described earlier in section V.A.3. of this proposed rule, new pass-through diagnostic radiopharmaceuticals would be paid at ASP+6 percent, while those without ASP information would be paid at WAC+6 percent or, if WAC is not available, based on 95 percent of the product's most recently published AWP.

As a payment offset is necessary in order to provide an appropriate transitional pass-through payment, we deduct from the payment for pass-through radiopharmaceuticals an amount that reflects the portion of the APC payment associated with predecessor radiopharmaceuticals in order to ensure no duplicate radiopharmaceutical payment. In CY 2009, we established a policy to estimate the portion of each APC payment rate that could reasonably be attributed to the cost of predecessor diagnostic radiopharmaceuticals when considering a new diagnostic radiopharmaceutical for pass-through payment (73 FR 68638 through 68641). Specifically, we utilize the ''policy-packaged'' drug offset fraction for APCs containing nuclear medicine procedures, calculated as 1 minus (the cost from single procedure claims in the APC after removing the cost for ''policy-packaged'' drugs divided by the cost from single procedure claims in the APC). We have previously defined ''policy-packaged'' drugs and biologicals as nonpass-through diagnostic radiopharmaceuticals, contrast agents, and implantable biologicals (73 FR 68639). We are proposing for CY 2010 to redefine ''policy-packaged'' drugs as only nonpass-through diagnostic radiopharmaceuticals and contrast agents, as a result of the CY 2010 proposals discussed in sections V.A.4. and V.B.2.d. of this proposed rule that would treat nonpass-through implantable biologicals that are surgically inserted or implanted (through a surgical incision or a natural

orifice) and implantable biologicals that are surgically inserted or implanted (through a surgical incision or a natural orifice) with newly approved pass-through status beginning in CY 2010 or later as devices, rather than drugs. To determine the actual APC offset amount for pass-through diagnostic radiopharmaceuticals that takes into consideration the otherwise applicable OPPS payment amount, we multiply the ''policy-packaged'' drug offset fraction by the APC payment amount for the nuclear medicine procedure with which the pass-through diagnostic radiopharmaceutical is used and, accordingly, reduce the separate OPPS payment for the pass-through diagnostic radiopharmaceutical by this amount.

We will continue to post annually on the CMS Web site at *http://www.cms.hhs.gov/HospitalOutpatientPPS*, a file that contains the APC offset amounts that would be used for that year for purposes of both evaluating cost significance for candidate pass-through device categories and drugs and biologicals, including diagnostic radiopharmaceuticals, and establishing any appropriate APC offset amounts. Specifically, the file will continue to provide, for every OPPS clinical APC, the amounts and percentages of APC payment associated with packaged implantable devices, ''policy-packaged'' drugs, and ''threshold-packaged'' drugs and biologicals.

Table 23 below displays the proposed APCs to which nuclear medicine procedures would be assigned in CY 2010 and for which we expect that an APC offset could be applicable in the case of new diagnostic radiopharmaceuticals with pass-through status.

TABLE 23—PROPOSED APCS TO WHICH NUCLEAR MEDICINE PROCEDURES WOULD BE ASSIGNED FOR CY 2010

Proposed CY 2010 APC	Proposed CY 2010 APC title
0307	Myocardial Positron Emission Tomography (PET) imaging.
0308	Non-Myocardial Positron Emission Tomography (PET) imaging.
0377	Level II Cardiac Imaging.
0378	Level II Pulmonary Imaging.
0389	Level I Non-imaging Nuclear Medicine.
0390	Level I Endocrine Imaging.
0391	Level II Endocrine Imaging.
0392	Level II Non-imaging Nuclear Medicine.

TABLE 23—PROPOSED APCS TO WHICH NUCLEAR MEDICINE PROCEDURES WOULD BE ASSIGNED FOR CY 2010—Continued

Proposed CY 2010 APC	Proposed CY 2010 APC title
0393	Hematologic Processing & Studies.
0394	Hepatobiliary Imaging.
0395	GI Tract Imaging.
0396	Bone Imaging.
0397	Vascular Imaging.
0398	Level I Cardiac Imaging.
0400	Hematopoietic Imaging.
0401	Level I Pulmonary Imaging.
0402	Level II Nervous System Imaging.
0403	Level I Nervous System Imaging.
0404	Renal and Genitourinary Studies.
0406	Level I Tumor/Infection Imaging.
0408	Level III Tumor/Infection Imaging.
0414	Level II Tumor/Infection Imaging.

c. Proposed Payment Offset Policy for Contrast Agents

As described above, section 1833(t)(6)(D)(i) of the Act specifies that the transitional pass-through payment amount for pass-through drugs and biologicals is the difference between the amount paid under section 1842(o) (or the Part B drug CAP rate) and the otherwise applicable OPD fee schedule amount. There is currently one contrast agent with pass-through status under the OPPS, HCPCS code C9246 (Injection, gadoxetate disodium, per ml). HCPCS code C9246 was granted pass-through status beginning January 1, 2009, and will continue to receive pass-through status in CY 2010. As described earlier in section V.A.3. of this proposed rule, new pass-through contrast agents would be paid at ASP+6 percent, while those without ASP information would be paid at WAC+6 percent or, if WAC is not available, paid based on 95 percent of the product's most recently published AWP.

We believe that a payment offset, similar to the offset currently in place for pass-through devices and diagnostic radiopharmaceuticals, is necessary in order to provide an appropriate transitional pass-through payment for contrast agents because all of these items are packaged when they do not have pass-through status. In accordance with our standard offset methodology, we are proposing to deduct from the payment for pass-through contrast agents an amount that reflects the portion of the APC payment associated with predecessor contrast agents in order to ensure no duplicate contrast agent payment is made.

In CY 2009, we established a policy to estimate the portion of each APC payment rate that could reasonably be attributed to the cost of predecessor diagnostic radiopharmaceuticals when considering a new diagnostic radiopharmaceutical for pass-through payment (73 FR 68638 through 68641). For CY 2010, we are proposing to apply this same policy to contrast agents. Specifically, we are proposing to utilize the ''policy-packaged'' drug offset fraction for clinical APCs calculated as 1 minus (the cost from single procedure claims in the APC after removing the cost for ''policy-packaged'' drugs divided by the cost from single procedure claims in the APC). As discussed above, while we have previously defined the ''policy-packaged'' drugs and biologicals as nonpass-through diagnostic radiopharmaceuticals, contrast agents, and implantable biologicals (73 FR 68639), we are proposing for CY 2010 to redefine ''policy-packaged'' drugs as only nonpass-through diagnostic radiopharmaceuticals and contrast agents, as a result of the CY 2010 proposal discussed in sections V.A.4. and V.B.2.d. of this proposed rule that would treat all implantable biologicals as devices, rather than drugs. To determine the actual APC offset amount for pass-through contrast agents that takes into consideration the otherwise applicable OPPS payment amount, we are proposing to multiply the ''policy-packaged'' drug offset fraction by the APC payment amount for the procedure with which the pass-through contrast agent is used and, accordingly, reduce the separate OPPS payment for the pass-through contrast agent by this amount.

We are proposing to continue to post annually on the CMS Web site at *http://www.cms.hhs.gov/HospitalOutpatientPPS*, a file that contains the APC offset amounts that would be used for that year for purposes of both evaluating cost significance for candidate pass-through device categories and drugs and biologicals, including contrast agents, and establishing any appropriate APC offset amounts. Specifically, the file will continue to provide, for every OPPS clinical APC, the amounts and percentages of APC payment associated with packaged implantable devices, ''policy-packaged'' drugs, and ''threshold-packaged'' drugs and biologicals.

B. Proposed OPPS Payment for Drugs, Biologicals, and Radiopharmaceuticals Without Pass-Through Status

1. Background

Under the CY 2009 OPPS, we currently pay for drugs, biologicals, and

radiopharmaceuticals that do not have pass-through status in one of two ways: packaged payment into the payment for the associated service; or separate payment (individual APCs). We explained in the April 7, 2000 OPPS final rule with comment period (65 FR 18450) that we generally package the cost of drugs and radiopharmaceuticals into the APC payment rate for the procedure or treatment with which the products are usually furnished. Hospitals do not receive separate payment for packaged items and supplies, and hospitals may not bill beneficiaries separately for any packaged items and supplies whose costs are recognized and paid within the national OPPS payment rate for the associated procedure or service. (Transmittal A–01–133, issued on November 20, 2001, explains in greater detail the rules regarding separate payment for packaged services.)

Packaging costs into a single aggregate payment for a service, procedure, or episode-of-care is a fundamental principle that distinguishes a prospective payment system from a fee schedule. In general, packaging the costs of items and services into the payment for the primary procedure or service with which they are associated encourages hospital efficiencies and also enables hospitals to manage their resources with maximum flexibility.

Section 1833(t)(16)(B) of the Act, as added by section 621(a)(2) of Public Law 108–173, set the threshold for establishing separate APCs for drugs and biologicals at $50 per administration for CYs 2005 and 2006. Therefore, for CYs 2005 and 2006, we paid separately for drugs, biologicals, and radiopharmaceuticals whose per day cost exceeded $50 and packaged the costs of drugs, biologicals, and radiopharmaceuticals whose per day cost was equal to or less than $50 into the procedures with which they were billed. For CY 2007, the packaging threshold for drugs, biologicals, and radiopharmaceuticals that were not new and did not have pass-through status was established at $55. For CYs 2008 and 2009, the packaging threshold for drugs, biologicals, and radiopharmaceuticals that are not new and do not have pass-through status was established at $60. The methodology used to establish the $55 threshold for CY 2007, the $60 threshold for CYs 2008 and 2009, and our proposed approach for CY 2010 are discussed in more detail in section V.B.2.b. of this proposed rule.

2. Proposed Criteria for Packaging Payment for Drugs, Biologicals, and Radiopharmaceuticals

a. Background

As indicated in section V.B.1. of this proposed rule, in accordance with section 1833(t)(16)(B) of the Act, the threshold for establishing separate APCs for payment of drugs and biologicals was set to $50 per administration during CYs 2005 and 2006. In CY 2007, we used the fourth quarter moving average Producer Price Index (PPI) levels for prescription preparations to trend the $50 threshold forward from the third quarter of CY 2005 (when the Pub. L. 108–173 mandated threshold became effective) to the third quarter of CY 2007. We then rounded the resulting dollar amount to the nearest $5 increment in order to determine the CY 2007 threshold amount of $55. Using the same methodology as that used in CY 2007 (which is discussed in more detail in the CY 2007 OPPS/ASC final rule with comment period (71 FR 68085 through 68086)), we set the packaging threshold for establishing separate APCs for drugs and biologicals at $60 for CYs 2008 and 2009.

Following the CY 2007 methodology, for CY 2010 we used updated fourth quarter moving average PPI levels to trend the $50 threshold forward from the third quarter of CY 2005 to the third quarter of CY 2009 and again rounded the resulting dollar amount ($65.07) to the nearest $5 increment, which yielded a figure of $65. In performing this calculation, we used the most up-to-date forecasted, quarterly PPI estimates from CMS' Office of the Actuary (OACT). As actual inflation for past quarters replaced forecasted amounts, the PPI estimates for prior quarters have been revised (compared with those used in the CY 2007 OPPS/ASC final rule with comment period) and have been incorporated into our calculation. Based on the calculations described above, we are proposing a packaging threshold for CY 2010 of $65. (For a more detailed discussion of the OPPS drug packaging threshold and the use of the PPI for prescription drugs, we refer readers to the CY 2007 OPPS/ASC final rule with comment period (71 FR 68085 through 68086).)

b. Proposed Cost Threshold for Packaging of Payment for HCPCS Codes That Describe Certain Drugs, Nonimplantable Biologicals, and Therapeutic Radiopharmaceuticals (''Threshold-Packaged Drugs'')

To determine their proposed CY 2010 packaging status, for this proposed rule we calculated the per day cost of all drugs on a HCPCS code-specific basis (with the exception of those drugs and biologicals with multiple HCPCS codes that include different dosages as described in section V.B.2.c. of this proposed rule and excluding diagnostic radiopharmaceuticals and contrast agents that we are proposing to continue to package in CY 2010 as discussed in section V.B.2.d. of this proposed rule), nonimplantable biologicals, and therapeutic radiopharmaceuticals (collectively called ''threshold-packaged'' drugs) that had a HCPCS code in CY 2008 and were paid (via packaged or separate payment) under the OPPS, using CY 2008 claims data processed before January 1, 2009. In order to calculate the per day costs for drugs, nonimplantable biologicals, and therapeutic radiopharmaceuticals to determine their proposed packaging status in CY 2010, we used the methodology that was described in detail in the CY 2006 OPPS proposed rule (70 FR 42723 through 42724) and finalized in the CY 2006 OPPS final rule with comment period (70 FR 68636 through 70 FR 68638).

To calculate the CY 2010 proposed rule per day costs, we used an estimated payment rate for each drug and nonimplantable biological HCPCS code of ASP+4 percent (which is the payment rate we are proposing for separately payable drugs and nonimplantable biologicals in CY 2010, as discussed in more detail in section V.B.3.b. of this proposed rule). We used the manufacturer submitted ASP data from the fourth quarter of CY 2008 (data that were used for payment purposes in the physician's office setting, effective April 1, 2009) to determine the proposed rule per day cost.

As is our standard methodology, for CY 2010, we are proposing to use payment rates based on the ASP data from the fourth quarter of CY 2008 for budget neutrality estimates, packaging determinations, impact analyses, and completion of Addenda A and B to this proposed rule because these are the most recent data available for use at the time of development of this proposed rule. These data are also the basis for drug payments in the physician's office setting, effective April 1, 2009. For items that did not have an ASP-based payment rate, such as therapeutic radiopharmaceuticals, we used their mean unit cost derived from the CY 2008 hospital claims data to determine their proposed per day cost. We packaged items with a per day cost less than or equal to $65 and identified items with a per day cost greater than $65 as separately payable. Consistent with our past practice, we crosswalked

historical OPPS claims data from the CY 2008 HCPCS codes that were reported to the CY 2009 HCPCS codes that we display in Addendum B to this proposed rule for payment in CY 2010.

Our policy during previous cycles of the OPPS has been to use updated ASP and claims data to make final determinations of the packaging status of HCPCS codes for drugs, nonimplantable biologicals, and therapeutic radiopharmaceuticals for the final rule with comment period. We note that it is also our policy to make an annual packaging determination for a HCPCS code only when we develop the OPPS/ASC final rule for the update year. Only HCPCS codes that are identified as separately payable in the final rule with comment period are subject to quarterly updates. For our calculation of per day costs of HCPCS codes for drugs and nonimplantable biologicals in the CY 2010 OPPS/ASC final rule with comment period, we are proposing to use ASP data from the first quarter of CY 2009, which is the basis for calculating payment rates for drugs and biologicals in the physician's office setting using the ASP methodology, effective July 1, 2009, along with updated hospital claims data from CY 2008. We note that we also would use these data for budget neutrality estimates and impact analyses for the CY 2010 OPPS/ASC final rule with comment period. Payment rates for HCPCS codes for separately payable drugs and nonimplantable biologicals included in Addenda A and B to that final rule with comment period would be based on ASP data from the second quarter of CY 2009, which are the basis for calculating payment rates for drugs and biologicals in the physician's office setting using the ASP methodology, effective October 1, 2009. These rates would then be updated in the January 2010 OPPS update, based on the most recent ASP data to be used for physician's office and OPPS payment as of January 1, 2010. For items that do not currently have an ASP-based payment rate, such as therapeutic radiopharmaceuticals, we would recalculate their mean unit cost from all of the CY 2008 claims data and updated cost report information available for the CY 2010 final rule to determine their final per day cost.

Consequently, the packaging status of some HCPCS codes for drugs, nonimplantable biologicals, and therapeutic radiopharmaceuticals in the CY 2010 OPPS/ASC final rule with comment period using the updated data may be different from the same drug HCPCS code's packaging status determined based on the data used for this proposed rule. Under such circumstances, we are proposing to continue the established policies initially adopted for the CY 2005 OPPS (69 FR 65780) in order to more equitably pay for those drugs whose median costs fluctuate relative to the CY 2010 OPPS drug packaging threshold and the drugs' payment status (packaged or separately payable) in CY 2009. Specifically, we are proposing for CY 2010 to apply the following policies to these HCPCS codes for drugs, nonimplantable biologicals, and therapeutic radiopharmaceuticals whose relationship to the $65 drug packaging threshold changes based on the final updated data:

- HCPCS codes for drugs and nonimplantable biologicals that were paid separately in CY 2009 and that were proposed for separate payment in CY 2010, and then have per day costs equal to or less than $65, based on the updated ASPs and hospital claims data used for the CY 2010 final rule with comment period, would continue to receive separate payment in CY 2010.
- HCPCS codes for drugs and nonimplantable biologicals that were packaged in CY 2009 and that were proposed for separate payment in CY 2010, and then have per day costs equal to or less than $65, based on the updated ASPs and hospital claims data used for the CY 2010 final rule with comment period, would remain packaged in CY 2010.
- HCPCS codes for drugs and nonimplantable biologicals for which we proposed packaged payment in CY 2010 but then have per day costs greater than $65, based on the updated ASPs and hospital claims data used for the CY 2010 final rule with comment period, would receive separate payment in CY 2010.

In CY 2005 (69 FR 65779 through 65780), we implemented a policy that exempted the oral and injectable forms of 5–HT3 antiemetic products from our packaging policy, providing separate payment for these drugs regardless of their estimated per day costs through CY 2009. There are currently seven Level II HCPCS codes for 5–HT3 antiemetics that describe four different drugs, specifically dolasetron mesylate, granisetron hydrochloride, ondansetron hydrochloride, and palonosetron hydrochloride. Each of these drugs except palonosetron hydrochloride is available in both injectable and oral forms, so seven HCPCS codes are available to describe the four drugs in all of their forms. As of 2008, both odansetron hydrochloride and granisetron hydrochloride were available in generic versions. We have now paid separately for all 5–HT3 antimetics for 5 years. While we continue to believe that use of these antiemetics is an integral part of an anticancer treatment regimen and that OPPS claims data demonstrate their increasingly common hospital outpatient utilization, we no longer believe that a specific exemption to our standard drug payment methodology is necessary for CY 2010 to ensure access to the most appropriate antiemetic product for Medicare beneficiaries.

We analyzed historical hospital outpatient claims data for the seven 5–HT3 antiemetic products that have been subject to this packaging exemption, and we found that HCPCS code J2405 (Injection, ondansetron hydrochloride, per 1 mg) was the dominant product used in the hospital outpatient setting both before and after the adoption of our 5–HT3 packaging exemption in CY 2005. Prior to this packaging exemption, payment for HCPCS code J2405 was packaged in CY 2004. HCPCS code J2405 was modestly costly relative to the other 5–HT3 antiemetics in CY 2004, but its per day cost still fell below the applicable packaging threshold of $50. Since CY 2005, the injectable form of ondansetron hydrochloride has experienced a significant change in its pricing structure as generic versions of the drug have become available, including a steady decline in its estimated per day cost. Notwithstanding this change in price, we have observed continued growth in its OPPS utilization. For CY 2008, HCPCS code J2405 was the least costly of the seven 5–HT3 antiemetics, with an estimated per day cost of only approximately $1 in CY 2008 (based on July 2008 ASP information), yet we observed that it constituted 88 percent of all treatment days of 5–HT3 antiemetics in the CY 2008 OPPS claims data. Using updated April 2009 ASP information for this CY 2010 proposed rule, we continue to estimate a per day cost of only approximately $1 for HCPCS code J2405. For the five modestly priced 5–HT3 antiemetics, we estimate CY 2010 per day costs between approximately $7 and $50, while we estimate a per day cost for the most costly 5–HT3 antiemetic, J2469 (Injection, palonosetron hcl, 25 mcg), of $174 per day. In light of an anticipated relatively constant pricing structure for these drugs in CY 2010, combined with our experience that prescribing patterns for these 5-HT3 antiemetics are not very sensitive to changes in price, we do not believe that continuing to exempt these drugs from our standard OPPS drug packaging methodology is appropriate for CY 2010. Therefore, for CY 2010,

because we are proposing to no longer exempt the 5–HT3 antiemetic products from our standard packaging methodology, we are proposing to package payment for all of the 5–HT3 antiemetics except palonosetron hydrochloride, consistent with their estimated per day costs from CY 2008 claims data.

c. Proposed Packaging Determination for HCPCS Codes That Describe the Same Drug or Biological But Different Dosages

In the CY 2008 OPPS/ASC final rule with comment period (72 FR 66776), we began recognizing, for OPPS payment purposes, multiple HCPCS codes reporting different dosages for the same covered Part B drugs or biologicals in order to reduce hospitals' administrative burden by permitting them to report all HCPCS codes for drugs and biologicals. In general, prior to CY 2008, the OPPS recognized for payment only the HCPCS code that described the lowest dosage of a drug or biological. We extended this recognition to multiple HCPCS codes for several other drugs under the CY 2009 OPPS (73 FR 68665). During CYs 2008 and 2009, we applied a policy that assigned the status indicator of the previously recognized HPCCS code to the associated newly recognized code(s), reflecting the new code(s)' packaged or separately payable status. In the CY 2008 OPPS/ASC final rule with comment period (72 FR 66775), we explained that once claims data were available for these previously unrecognized HCPCS codes, we would determine the packaging status and resulting status indicator for each HCPCS code according to the general, established HCPCS code-specific methodology for determining a code's packaging status for a given update year. However, we also stated that we planned to closely follow our claims data to ensure that our annual packaging determinations for the different HCPCS codes describing the same drug or biological did not create inappropriate payment incentives for hospitals to report certain HCPCS codes instead of others.

CY 2008 is the first year of claims data for the HCPCS codes describing different dosages of the same drug or biological that were newly recognized in CY 2008. Applying our standard HCPCS code-specific packaging determination methodology as described in section V.B.2.b. of this proposed rule, we found that our CY 2008 claims data would result in several different packaging determinations for different codes describing the same drug or biological. Furthermore, our claims data include few units and days for a number of these newly recognized HCPCS codes, resulting in our concern that these data reflect claims from only a small number of hospitals, even though the drug or biological itself may be reported by many other hospitals under the most common HCPCS code. We are concerned about proposing different packaging determinations for multiple HCPCS codes for the same drug or biological driven by different costs associated with the varying dosages of the same drug or biological and a small number of claims for the less common dosages that are not representative of the costs of all hospitals billing for the drug or biological. This is especially true when the general policy of the current CMS HCPCS Workgroup is to establish a single HCPCS code for a drug or biological, with a dosage that would allow accurate reporting of a patient dose for all anticipated clinical uses of the drug or biological.

Based on these findings from our first available claims data for the newly recognized HCPCS codes, we believe that adopting our standard HCPCS code-specific packaging determinations for these codes could lead to payment incentives for hospitals to report certain HCPCS codes instead of others, particularly because we do not currently require hospitals to report all drug and biological HCPCS codes under the OPPS in consideration of our previous policy that generally recognized only the lowest dosage HCPCS code for a drug or biological for OPPS payment. Therefore, for CY 2010 we are proposing to make packaging determinations on a drug-specific basis, rather than a HCPCS code-specific basis, for those HCPCS codes that describe the same drug or biological but different dosages. To identify all HCPCS codes for drugs and biologicals to which this proposed policy would apply, we first included the drugs and biologicals with multiple HCPCS codes that we newly recognized for payment in CY 2008 and CY 2009. We then reviewed all of the remaining drug and biological HCPCS codes to identify other drugs and biologicals for which longstanding OPPS policy recognized for payment multiple HCPCS codes for different dosages of the same drug or biological, so that our CY 2010 proposal would apply to the packaging determinations for these drugs and biologicals and their associated HCPCS codes. All of the drug and biological HCPCS codes that we are proposing to be subject to this drug-specific packaging determination methodology are listed in Table 24 below.

In order to propose a packaging determination that is consistent across all HCPCS codes that describe different dosages of the same drug or biological, we aggregated both our CY 2008 claims data and our pricing information at ASP+4 percent across all of the HCPCS codes that describe each distinct drug or biological in order to determine the mean units per day of the drug or biological in terms of the HCPCS code with the lowest dosage descriptor. We then multiplied the weighted average ASP+4 percent payment amount across all dosage levels of a specific drug or biological by the estimated units per day for all HCPCS codes that describe each drug or biological from our claims data to determine the estimated per day cost of each drug or biological at less than or equal to $65 (whereupon all HCPCS codes for the same drug or biological would be packaged) or greater than $65 (whereupon all HCPCS codes for the same drug or biological would be separately payable). The proposed packaging status of each drug and biological HCPCS code to which this methodology would apply is displayed in Table 24.

TABLE 24—HCPCS CODES TO WHICH THE PROPOSED CY 2010 DRUG-SPECIFIC PACKAGING DETERMINATION METHODOLOGY APPLIES

CY 2009 HCPCS code	CY 2009 long descriptor	Proposed CY 2010 SI
J0530	Injection, penicillin g benzathine and penicillin g procaine, up to 600,000 units	N
J0540	Injection, penicillin g benzathine and penicillin g procaine, up to 1,200,000 units	N
J0550	Injection, penicillin g benzathine and penicillin g procaine, up to 2,400,000 units	N
J0560	Injection, penicillin g benzathine, up to 600,000 units	N
J0570	Injection, penicillin g benzathine, up to 1,200,000 units	N
J0580	Injection, penicillin g benzathine, up to 2,400,000 units	N

TABLE 24—HCPCS CODES TO WHICH THE PROPOSED CY 2010 DRUG-SPECIFIC PACKAGING DETERMINATION METHODOLOGY APPLIES—Continued

CY 2009 HCPCS code	CY 2009 long descriptor	Proposed CY 2010 SI
J1380	Injection, estradiol valerate, up to 10 mg	N
J0970	Injection, estradiol valerate, up to 40 mg	N
J1390	Injection, estradiol valerate, up to 20 mg	N
J1020	Injection, methylprednisolone acetate, 20 mg	N
J1030	Injection, methylprednisolone acetate, 40 mg	N
J1040	Injection, methylprednisolone acetate, 80 mg	N
J1070	Injection, testosterone cypionate, up to 100 mg	N
J1080	Injection, testosterone cypionate, 1 cc, 200 mg	N
J1440	Injection, filgrastim (g-csf), 300 mcg	K
J1441	Injection, filgrastim (g-csf), 480 mcg	K
J1460	Injection, gamma globulin, intramuscular, 1 cc	K
J1470	Injection, gamma globulin, intramuscular, 2 cc	K
J1480	Injection, gamma globulin, intramuscular, 3 cc	K
J1490	Injection, gamma globulin, intramuscular, 4 cc	K
J1500	Injection, gamma globulin, intramuscular, 5 cc	K
J1510	Injection, gamma globulin, intramuscular, 6 cc	K
J1520	Injection, gamma globulin, intramuscular, 7 cc	K
J1530	Injection, gamma globulin, intramuscular, 8 cc	K
J1540	Injection, gamma globulin, intramuscular, 9 cc	K
J1550	Injection, gamma globulin, intramuscular, 10 cc	K
J1560	Injection, gamma globulin, intramuscular, over 10 cc	K
J1642	Injection, heparin sodium, (heparin lock flush), per 10 units	N
J1644	Injection, heparin sodium, per 1000 units	N
J1850	Injection, kanamycin sulfate, up to 75 mg	N
J1840	Injection, kanamycin sulfate, up to 500 mg	N
J2270	Injection, morphine sulfate, up to 10 mg	N
J2271	Injection, morphine sulfate, 100mg	N
J2320	Injection, nandrolone decanoate, up to 50 mg	K
J2321	Injection, nandrolone decanoate, up to 100 mg	K
J2322	Injection, nandrolone decanoate, up to 200 mg	K
J2788	Injection, rho d immune globulin, human, minidose, 50 micrograms (250 i.u.)	K
J2790	Injection, rho d immune globulin, human, full dose, 300 micrograms (1500 i.u.)	K
J2920	Injection, methylprednisolone sodium succinate, up to 40 mg	N
J2930	Injection, methylprednisolone sodium succinate, up to 125 mg	N
J3120	Injection, testosterone enanthate, up to 100 mg	N
J3130	Injection, testosterone enanthate, up to 200 mg	N
J3471	Injection, hyaluronidase, ovine, preservative free, per 1 usp unit (up to 999 usp units)	N
J3472	Injection, hyaluronidase, ovine, preservative free, per 1000 usp units	N
J7050	Infusion, normal saline solution, 250 cc	N
J7040	Infusion, normal saline solution, sterile (500 ml=1 unit)	N
J7030	Infusion, normal saline solution, 1000 cc	N
J7515	Cyclosporine, oral, 25 mg	N
J7502	Cyclosporine, oral, 100 mg	N
J8520	Capecitabine, oral, 150 mg	K
J8521	Capecitabine, oral, 500 mg	K
J9060	Injection, cisplatin, powder or solution, per 10 mg	N
J9062	Cisplatin, 50 mg	N
J9070	Injection, cyclophosphamide, 100 mg	N
J9080	Cyclophosphamide, 200 mg	N
J9090	Cyclophosphamide, 500 mg	N
J9091	Injection, cyclophosphamide, 1.0 gram	N
J9092	Cyclophosphamide, 2.0 gram	N
J9093	Injection, cyclophosphamide, lyophilized, 100 mg	N
J9094	Cyclophosphamide, lyophilized, 200 mg	N
J9095	Cyclophosphamide, lyophilized, 500 mg	N
J9096	Injection, cyclophosphamide, lyophilized, 1.0 gram	N
J9097	Cyclophosphamide, lyophilized, 2.0 gram	N
J9100	Injection, cytarabine, 100 mg	N
J9110	Injection, cytarabine, 500 mg	N
J9130	Injection, dacarbazine, 100 mg	N
J9140	Injection, dacarbazine, 200 mg	N
J9250	Injection, methotrexate sodium, 5 mg	N
J9260	Methotrexate sodium, 50 mg	N
J9280	Injection, mitomycin, 5 mg	K
J9290	Mitomycin, 20 mg	K
J9291	Mitomycin, 40 mg	K
J9370	Injection, vincristine sulfate, 1 mg	N
J9375	Vincristine sulfate, 2 mg	N
J9380	Vincristine sulfate, 5 mg	N

TABLE 24—HCPCS CODES TO WHICH THE PROPOSED CY 2010 DRUG-SPECIFIC PACKAGING DETERMINATION METHODOLOGY APPLIES—Continued

CY 2009 HCPCS code	CY 2009 long descriptor	Proposed CY 2010 SI
Q0164	Prochlorperazine maleate, 5 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0165	Prochlorperazine maleate, 10 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0167	Dronabinol, 2.5 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0168	Dronabinol, 5 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0169	Promethazine hydrochloride, 12.5 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0170	Promethazine hydrochloride, 25 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0171	Chlorpromazine hydrochloride, 10 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0172	Chlorpromazine hydrochloride, 25 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0175	Perphenazine, 4 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0176	Perphenazine, 8 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0177	Hydroxyzine pamoate, 25 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N
Q0178	Hydroxyzine pamoate, 50 mg, oral, fda approved prescription anti-emetic, for use as a complete therapeutic substitute for an iv anti-emetic at the time of chemotherapy treatment, not to exceed a 48 hour dosage regimen.	N

d. Proposed Packaging of Payment for Diagnostic Radiopharmaceuticals, Contrast Agents, and Implantable Biologicals (''Policy-Packaged'' Drugs and Devices)

Prior to CY 2008, the methodology of calculating a product's estimated per day cost and comparing it to the annual OPPS drug packaging threshold was used to determine the packaging status of drugs, biologicals, and radiopharmaceuticals under the OPPS (except for our CY 2005 through 2009 exemption for 5–HT3 antiemetics). However, as established in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66766 through 66768), we began packaging payment for all diagnostic radiopharmaceuticals and contrast agents into the payment for the associated procedure, regardless of their per day costs. In addition, in CY 2009 we adopted a policy that packaged the payment for nonpass-through implantable biologicals into payment for the associated surgical procedure on the claim (73 FR 68633 through 68636). We refer to diagnostic radiopharmaceuticals and contrast agents collectively as ''policy-packaged'' drugs and to implantable biologicals as devices because we are proposing to treat implantable biologicals as devices for all OPPS payment purposes beginning in CY 2010.

According to our regulations at § 419.2(b), as a prospective payment system, the OPPS establishes a national payment rate that includes operating and capital-related costs that are directly related and integral to performing a procedure or furnishing a service on an outpatient basis including, but not limited to, implantable prosthetics, implantable durable medical equipment, and medical and surgical supplies. Packaging costs into a single aggregate payment for a service, encounter, or episode-of-care is a fundamental principle that distinguishes a prospective payment system from a fee schedule. In general, packaging the costs of items and services into the payment for the primary procedure or service with which they are associated encourages hospital efficiencies and also enables hospitals to manage their resources with maximum flexibility.

Prior to CY 2008, we noted that the proportion of drugs, biologicals, and radiopharmaceuticals that were separately paid under the OPPS had increased in recent years, a pattern that we also observed for procedural services under the OPPS. Our final CY 2008 policy that packaged payment for all nonpass-through diagnostic radiopharmaceuticals and contrast agents, regardless of their per day costs, contributed significantly to expanding the size of the OPPS payment bundles and is consistent with the principles of a prospective payment system.

We believe that packaging the payment for diagnostic radiopharmaceuticals and contrast agents into the payment for their associated procedures continues to be appropriate for CY 2010. As discussed in more detail the CY 2009 OPPS/ASC final rule with comment period (73 FR 68645 through 68649), we presented several reasons supporting our initial policy to package payment of diagnostic radiopharmaceuticals and contrast agents into their associated procedures on a claim. Specifically, we stated that we believed packaging was appropriate because: (1) The statutory requirement that we must pay separately for drugs

and biologicals for which the per day cost exceeds $50 under section 1833(t)(16)(B) of the Act has expired; (2) we believe that diagnostic radiopharmaceuticals and contrast agents function effectively as supplies that enable the provision of an independent service; and (3) section 1833(t)(14)(A)(iii) of the Act requires that payment for specified covered outpatient drugs (SCODs) be set prospectively based on a measure of average hospital acquisition cost. For these reasons, we continue to believe that our proposal to continue to treat diagnostic radiopharmaceuticals and contrast agents differently from other SCODs is appropriate for CY 2010. Therefore, we are proposing to continue packaging payment for all contrast agents and diagnostic radiopharmaceuticals, collectively referred to as ''policy-packaged'' drugs, regardless of their per day costs, for CY 2010.

For more information on how we are proposing to set CY 2010 payment rates for nuclear medicine procedures in which diagnostic radiopharmaceuticals are used and echocardiography services provided with and without contrast agents, we refer readers to sections II.A.2.d.(5) and (4), respectively, of this proposed rule.

In CY 2009 (73 FR 68634), we began packaging the payment for all nonpass-through implantable biologicals into payment for the associated surgical procedure. Because implantable biologicals may sometimes substitute for nonbiological devices, we noted that if we were to provide separate payment for implantable biologicals without pass-through status, we would potentially be providing duplicate device payment, both through the packaged nonbiological device cost already included in the surgical procedure's payment and separate biological payment. We concluded that we saw no basis for treating implantable biological and nonbiological devices without pass-through status differently for OPPS payment purposes because both are integral to and supportive of the separately paid surgical procedures in which either may be used. Therefore, in CY 2009, we adopted a final policy to package payment for all nonpass-through implantable biologicals that are surgically inserted or implanted (through a surgical incision or a natural orifice), like our longstanding policy that packages payment for all implantable nonbiological devices without pass-through status.

For CY 2010, we continue to believe that the policy to package payment for implantable devices that are integral to the performance of separately paid procedures should also apply to payment for all implantable biologicals without pass-through status, when those biologicals function as implantable devices. Therefore, we are proposing to continue to package payment for nonpass-through implantable biologicals that are surgically inserted or implanted (through a surgical incision or a natural orifice) into the body, referred to as devices, in CY 2010. In accordance with this proposal, two of the products with expiring pass-through status for CY 2010 are biologicals that are solely surgically implanted according to their FDA-approved indications. These products are described by HCPCS codes C9354 (Acellular pericardial tissue matrix of non-human origin (Veritas), per square centimeter) and C9355 (Collagen nerve cuff (NeuroMatrix), per 0.5 centimeter length). Like the three implantable biologicals with expiring pass-through status in CY 2009 that were discussed in the CY2009 OPPS/ASC final rule with comment period (73 FR 68633 through 68634), we believe that the two biologicals specified above with expiring pass-through status for CY 2010 differ from other biologicals paid under the OPPS in that they specifically function as surgically implanted devices. As a result of the proposed CY 2010 packaged payment methodology for all nonpass-through implantable biologicals, we are proposing to package payment for HCPCS codes C9354 and C9355 and assign them status indicator ''N'' for CY 2010. In addition, any new biologicals without pass-through status that are surgically inserted or implanted (through a surgical incision or a natural orifice) would be packaged in CY 2010. Moreover, for nonpass-through biologicals that may sometimes be used as implantable devices, we would continue to instruct hospitals to not bill separately for the HCPCS codes for the products when used as implantable devices. This reporting would ensure that the costs of these products that may be, but are not always, used as implanted biologicals are appropriately packaged into payment for the associated implantation procedures.

3. Proposed Payment for Drugs and Biologicals Without Pass-Through Status That Are Not Packaged

a. Proposed Payment for Specified Covered Outpatient Drugs (SCODs) and Other Separately Payable and Packaged Drugs and Biologicals

Section 1833(t)(14) of the Act defines certain separately payable radiopharmaceuticals, drugs, and biologicals and mandates specific payments for these items. Under section 1833(t)(14)(B)(i) of the Act, a ''specified covered outpatient drug'' is a covered outpatient drug, as defined in section 1927(k)(2) of the Act, for which a separate APC has been established and that either is a radiopharmaceutical agent or is a drug or biological for which payment was made on a pass-through basis on or before December 31, 2002.

Under section 1833(t)(14)(B)(ii) of the Act, certain drugs and biologicals are designated as exceptions and are not included in the definition of ''specified covered outpatient drugs,'' known as SCODs. These exceptions are—

- A drug or biological for which payment is first made on or after January 1, 2003, under the transitional pass-through payment provision in section 1833(t)(6) of the Act.
- A drug or biological for which a temporary HCPCS code has not been assigned.
- During CYs 2004 and 2005, an orphan drug (as designated by the Secretary).

Section 1833(t)(14)(A)(iii) of the Act requires that payment for SCODs in CY 2006 and subsequent years be equal to the average acquisition cost for the drug for that year as determined by the Secretary, subject to any adjustment for overhead costs and taking into account the hospital acquisition cost survey data collected by the Government Accountability Office (GAO) in CYs 2004 and 2005. If hospital acquisition cost data are not available, the law requires that payment be equal to payment rates established under the methodology described in section 1842(o), section 1847A, or section 1847B of the Act, as calculated and adjusted by the Secretary as necessary.

Section 1833(t)(14)(E) of the Act provides for an adjustment in OPPS payment rates for overhead and related expenses, such as pharmacy services and handling costs. Section 1833(t)(14)(E)(i) of the Act required MedPAC to study pharmacy overhead and to make recommendations to the Secretary regarding whether, and if so how, a payment adjustment should be made to compensate hospitals for them. Section 1833(t)(14)(E)(ii) of the Act authorizes the Secretary to adjust the weights for ambulatory procedure classifications for SCODs to take into account the findings of the MedPAC study.

In the CY 2006 OPPS proposed rule (70 FR 42728), we discussed the June 2005 report by MedPAC regarding pharmacy overhead costs in HOPDs and summarized the findings of that study:

• Handling costs for drugs, biologicals, and radiopharmaceuticals administered in the HOPD are not insignificant;

• Little information is available about the magnitude of pharmacy overhead costs;

• Hospitals set charges for drugs, biologicals, and radiopharmaceuticals at levels that reflect their respective handling costs; and

• Hospitals vary considerably in their likelihood of providing services which utilize drugs, biologicals, or radiopharmaceuticals with different handling costs.

As a result of these findings, MedPAC developed seven drug categories for pharmacy and nuclear medicine handling costs based on the estimated level of hospital resources used to prepare the products (70 FR 42729). Associated with these categories were two recommendations for accurate payment of pharmacy overhead under the OPPS.

1. CMS should establish separate, budget neutral payments to cover the costs hospitals incur for handling separately payable drugs, biologicals, and radiopharmaceuticals.

2. CMS should define a set of handling fee APCs that group drugs, biologicals, and radiopharmaceuticals based on attributes of the products that affect handling costs; CMS should instruct hospitals to submit charges for these APCs and base payment rates for the handling fee APCs on submitted charges reduced to costs.

In response to the MedPAC findings, in the CY 2006 OPPS proposed rule (70 FR 42729), we discussed our belief that, because of the varied handling resources required to prepare different forms of drugs, it would be impossible to exclusively and appropriately assign a drug to a certain overhead category that would apply to all hospital outpatient uses of the drug. Therefore, our CY 2006 OPPS proposal included a proposal to establish three distinct Level II HCPCS C-codes and three corresponding APCs for drug handling categories to differentiate overhead costs for drugs and biologicals (70 FR 42730). We also proposed: (1) To combine several overhead categories recommended by MedPAC; (2) to establish three drug handling categories, as we believed that larger groups would minimize the number of drugs that may fit into more than one category and would lessen any undesirable payment policy incentives to utilize particular forms of drugs or specific preparation methods; (3) to collect hospital charges for these C-codes for 2 years; and (4) to ultimately base payment for the corresponding drug handling APCs on CY 2006 claims data available for the CY 2008 OPPS.

In the CY 2006 OPPS final rule with comment period (70 FR 68659 through 68665), we discussed the public comments we received on our proposal regarding pharmacy overhead. The overwhelming majority of commenters did not support our proposal and urged us not to finalize this policy, as it would be administratively burdensome for hospitals to establish charges for HCPCS codes for pharmacy overhead and to report them. Therefore, we did not finalize this proposal for CY 2006. Instead, we established payment for separately payable drugs and biologicals at ASP+6 percent, which we calculated by comparing the estimated aggregate cost of separately payable drugs and biologicals in our claims data to the estimated aggregate ASP dollars for separately payable drugs and biologicals, using the ASP as a proxy for average acquisition cost (70 FR 68642). Hereinafter, we refer to this methodology as our standard drug payment methodology. We concluded that payment for drugs and biologicals and pharmacy overhead at a combined ASP+6 percent rate would serve as the best proxy for the combined acquisition and overhead costs of each of these products.

In the CY 2007 OPPS/ASC final rule with comment period (71 FR 68091), we finalized our proposed policy to provide a single payment of ASP+6 percent for the hospital's acquisition cost for the drug or biological and all associated pharmacy overhead and handling costs. The ASP+6 percent rate that we finalized was higher than the equivalent average ASP-based amount calculated from claims of ASP+4 percent according to our standard drug payment methodology, but we adopted payment at ASP+6 percent for stability while we continued to examine the issue of the costs of pharmacy overhead in the HOPD.

In the CY 2008 OPPS/ASC proposed rule (72 FR 42735), in response to ongoing discussions with interested parties, we proposed to continue our methodology of providing a combined payment rate for drug and biological acquisition and pharmacy overhead costs. We also proposed to instruct hospitals to remove the pharmacy overhead charge for both packaged and separately payable drugs and biologicals from the charge for the drug or biological and report the pharmacy overhead charge on an uncoded revenue code line on the claim. We believed that this would provide us with an avenue for collecting pharmacy handling cost data specific to drugs in order to package the overhead costs of these items into the associated procedures, most likely drug administration services. Similar to the public response to our CY 2006 pharmacy overhead proposal, the overwhelming majority of commenters did not support our CY 2008 proposal and urged us to not finalize this policy (72 FR 66761). At its September 2007 meeting, the APC Panel recommended that hospitals not be required to separately report charges for pharmacy overhead and handling and that payment for overhead be included as part of drug payment. The APC Panel also recommended that CMS continue to evaluate alternative methods to standardize the capture of pharmacy overhead costs in a manner that is simple to implement at the organizational level (72 FR 66761). Because of concerns expressed by the APC Panel and public commenters, we did not finalize the proposal to instruct hospitals to separately report pharmacy overhead charges for CY 2008. Instead, in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66763), we finalized a policy of providing payment for separately payable drugs and biologicals and their pharmacy overhead at ASP+5 percent as a transition from their CY 2007 payment of ASP+6 percent to payment based on the equivalent average ASP-based payment rate calculated from hospital claims according to our standard drug payment methodology, which was ASP+3 percent for the CY 2008 OPPS/ASC final rule with comment period. Hospitals continued to include charges for pharmacy overhead costs in the line-item charges for the associated drugs reported on claims.

For CY 2009, we proposed to pay separately payable drugs and biologicals at ASP+4 percent, including both SCODs and other drugs without CY 2009 OPPS pass-through status, based on our standard drug payment methodology, and we also proposed to split the Drugs Charged to Patients cost center into two cost centers: One for drugs with high pharmacy overhead costs and one for drugs with low pharmacy overhead costs (73 FR 41492). We noted that we expected that CCRs from the proposed new cost centers would be available in 2 to 3 years to refine OPPS drug cost estimates by accounting for differential hospital markup practices for drugs with high and low overhead costs. After consideration of the public comments received and the APC Panel recommendations, we finalized a CY 2009 policy (73 FR 68659) to provide payment for separately payable

nonpass-through drugs and biologicals based on costs calculated from hospital claims at a 1-year transitional rate of ASP+4 percent, in the context of an equivalent average ASP-based payment rate of ASP+2 percent calculated according to our standard drug payment methodology from the final rule claims and cost report data. We did not finalize our proposal to split the single standard Drugs Charged to Patients cost center into two cost centers largely due to concerns raised to us by hospitals about the associated administrative burden. Instead, we indicated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68659) that we would continue to explore other potential approaches to improve our drug cost estimation methodology, thereby increasing payment accuracy for separately payable drugs and biologicals.

In response to the CMS proposals for the CY 2008 and CY 2009 OPPS, a group of pharmacy stakeholders (hereinafter referred to as the pharmacy stakeholders), including some cancer hospitals, some pharmaceutical manufacturers, and some hospital and professional associations, commented that CMS should pay an acquisition cost of ASP+6 percent for separately payable drugs, should substitute ASP+6 percent for the packaged cost of all packaged drugs and biologicals on procedure claims, and should redistribute the difference between the aggregate estimated packaged drug cost in claims and payment for all drugs, including packaged drugs at ASP+6 percent, as separate pharmacy overhead payments for separately payable drugs. They indicated that this approach would preserve the aggregate drug cost observed in the claims data, while significantly increasing payment accuracy for individual drugs and procedures using packaged drugs. Their suggested approach would provide a separate overhead payment for each separately payable drug or biological at one of three different levels, depending on the pharmacy stakeholders' assessment of the complexity of pharmacy handling associated with each specific drug or biological (73 FR 68651 through 68652). Each separately payable drug or biological HCPCS code would be assigned to one of the three overhead categories, and the separate pharmacy overhead payment applicable to the category would be made when each of the separately payable drugs or biologicals was paid.

At the February 2009 meeting, the APC Panel recommended that CMS pay for the acquisition cost of all separately payable drugs at no less than ASP+6 percent. The APC Panel also recommended that CMS package payment at ASP+6 percent on claims for all drugs that are not separately payable and use the difference between these rates and CMS' cost derived from charges to create a pool to provide more appropriate payment for pharmacy service costs and that CMS pay for pharmacy services costs using this pool, applying a tiered approach to payments based on some objective criteria related to the pharmacy resources required for groups of drugs. The APC Panel further recommended that, if CMS does not implement the drug payment recommendations specified above, CMS should exclude data from hospitals that participate in the 340B Federal drug pricing program from its ratesetting calculations for drugs and CMS should pay 340B hospitals in the same manner as it pays non-340B hospitals. Hospitals that participate in the 340B program are generally hospitals that serve a disproportionate share of low-income patients and receive disproportionate share payments under the IPPS. These facilities may acquire outpatient drugs and biologicals at prices that are substantially below ASP because the 340B program requires drug manufacturers to provide outpatient drugs to eligible entities at a reduced price and these reduced price sales are not included in the ASP submissions of manufacturers to Medicare. Public presenters at the February 2009 APC Panel meeting emphasized that the purpose of the 340B Federal drug pricing program is to ensure access to drugs for low-income patients by supplementing the higher cost of providing care to low-income patients born by hospitals serving a disproportionate share of these patients. The agenda, recommendations, and report from the February 2009 APC Panel meeting are posted on the CMS Web site at: *http://www.cms.hhs.gov/FACA.* We respond to these APC Panel recommendations in our discussion of the proposed CY 2010 policy that follows.

b. Proposed Payment Policy

Section 1833(t)(14)(A)(iii) of the Act, as described above, continues to be applicable to determining payments for SCODs for CY 2010. This provision requires that payment for SCODs be equal to the average acquisition cost for the drug for that year as determined by the Secretary, subject to any adjustment for overhead costs and taking into account the hospital acquisition cost survey data collected by the GAO in CYs 2004 and 2005. If hospital acquisition cost data are not available, the law requires that payment be equal to payment rates established under the methodology described in section 1842(o), section 1847A, or section 1847B of the Act, as calculated and adjusted by the Secretary as necessary. In addition, section 1833(t)(14)(E)(ii) of the Act authorizes the Secretary to adjust APC weights to take into account the 2005 MedPAC report relating to overhead and related expenses, such as pharmacy services and handling costs. Since CY 2006, when we first adopted our standard methodology of paying for separately payable drugs and biologicals based on the equivalent average ASP-based payment rate calculated from claims and cost report data, we have applied this methodology to payment for all separately payable drugs and biologicals without pass-through status, both SCODs and other drugs and biologicals that do not meet the statutory definition of SCODs. We have seen no reason to distinguish SCODs from these other separately payable drugs and biologicals, and under our standard drug payment methodology, we have used the costs from hospital claims data as a proxy for the average hospital acquisition cost that the statute requires for payment of SCODs and to provide payment for the associated pharmacy overhead cost.

We are proposing that, for CY 2010, we would make payment for separately payable drugs and biologicals not receiving pass-through payment at ASP+4 percent, which would continue to include payment for both the acquisition costs of separately payable drugs and biologicals and the pharmacy overhead costs applicable to these separately payable drugs and biologicals. Based on the rationale described below, we believe that approximately $150 million of the estimated $395 million total in pharmacy overhead cost, specifically between one-third and one-half of that cost, included in our claims data for packaged drugs and biologicals above the aggregate ASP dollars of these packaged products should be attributed to separately payable drugs and biologicals to provide an adjustment for the pharmacy overhead costs of these separately payable products. As a result, we also are proposing to reduce the cost of packaged drugs and biologicals that is included in the payment for procedural APCs to offset the $150 million adjustment to payment for separately payable drugs and biologicals. We are proposing that any redistribution of pharmacy overhead cost that may arise from CY 2010 final rule data would occur only from some drugs and

biologicals to other drugs and biologicals, thereby maintaining the estimated total cost of drugs and biologicals (no redistribution of cost would occur from other services to drugs and biologicals or vice versa) that we calculate based on the charges and costs reported by hospitals on claims and cost reports.

Using our CY 2010 proposed rule data, and applying our longstanding methodology for calculating the total cost of separately payable drugs and biologicals in our claims compared to the ASP dollars for the same drugs and biologicals, without applying the proposed overhead cost redistribution, we determined that the estimated aggregate cost of separately payable drugs and biologicals (status indicators ''K'' and ''G''), including acquisition and pharmacy overhead costs, is equivalent to ASP–2 percent. Therefore, under our standard drug payment methodology, we would pay for separately payable drugs and biologicals at ASP − 2 percent for CY 2010, their equivalent average ASP-based payment rate. We also determined that the estimated aggregate cost of packaged drugs and biologicals (status indicator ''N''), including acquisition and pharmacy overhead costs, is equivalent to ASP+247 percent. We found that the estimated aggregate cost for all drugs and biologicals (status indicators ''N,'' ''K,'' and ''G''), including acquisition and pharmacy overhead costs, is equivalent to ASP+13 percent. For a detailed explanation of our standard process for these calculations, we refer readers to the CY 2006 OPPS proposed rule (70 FR 42725). Table 25 summarizes these findings.

TABLE 25—STANDARD DRUG PAYMENT METHODOLOGY USING CY 2010 OPPS PROPOSED RULE DATA: ASP+X CALCULATION

	Total ASP dollars for drugs and biologicals in claims data (in millions) *	Total cost of drugs and biologicals in claims data (in millions) **	Ratio of cost to ASP	ASP+X percent
Packaged Drugs and Biologicals	$160	$555	3.47	ASP+247
Separately Payable Drugs and Biologicals	2,589	2,539	0.98	ASP–2
All Drugs and Biologicals	2,749	3,094	1.13	ASP+13

* Total April 2009 ASP dollars (ASP multiplied by drug or biological units in CY 2008 claims) for drugs and biologicals with a HCPCS code and ASP information.

** Total cost in the CY 2008 claims data for drugs and biologicals with a HCPCS code and April 2009 ASP information.

We recognize that there may be concern over whether the actual full cost (acquisition and pharmacy overhead) of separately payable drugs and biologicals could be 2 percent less than ASP for these products, although we do not have ASP information specifically for their sales to hospitals. Similarly, we acknowledge that a full cost (acquisition and pharmacy overhead) of ASP+247 percent for packaged drugs may seem relatively high. When we subtract the total ASP dollars for packaged drugs and biologicals in the CY 2008 claims data ($160 million), our proxy for their acquisition cost, from the total cost of packaged drugs and biologicals in the same claims ($555 million), we find that the difference, which we view as the pharmacy overhead cost currently attributed to packaged drugs and biologicals is $395 million. While we currently have no way of assessing whether this current distribution of overhead cost to packaged drugs and biologicals is appropriate, we acknowledge that the current method of converting billed charges to costs has the potential to ''compress'' the calculated costs to some degree. Further, we recognize that the attribution of pharmacy overhead costs to packaged or separately payable drugs and biologicals through our standard drug payment methodology of a combined payment for acquisition and pharmacy overhead costs depends, in part, on the treatment of all drugs and biologicals each year under our annual drug packaging threshold. Changes to the packaging threshold may result in changes to payment for the overhead cost of drugs and biologicals that do not reflect actual changes in hospital pharmacy overhead cost for those products. For these reasons, we believe that some portion, but not all, of the $395 million in total overhead cost that is associated with packaged drugs and biologicals based on our standard drug payment methodology should, at least for CY 2010, be attributed to separately payable drugs and biologicals. Although we believe that for CY 2010 it would be prudent to redistribute some pharmacy overhead cost between packaged drugs and biologicals at ASP+247 percent and separately payable drugs at ASP − 2 percent that would result from our standard drug payment methodology, the amount of overhead cost redistribution that would be appropriate between the packaged and separately payable drugs and biologicals in a payment system that is fundamentally based on averages is not fully evident. Pharmacy overhead cost includes, but is not limited to, some costs of indirect overhead that are shared by all hospital items and services, such as administrative and general costs, capital costs, staff benefits, and other facility costs. With regard to these indirect overhead costs, the amount of indirect overhead cost that is attributable to an inexpensive (typically packaged) drug is the same in dollar value as the amount of indirect overhead cost that is attributable to an extremely costly drug (typically separately payable). Hence, the indirect overhead costs that are common to all drugs and biologicals have no relationship to the cost of an individual drug or biological, or to the complexity of the handling, preparation, or storage of that individual drug or biological. Therefore, we believe that the indirect overhead cost alone for an inexpensive drug or biological could be far in excess of the ASP for that inexpensive product.

Layered on these indirect overhead costs are the pharmacy overhead direct costs of staff, supplies, and equipment that are directly attributable only to the storage, handling, preparation, and distribution of drugs and biologicals and which do vary, sometimes considerably, depending upon the drug being furnished. As we indicate above, in its June 2005 Report to Congress, MedPAC found that drugs can be categorized into seven different categories based on the handling costs (that is, the direct costs) incurred (70 FR 42729). Similarly, the pharmacy stakeholders, whose suggested approach the APC Panel

recommended that we accept for CY 2010, identified three categories of pharmacy overhead complexity with variable costs, to which they assigned individual drugs and biologicals for purposes of implementing their recommended redistribution of the difference between aggregate dollars for all drugs and biologicals at ASP+6 percent and aggregate cost for all drugs and biologicals in the claims data as additional pharmacy overhead payments.

We acknowledge that the observed combined payment for acquisition and pharmacy overhead costs of ASP − 2 percent for separately payable drugs and biologicals may be too low and ASP+247 percent for packaged drugs and biologicals in the CY 2010 claims data may be too high. However, we also believe that the pharmacy stakeholders' recommendation to set packaged drug and biologicals dollars to ASP+6 percent is inappropriate given our understanding that an equal allocation of indirect overhead costs among packaged and separately payable drugs and biologicals would lead to a higher observed ASP+X percent than ASP+6 percent for packaged drugs and biologicals. As discussed above, the indirect overhead costs that are common to all drugs and biologicals have no relationship to the cost of an individual drug or biological, or to the complexity of the handling, preparation, or storage of that individual drug or biological. Therefore, we believe that the indirect overhead cost alone for an inexpensive drug or biological which would be packaged could be far in excess of the ASP for that inexpensive product. In contrast, we would expect that the indirect overhead cost alone for an expensive drug or biological which would be separately paid could be far less than the ASP for that expensive product.

Therefore, we believe that some middle ground would represent the most accurate redistribution of pharmacy overhead cost. The assumption that approximately one-third to one-half of the total pharmacy overhead cost currently associated with packaged drugs and biologicals is a function of both charge compression and our choice of an annual drug packaging threshold offers a more appropriate allocation of drug and biological cost to separately payable drugs and biologicals. One-third of the $395 million of pharmacy overhead cost associated with packaged drugs and biologicals is $132 million, whereas one-half is $198 million. Within the one-third to one-half parameters, we are proposing that reallocating $150 million in drug and biological cost observed in the claims data from packaged drugs and biologicals to separately payable drugs and biologicals for CY 2010 would more appropriately distribute pharmacy overhead cost among packaged and separately payable drugs and biologicals than either of the two other options, that is, paying for separately payable drugs and biologicals at ASP − 2 percent according to our standard drug payment methodology or adopting the pharmacy stakeholders' recommendation. If we attribute $150 million in additional cost to the payment for the drugs and biologicals we are proposing to pay separately for the CY 2010 OPPS, we calculate a payment rate for separately payable drugs and biologicals of ASP+4 percent as displayed in Table 26. Thus, we are proposing a pharmacy overhead adjustment for separately payable drugs and biologicals in CY 2010 that would result in their payment at ASP+4 percent. We would accomplish this adjustment by redistributing one-third to one-half of the pharmacy overhead cost of packaged drugs and biologicals ($150 million), which represents a reduction in the packaged drug and biological cost in the CY 2010 claims data of 27 percent.

TABLE 26—PROPOSED CY 2010 PHARMACY OVERHEAD ADJUSTMENT PAYMENT METHODOLOGY FOR SEPARATELY PAYABLE AND PACKAGED DRUGS AND BIOLOGICALS

	Total ASP dollars for drugs and biologicals in claims data (in millions) *	Total cost of drugs and biologicals in claims data *after adjustment* (in millions) **	Ratio of cost to ASP (column C/ column B)	ASP+X percent
Packaged Drugs and Biologicals	$160	$405	2.53	ASP+153
Separately Payable Drugs and Biologicals	2,589	2,689	1.04	ASP+4
All Drugs and Biologicals	2,749	3,094	1.13	ASP+13

* Total April 2009 ASP dollars (ASP multiplied by drug or biological units in CY 2008 claims) for drugs and biologicals with a HCPCS code and ASP information.

** Total cost in the CY 2008 claims data for drugs and biologicals with a HCPCS code and April 2009 ASP information.

We note that we are not proposing to redistribute pharmacy overhead cost from packaged to separately payable drugs and biologicals utilizing a methodology that would provide a separate pharmacy overhead payment for each separately payable drug and biological based on its pharmacy complexity. The OPPS is a prospective payment system that provides payment for groups of services and we believe that it is important, at a minimum, to maintain the current size of the OPPS payment bundles, in order to encourage efficiency in the hospital outpatient setting. As we stated in the CY2008 OPPS/ASC final rule with comment period (72 FR 66613), we believe it is important that the OPPS create incentives for hospitals to provide only necessary, high quality care and to provide that care as efficiently as possible. We have considered in recent years how we could increase packaging under the OPPS in a manner that would create incentives for efficiency while providing hospitals with flexibility to provide care in the most appropriate way for each Medicare beneficiary. Hospitals have repeatedly explained that they consider the acquisition and pharmacy overhead costs of drugs in setting their charges for drugs, and we have continued to provide a single payment for the acquisition and pharmacy overhead costs of separately payable drugs and biologicals under the OPPS consistent with this hospital charging practice. While we have worked to develop, and are now proposing, a refined payment methodology for drugs and biologicals for the CY 2010 OPPS that we believe would pay more accurately for the pharmacy overhead cost of packaged

and separately payable drugs and biologicals, we do not believe it would be appropriate to unbundle the current single combined payment for the acquisition and overhead costs of a separately payable drug into two distinct payments, a drug payment and a pharmacy overhead payment. Furthermore, we note that section 1833(t)(14)(E)(ii) of the Act specifically authorizes the Secretary to adjust the APC payment weights for SCODs to take into account the recommendations of MedPAC on pharmacy overhead costs. We believe our proposed CY 2010 approach that would adjust the APC payment for separately payable drugs and biologicals to more accurately pay for their associated pharmacy overhead cost, rather than provide a separate payment for a drug's pharmacy overhead cost each time the product is separately paid, is consistent with this statutory provision. Therefore, we are proposing to continue to make a single bundled payment for the acquisition and pharmacy overhead costs of separately payable drugs and biologicals under the CY 2010 OPPS, an approach we believe both continues to encourage hospital efficiencies in the provision of drugs and biologicals to Medicare beneficiaries in the hospital outpatient setting and improves payment accuracy for the acquisition and pharmacy overhead costs of drugs and biologicals.

To confirm the portion of the $395 million in estimated pharmacy overhead cost currently associated with packaged drugs and biologicals that should be attributable to separately payable drugs and biologicals, we used information from a variety of sources in order to corroborate the appropriateness of our proposal to redistribute between one-third and one-half of the difference ($150 million) between the aggregate claims cost for packaged drugs and biologicals and ASP dollars for the same drugs and biologicals to separately payable drugs and biologicals. In order to improve the accuracy of payment for separately payable drugs and biologicals, we would incorporate an adjustment for pharmacy overhead and pay for these drugs and biologicals at ASP+4 percent. We would also improve the accuracy of payment for procedures using packaged drugs and biologicals by reducing the packaged drug and biological cost by 27 percent. We used our claims data, the April 2009 ASP information, and information provided by MedPAC and the pharmacy stakeholders to estimate an appropriate portion of the pharmacy overhead cost currently associated with packaged drugs and biologicals that may be attributed to the pharmacy overhead cost of separately payable drugs and biologicals. We conducted two separate analyses described below which confirm that our proposal to redistribute $150 million in pharmacy overhead cost currently associated with the cost of packaged drugs and biologicals is appropriate.

We began this exercise with three fundamental assumptions. The first assumption is that the hospital acquisition cost of separately payable drugs and biologicals, on average, is not less than 100 percent of ASP. We believe that this assumption is valid because we have been told that hospitals pay a range of prices for the same drug or biological. Some hospitals may be able to take advantage of volume and group purchasing to achieve significant discounts for certain drugs and biologicals, but other hospitals may pay more than average for drugs and biologicals because of their low volume usage or a hospital's remote geographic location. Further, hospitals often serve as community care resources so they must provide drugs and biologicals to meet the needs of all of the patients who present to their facilities for care. The amounts and nature of those drugs and biologicals may vary significantly and unpredictably over time, particularly for smaller hospitals, due to changing availability of other care settings in their communities, such as physicians' offices, or emergencies, and this variability may constrain hospitals' ability to purchase all necessary quantities of certain drugs and biologicals based on best price contractual agreements negotiated in advance. Hence, we believe that the ASP is likely a fair estimate of hospitals' average acquisition cost of drugs and biologicals in general, excluding direct and indirect overhead costs.

The second assumption is that packaged drugs and biologicals, as a group, typically have an aggregate absolute pharmacy overhead cost (direct and indirect) that exceeds the acquisition cost of the packaged drugs and biologicals. We believe that this assumption is appropriate because packaged drugs and biologicals carry the same absolute amount of indirect overhead cost per drug or biological administered as separately payable drugs and biologicals and because many packaged drugs and biologicals have extremely low ASPs but some of the same direct costs (for example, recordkeeping, storage, safety precautions, and disposal requirements) as separately payable drugs and biologicals. Our claims data show that the weighted average ASP for the drugs and biologicals we are proposing to package for CY 2010 is approximately $7 per day per packaged drug or biological, and we believe that it is a reasonable assumption that the full pharmacy overhead cost for a drug or biological (direct and indirect) equals or exceeds that amount.

Our final assumption is that, on average, the pharmacy overhead cost of separately payable drugs and biologicals, as a group, is not greater than the acquisition cost of the separately payable drugs and biologicals. We believe that this assumption is appropriate because separately payable drugs and biologicals carry the same absolute amount of indirect pharmacy overhead cost per drug or biological administered as packaged drugs and biologicals. While we have been told by MedPAC and the pharmacy stakeholders that separately payable drugs and biologicals generally have direct pharmacy overhead costs that are significantly higher than the direct overhead costs of packaged drugs and biologicals, we do not believe that they exceed the acquisition cost of separately payable drugs and biologicals. The weighted average ASP for the drugs and biologicals we are proposing for separate payment for CY 2010 is approximately $954 per day per separately payable drug or biological. We do not believe that the full pharmacy overhead cost for a separately payable drug or biological would, on average, exceed $954 per day for a single drug or biological. Hence, we believe these last two assumptions about the relationship of ASP to full pharmacy overhead cost (direct and indirect) for packaged and separately payable drugs and biologicals are appropriate for purposes of these analyses.

Having made these assumptions, we reduced the $395 million in estimated pharmacy overhead cost that exceeds the ASP dollars for packaged drugs and biologicals (their average acquisition cost) by $50 million. Fifty million dollars in additional cost would be necessary to raise the estimated cost calculated for separately payable drugs and biologicals from hospital claims data from 98 percent of ASP to 100 percent of ASP, in order to reach our estimate of the average hospital acquisition cost of separately payable drugs and biologicals of ASP. This left $345 million in estimated residual pharmacy overhead cost that continued to be associated with packaged drugs and biologicals. We believe that a portion of this cost has been associated with packaged drugs and biologicals in our claims data, both due to charge

compression and our choice of an annual drug packaging threshold, and would continue to be less accurately associated with packaged drugs and biologicals were we not to engage in further redistribution of that portion of this residual pharmacy overhead cost of packaged drugs and biologicals.

We then performed two analyses using information provided by the MedPAC Report (June 2005 Report to Congress) and by the pharmacy stakeholders (February 2009 presentation to the APC Panel and other meetings with CMS) that we applied to our claims data to estimate the amount of residual pharmacy overhead cost associated with packaged drugs and biologicals that should more accurately be attributed to separately payable drugs and biologicals. To perform these analyses, we used claims data only for those drugs and biologicals described by HCPCS codes that met the following criteria:

- The proposed CY 2010 OPPS status indicator for the HCPCS code was ''G'' for pass-through drugs and biologicals (excluding pass-through radiopharmaceuticals), ''K'' for separately payable drugs and biologicals that do not have pass-through status, or ''N'' for packaged drugs and biologicals, where the packaging status of these nonpass-through drugs and biologicals was determined by an estimate of cost per day based on ASP+4 percent;
- April 2009 pricing information based on the ASP methodology (other than mean cost from claims data) was available for the HCPCS code, and we would use the ASP methodology to pay for the HCPCS code if it had a status indicator of ''K'' or ''G''; and
- CY 2008 OPPS claims data included claims for the HCPCS code or an equivalent predecessor code.

We first converted six of the seven categories that MedPAC recommended be created for reporting pharmacy overhead costs to three CMS categories (low, medium, and high), as we had proposed for the CY 2006 OPPS (70 FR 42729 through 42730); the seventh MedPAC category was not pertinent for this exercise because it is for the overhead cost attributable to radiopharmaceuticals. The CMS categories are defined as: Low (Orals); medium (Injection/Sterile Preparation; Single IV Solution/Sterile Preparation; Compounded Reconstituted IV Preparations); and high (Specialty IV or Agents requiring special handling in order to preserve their therapeutic value; Cytotoxic Agents in all formulations requiring personal protective equipment). We then derived a relative overhead weight for each of the three CMS categories by averaging the overhead weights for the six pertinent MedPAC categories. These averages were not weighted. The derived relative overhead weights for the CMS categories are as follows: Low = 1.00 (corresponding to MedPAC Category 1); medium = 3.61 (corresponding to MedPAC Categories 1, 2, and 3); and high = 11.11 (corresponding to MedPAC categories 5 and 6).

We also calculated a relative overhead weight for each of the three categories of pharmacy overhead complexity that were provided by the pharmacy stakeholders, using the different fixed dollar amounts that these stakeholders recommended that CMS pay for pharmacy overhead costs if we were to make such payments for ''all drugs'' (packaged and separately payable). The pharmacy stakeholders' categories are defined as: Low (Dispense without manipulation: *e.g.*, oral drugs, pre-filled syringes); medium (Injectable drug with one step manipulation: *e.g.*, simple injections); and high (Multiple step injectable products and chemotherapy that require safety considerations). The pharmacy stakeholders' relative overhead weights are as follows: Low = 1; medium = 2.67; and high = 5.50.

Using the pharmacy stakeholders' overhead categories (low, medium, and high) and incorporating the pharmacy stakeholders' assignments of specific drugs and biologicals to levels of pharmacy complexity that they previously provided to CMS, we then assigned the remaining HCPCS codes for drugs and biologicals (approximately 50 percent of all drug and biological HCPCS codes qualifying for this exercise) based on our understanding of the characteristics of the categories. Similarly, we assigned all drug and biological HCPCS codes to the CMS categories created from the MedPAC groups for the derived relative overhead weights based on the definitions of those categories. Although the subsequent analytic processes were identical, we performed these analyses separately using the derived CMS overhead category weights (results are in Table 27) and using the pharmacy stakeholders' overhead category weights (results are in Table 28).

Specifically, we assigned the overhead weights to each drug and biological in the set of drugs and biologicals qualifying for this exercise. We then calculated a per unit overhead cost by dividing the total relative weight for all drugs and biologicals in this exercise (low, medium, and high) into the residual pharmacy overhead cost from packaged drugs and biologicals of $345 million. Using the relative weights for each scenario, we estimated the exact per unit pharmacy overhead cost reallocation for each low, medium, and high pharmacy overhead category. We then added this payment amount to ASP for each drug and biological and reassessed the amount of total claims cost for separately payable and packaged drugs and biologicals and calculated our standard ratio of aggregate claims cost to aggregate ASP dollars for separately payable and packaged drugs and biologicals. The results of these analyses are shown in Tables 27 and 28 below.

TABLE 27—ESTIMATED REDISTRIBUTION OF PHARMACY OVERHEAD COSTS USING RELATIVE WEIGHTS DERIVED FROM MEDPAC PHARMACY OVERHEAD CATEGORIES AND CY 2010 OPPS PROPOSED RULE DATA

	Total ASP dollars for drugs and biologicals in claims data (in millions) *	Total cost of drugs and biologicals in claims data *after adjustment* (in millions) **	Ratio of cost to ASP (column C/ column B)	ASP+X percent
Packaged Drugs and Biologicals	$160	$390	2.44	ASP+144
Separately Payable Drugs and Biologicals	2,589	2,704	1.04	ASP+4
All Drugs	2,749	3,094	1.13	ASP+13

* Total April 2009 ASP dollars (ASP multiplied by drug or biological units in CY 2008 claims) for drugs and biologicals with a HCPCS code and ASP information.

** Total cost in the CY 2008 claims data after adjustment for drugs and biologicals with a HCPCS code and April 2009 ASP information.

TABLE 28—ESTIMATED REDISTRIBUTION OF PHARMACY OVERHEAD COST USING RELATIVE WEIGHTS CALCULATED FROM PHARMACY STAKEHOLDERS RECOMMENDED PHARMACY OVERHEAD PAYMENT LEVELS AND CY 2010 PROPPOSED RULE DATA

	Total ASP dollars for drugs and biologicals in claims data (in millions) *	Total cost of drugs and biologicals in claims data *after adjustment* (in millions) **	Ratio of cost to ASP (column C/ column B)	ASP+X percent
Packaged Drugs and Biologicals	$160	$402	2.51	ASP+151
Separately Payable Drugs and Biologicals	2,589	2,692	1.04	ASP+4
All Drugs and Biologicals	2,749	3,094	1.13	ASP+13

* Total April 2009 ASP dollars (ASP multiplied by drug units in CY 2008 claims) for drugs with a HCPCS code and ASP information.
** Total cost in the CY 2008 claims data after adjustment for drugs with a HCPCS code and April 2009 ASP information.

As shown in Tables 27 and 28, the ratio of adjusted cost in the claims data for separately payable drugs and biologicals to ASP increased compared to the value derived from our standard methodology and declined for packaged drugs and biologicals compared to the value calculated according to our standard drug payment methodology as shown in Table 26. Specifically, under our standard methodology without adjustment of the pharmacy overhead cost currently attributed to packaged drugs and biologicals, packaged drugs and biologicals would be paid at ASP+247 percent. Using the CMS overhead weights, this value declined to ASP+144 percent and using the pharmacy stakeholders' overhead weights, it declined to ASP+151 percent.

Under our standard drug payment methodology, without adjustment of the pharmacy overhead cost currently attributed to separately payable drugs and biologicals, separately payable drugs and biologicals would be paid at ASP − 2 percent. Assuming a base average acquisition cost for all drugs and biologicals of ASP and using the CMS overhead weights to redistribute the residual $345 million in pharmacy overhead cost associated with packaged drugs and biologicals in the claims data, this value increased to ASP+4 percent, and using the pharmacy stakeholders' overhead weights to redistribute the residual $345 million in pharmacy overhead cost, this value also increased to ASP+4 percent.

Based on these analyses, we estimate that we would redistribute $165 million in pharmacy overhead cost from packaged to separately payable drugs and biologicals by setting the average acquisition cost for all drugs and biologicals to ASP and using the CMS overhead weights, and we would redistribute $153 million in pharmacy overhead cost from packaged to separately payable drugs and biologicals by setting the average acquisition cost for all drugs and biologicals to ASP and using the pharmacy stakeholders' overhead weights. These observed outcomes are consistent with our CY 2010 proposal to redistribute between one-third and one-half of the $395 million of pharmacy overhead cost currently associated with packaged drugs and biologicals to separately payable drugs and biologicals. These values are also consistent with the $150 million we are proposing to redistribute from the cost of packaged drugs and biologicals to separately payable drugs and biologicals for CY 2010, which would represent a reduction in the cost of packaged drugs and biologicals of 27 percent.

After we performed these analyses, the pharmacy stakeholders provided us with updated assignments of CY 2009 drug HCPCS codes to their recommended levels of pharmacy complexity. We then assigned the remaining HCPCS codes for drugs and biologicals that the pharmacy stakeholders had not assigned based on our understanding of the characteristics of their categories. We recalibrated our model to incorporate the updated information. We observed no substantive changes in our findings, with the revised overhead category assignments redistributing $159 million from packaged to separately payable drugs and biologicals and resulting in an ASP+X percentage of ASP+4 percent for separately payable drugs and biologicals and ASP+148 percent for packaged drugs and biologicals.

This analysis based on our synthesis of existing data and information from a variety of sources supports the appropriateness of a redistribution of the magnitude we are proposing for CY 2010. We believe that our analyses of the claims data using the CMS relative overhead weights derived from the 2005 MedPAC pharmacy overhead study and using the pharmacy overhead category payments, levels of complexity, and assignments of drugs provided by the pharmacy stakeholders (where available), confirm that payment for separately payable drugs and biologicals at ASP+4 percent represents a reasonable aggregate adjustment for the pharmacy overhead cost of these separately payable drugs and biologicals, compared to the payment that would result from the standard drug payment methodology. Payment for separately payable drugs at ASP+4 percent would ensure that hospitals are paid appropriately for the average hospital acquisition cost and the pharmacy overhead cost that our analyses show would be appropriately redistributed from the estimated cost of drugs that we are proposing to package for CY 2010.

Our proposal for CY 2010 relies upon the premise of providing a pharmacy overhead adjustment to payment for separately payable drugs by redistributing pharmacy overhead cost from packaged drugs to separately payable drugs. Therefore, regardless of whether similar analyses for the CY 2010 OPPS/ASC final rule based on updated claims and cost report data result in a different payment level for separately payable drugs than ASP+4 percent, we believe that any redistributed amount of pharmacy overhead cost should be removed from the estimated cost of packaged drugs and biologicals. We are proposing to redistribute pharmacy overhead cost within the estimated total amount of acquisition and overhead cost for all drugs and biologicals that has been

reported to us by hospitals by making a pharmacy overhead adjustment to payment for separately payable drugs and biologicals that is based upon a partial redistribution of the pharmacy overhead cost of packaged drugs and biologicals. As described previously in this section, we are proposing that any redistribution of pharmacy overhead cost that may arise from CY 2010 final rule claims data would occur only from some drugs and biologicals to other drugs and biologicals, thereby maintaining the estimated total cost of drugs and biologicals (no redistribution of cost would occur from other services to drugs and biologicals or vice versa). While there is some evidence that relatively more pharmacy overhead cost should be associated with separately payable drugs and biologicals and less pharmacy overhead cost should be associated with packaged drugs and biologicals in order to improve payment accuracy, the recent RTI report on the OPPS' hospital-specific CCR methodology (''Refining Cost to Charge Ratios for Calculating APC and DRG Relative Payment Weights,'' July 2008 final report), the June 2005 MedPAC study of hospital outpatient pharmacy overhead costs, and our claims analyses discussed in this proposed rule present no evidence that the total cost of drugs and biologicals (including acquisition and overhead costs) is understated in claims in relation to the costs of other services paid under the OPPS. Therefore, to improve the distribution of pharmacy overhead cost within the total estimated cost for all drugs and biologicals, without adversely affecting the relativity of payment weights for all services paid under the OPPS, we believe that it is most appropriate to redistribute pharmacy overhead cost only within the total estimated cost of packaged and separately payable drugs and biologicals. By redistributing pharmacy overhead cost only within the total estimated cost of packaged and separately payable drugs and biologicals, we would maintain a constant total cost of drugs and biologicals under the OPPS as reported to us by hospitals, without redistributing cost from other OPPS services to the cost of drugs and biologicals under the budget neutral OPPS.

While we agree conceptually with the APC Panel that a redistribution of pharmacy overhead cost in our claims data from packaged to separately payable drugs and biologicals is appropriate, we are not proposing to accept the APC Panel's recommendations that CMS pay for the acquisition cost of all separately payable drugs at no less than ASP+6 percent because, as we discussed previously in this section, our analyses of claims data indicate that appropriate payment for the acquisition and pharmacy overhead costs of separately payable drugs would be ASP+4 percent. We also are not accepting the APC Panel's recommendation that CMS package the cost of packaged drugs at ASP+6 percent, use the difference between this cost and CMS' cost derived from charges to provide more appropriate payment for pharmacy services costs, and pay for pharmacy services using this amount by applying a tiered approach to payments based on criteria related to the pharmacy resources required for groups of drugs. We believe that the recommendation to package the cost of packaged drugs at ASP+6 percent would underpay for the pharmacy overhead cost of packaged drugs, which we expect would be higher in relation to ASP than the pharmacy overhead cost of separately payable drugs. Further, as discussed earlier in this section, because the OPPS is a prospective payment system that relies on payment for groups of services to encourage hospital efficiencies, we do not believe payment for pharmacy overhead costs that is separate from the OPPS payment for the acquisition costs of drugs would be appropriate.

The APC Panel further recommended that, if CMS did not adopt a methodology consistent with their recommendations summarized above, CMS should exclude data from hospitals that participate in the 340B program from its ratesetting calculations for drugs and that CMS should pay 340B hospitals in the same manner as it pays non-340B hospitals. We are not accepting the APC Panel's recommendation that CMS propose to exclude data from hospitals that participate in the 340B program from its ratesetting calculations for drugs. For CY 2010, we note that we are proposing a drug payment methodology that partially resembles the methodology recommended by the APC Panel because the proposal incorporates a redistribution of pharmacy overhead cost from packaged to separately payable drugs and biologicals. However, excluding data from hospitals that participate in the 340B program from our ASP+X calculation, but paying those hospitals at that derived payment amount, would effectively redistribute payment to drugs and biologicals from payment for other services under the OPPS, and we do not believe this redistribution would be appropriate. We are accepting the APC Panel recommendation that CMS propose to pay 340B hospitals in the same manner as non-340B hospitals are paid. Commenters on the CY 2009 OPPS/ASC final rule with comment period were generally opposed to differential payment for hospitals based on their 340B participation status, and we do not believe it would be appropriate to exclude claims from this subset of hospitals in the context of our CY 2010 proposal to pay all hospitals at the same rate for separately payable drugs and biologicals. Moreover, as discussed above, while we are not proposing to adopt the APC Panel's specific recommended methodology to redistribute pharmacy overhead cost that would otherwise by paid through payment for packaged drugs, our proposed CY 2010 pharmacy adjustment methodology that would result in the payment of separately payable drugs and biologicals at ASP+4 percent incorporates a more limited redistribution of pharmacy overhead cost that would, nevertheless, preserve the aggregate drug cost in the claims, a result consistent with the APC Panel's recommendations. Therefore, we believe that it is appropriate to propose to pay 340B hospitals at the same rates that we are proposing to pay non-340B hospitals, and we are proposing to include the claims and cost report data for 340B hospitals in the data we have used for our analyses in order to calculate the proposed payment rates for drugs and biologicals and other services for the CY 2010 OPPS.

In conclusion, we are proposing for CY 2010 to redistribute between one-third and one-half of the difference between the aggregate claims cost for packaged drugs and biologicals and ASP dollars for those products, which results in payment for the acquisition and pharmacy overhead costs of separately payable drugs and biologicals that do not have pass-through payment status of ASP+4 percent. This payment amount reflects an APC drug payment adjustment for pharmacy overhead cost. To accomplish this payment adjustment, we also are proposing to reduce the cost of packaged drugs and biologicals that is incorporated into the payment for procedural APCs by the amount of pharmacy overhead cost that is redistributed from packaged drugs and biologicals to the payment for separately payable drugs and biologicals. This proposal is based on the proposed redistribution of $150 million (through a 27 percent reduction in packaged drug and biological cost), between one-third and one-half of the

pharmacy overhead cost (the cost above ASP) of packaged drugs and biologicals in hospital outpatient claims, to the cost of separately payable drugs and biologicals, preserving the aggregate cost of all drugs and biologicals observed in the most recent claims and cost report data available for this proposed rule. We are further proposing that the claims data for 340B hospitals be included in the calculation of payment for drugs and biologicals under the CY 2010 OPPS, and that 340B hospitals would be paid the same amounts for separately payable drugs and biologicals as hospitals that do not participate in the 340B program. Finally, we are proposing that, in accordance with our standard drug payment methodology, the estimated payments for separately payable drugs and biologicals would be taken into account in the calculation of the weight scaler that would apply to the relative weights for all procedural services (but would not to separately payable drug and biologicals) paid under the OPPS, as required by section 1833(t)(14)(H) of the Act.

4. Proposed Payment for Blood Clotting Factors

For CY 2009, we are providing payment for blood clotting factors under the OPPS at ASP+4 percent, plus an additional payment for the furnishing fee that is also a part of the payment for blood clotting factors furnished in physicians' offices under Medicare Part B. The CY 2009 updated furnishing fee is $0.164 per unit.

For CY 2010, we are proposing to pay for blood clotting factors at ASP+4 percent, consistent with our proposed payment policy for other nonpass-through separately payable drugs and biologicals, and to continue our policy for payment of the furnishing fee using an updated amount. Because the furnishing fee update is based on the percentage increase in the Consumer Price Index (CPI) for medical care for the 12-month period ending with June of the previous year and the Bureau of Labor Statistics releases the applicable CPI data after the MPFS and OPPS/ASC proposed rules are published, we are not able to include the actual updated furnishing fee in this proposed rule. Therefore, in accordance with our policy as finalized in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66765), we will announce the actual figure for the percent change in the applicable CPI and the updated furnishing fee calculated based on that figure through applicable program instructions and posting on the CMS Web site at: *http://www.cms.hhs.gov/McrPartBDrugAvgSalesPrice/*.

5. Proposed Payment for Therapeutic Radiopharmaceuticals

a. Background

Section 303(h) of Public Law 108–173 exempted radiopharmaceuticals from ASP pricing in the physician's office setting. Beginning in the CY 2005 OPPS final rule with comment period, we have exempted radiopharmaceutical manufacturers from reporting ASP data for payment purposes under the OPPS. (For more information, we refer readers to the CY 2005 OPPS final rule with comment period (69 FR 65811) and the CY 2006 OPPS final rule with comment period (70 FR 68655).) Consequently, we did not have ASP data for radiopharmaceuticals for consideration for previous years' OPPS ratesetting. In accordance with section 1833(t)(14)(B)(i)(I) of the Act, we have classified radiopharmaceuticals under the OPPS as SCODs. As such, we have paid for radiopharmaceuticals at average acquisition cost as determined by the Secretary and subject to any adjustment for overhead costs. Radiopharmaceuticals also are subject to the policies affecting all similarly classified OPPS drugs and biologicals, such as pass-through payment for diagnostic and therapeutic radiopharmaceuticals and individual packaging determinations for therapeutic radiopharmaceuticals, discussed earlier in this proposed rule.

For CYs 2006 and 2007, we used mean unit cost data from hospital claims to determine each radiopharmaceutical's packaging status and implemented a temporary policy to pay for separately payable radiopharmaceuticals based on the hospital's charge for each radiopharmaceutical adjusted to cost using the hospital's overall CCR. In addition, in the CY 2006 OPPS final rule with comment period (70 FR 68654), we instructed hospitals to include charges for radiopharmaceutical handling in their charges for the radiopharmaceutical products so these costs would be reflected in the CY 2008 ratesetting process. The methodology of providing separate radiopharmaceutical payment based on charges adjusted to cost through application of an individual hospital's overall CCR for CYs 2006 and 2007 was finalized as an interim proxy for average acquisition cost because of the unique circumstances associated with providing radiopharmaceutical products to Medicare beneficiaries. The single OPPS payment represented Medicare payment for both the acquisition cost of the radiopharmaceutical and its associated handling costs.

During the CY 2006 and CY 2007 rulemaking processes, we encouraged hospitals and radiopharmaceutical stakeholders to assist us in developing a viable long-term prospective payment methodology for these products under the OPPS. As reiterated in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66766), we were pleased to note that we had many discussions with interested parties regarding the availability and limitations of radiopharmaceutical cost data.

In considering payment options for therapeutic radiopharmaceuticals for CY 2008, we examined several alternatives that we discussed in the CY 2008 OPPS/ASC proposed rule (72 FR 42738 through 42739) and CY 2008 OPPS/ASC final rule with comment period (72 FR 66769 through 66770). After considering the options and the public comments received, we finalized a CY 2008 methodology to provide prospective payment for therapeutic radiopharmaceuticals (defined as those Level II HCPCS codes that include the term ''therapeutic'' along with a radiopharmaceutical in their long code descriptors) using mean costs derived from the CY 2006 claims data, where the costs were determined using our standard methodology of applying hospital-specific departmental CCRs to radiopharmaceutical charges, defaulting to hospital-specific overall CCRs only if appropriate departmental CCRs were unavailable (72 FR 66772). In addition, we finalized a policy to package payment for all diagnostic radiopharmaceuticals (defined as those Level II HCPCS codes that include the term ''diagnostic'' along with a radiopharmaceutical in their long code descriptors) for CY 2008. As discussed in the CY 2008 OPPS/ASC proposed rule (72 FR 42739), we believed that adopting prospective payment for therapeutic radiopharmaceuticals based on historical hospital claims data was appropriate because it served as our most accurate available proxy for the average hospital acquisition cost of separately payable therapeutic radiopharmaceuticals. In addition, we noted that we have found that our general prospective payment methodology based on historical hospital claims data results in more consistent, predictable, and equitable payment amounts across hospitals and likely provides incentives to hospitals for efficiently and economically providing these outpatient services.

Prior to implementation of the final CY 2008 methodology of providing a prospective payment for therapeutic radiopharmaceuticals, section 106(b) of Public Law 110–173 was enacted on

December 29, 2007, that specified payment for therapeutic radiopharmaceuticals based on individual hospital charges adjusted to cost. Therefore, hospitals continued to receive payment for therapeutic radiopharmaceuticals by applying the hospital-specific overall CCR to each hospital's charge for a therapeutic radiopharmaceutical from January 1, 2008, through June 30, 2008. As we stated in the CY2009 OPPS/ASC proposed rule (73 FR 41493), thereafter, the OPPS would provide payment for separately payable therapeutic radiopharmaceuticals on a prospective basis, with payment rates based upon mean costs from hospital claims data as set forth in the CY 2008 OPPS/ASC final rule with comment period, unless otherwise required by law.

Following issuance of the CY 2009 OPPS/ASC proposed rule, section 142 of Public Law 110–275 amended section 1833(t)(16)(C) of the Act, as amended by section 106(a) of Public Law 110–173, to further extend the payment period for therapeutic radiopharmaceuticals based on hospital's charges adjusted to cost through December 31, 2009. Therefore, we are continuing to pay hospitals for therapeutic radiopharmaceuticals at charges adjusted to cost through the end of CY 2009.

b. Proposed Payment Policy

Since the start of the temporary cost-based payment methodology for radiopharmaceuticals in CY 2006, we have met with several interested parties on a number of occasions regarding payment under the OPPS for radiopharmaceuticals and have received numerous different suggestions from these stakeholders regarding payment methodologies that we could employ for future use under the OPPS.

In the CY 2008 OPPS/ASC final rule with comment period (72 FR 66771), we solicited comments requesting interested parties to provide information related to if and how the existing ASP methodology could be used to establish payment for specific therapeutic radiopharmaceuticals under the OPPS. Similar to the recommendations we received during the CY 2008 OPPS/ASC proposed rule comment period (72 FR 66770), we received several suggestions regarding the establishment of an OPPS-specific methodology for radiopharmaceutical payment that would be similar to the ASP methodology, without following the established ASP procedures referenced at section 1847A of the Act and implemented through rulemaking. Some commenters recommended using external data submitted by a variety of sources other than manufacturers. Along this line, commenters suggested gathering information from nuclear pharmacies using methodologies with a variety of names such as Nuclear Pharmacy Calculated Invoiced Price (Averaged) (CIP) and Calculated Pharmacy Sales Price (CPSP). Other commenters recommended that CMS base payment for certain radiopharmaceuticals on manufacturer-reported ASP.

As noted in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66771), a ratesetting approach based on external data would be administratively burdensome for us because we would be required to collect, process, and review external information to ensure that it was valid, reliable, and representative of a diverse group of hospitals so that it could be used to establish rates for all hospitals. However, we specifically requested additional comments regarding the use of the existing ASP reporting structure for therapeutic radiopharmaceuticals as this established methodology was already used for payment of other drugs provided in the hospital outpatient setting (72 FR 66771). While we received several recommendations from commenters on the CY 2008 OPPS/ASC final rule with comment period regarding payment of therapeutic radiopharmaceuticals based on estimated costs provided by manufacturers or other parties, we believe that the use of external data for payment of therapeutic radiopharmaceuticals should only be adopted if those external data are subject to the same well-established regulatory framework as the ASP data currently used for payment of separately payable drugs and biologicals under the OPPS. We have previously indicated that nondevice external data used for setting payment rates should be publicly available and representative of a diverse group of hospitals both by location and type, and should also identify the relevant data sources. We do not believe that external therapeutic radiopharmaceutical cost data voluntarily provided outside of the established ASP methodology, either by manufacturers or nuclear pharmacies, would generally satisfy these criteria that are minimum standards for setting OPPS payment rates.

We received public comments on the CY 2008 OPPS/ASC final rule with comment period from certain radiopharmaceutical manufacturers who indicated that the standard ASP methodology could be used for payment of certain therapeutic radiopharmaceutical products. Specifically, these manufacturers expressed interest in providing ASP for their therapeutic radiopharmaceutical products as a basis for payment under the OPPS.

In the CY 2009 OPPS/ASC proposed rule (73 FR 41495), we proposed to allow manufacturers to submit ASP information for any separately payable therapeutic radiopharmaceutical for payment purposes under the OPPS. If ASP information was not submitted or appropriately certified by the manufacturer for a given calendar year quarter, then for that quarter we proposed to provide prospective payment based on the therapeutic radiopharmaceuticals mean cost from hospital claims data. However, as stated above, section 142 of Public Law 110–275 amended section 1833(t)(16)(C) of the Act, as amended by section 106(a) of Public Law 110–173, to further extend the payment period for therapeutic radiopharmaceuticals based on hospital's charges adjusted to cost through December 31, 2009, so we did not finalize this proposal. We note that, in response to our proposed therapeutic radiopharmaceutical payment methodology for CY 2009, we received a number of public comments that were supportive of the proposal for future years.

At the February 2009 meeting of the APC Panel, the APC Panel recommended that CMS use the ASP methodology to pay for therapeutic radiopharmaceuticals and, where ASP data are not available, to pay based on mean costs from claims data for CY 2010. We are accepting this recommendation, and for CY 2010, we are proposing to allow manufacturers to submit ASP information for any separately payable therapeutic radiopharmaceutical in order for therapeutic radiopharmaceuticals to be paid based on ASP beginning in CY 2010 under the OPPS. Similar to our CY 2009 proposal, we are not proposing to compel manufacturers to submit ASP information. Also, as discussed in the CY 2009 OPPS/ASC proposed rule (73 FR 41495), the ASP data submitted would need to be provided for a patient-specific dose, or patient-ready form, of the therapeutic radiopharmaceutical in order to properly calculate the ASP amount for a given HCPCS code. In addition, in those instances where there is more than one manufacturer of a particular therapeutic radiopharmaceutical, we note that all manufacturers would need to submit ASP information in order for payment to be made on an ASP basis. We are specifically requesting public comment on the development of a crosswalk, similar to the NDC/HCPCS crosswalk for

separately payable drugs and biologicals posted on the CMS Web site at: *http://www.cms.hhs.gov/McrPartBDrugAvgSalesPrice/01a_2008aspfiles.asp*, for use for therapeutic radiopharmaceuticals.

We continue to believe that the use of ASP information for OPPS payment would provide an opportunity to improve payment accuracy for these products by applying an established methodology that has already been successfully implemented under the OPPS for other separately payable drugs and biologicals. As is the case with other drugs and biologicals subject to ASP reporting, in order for a therapeutic radiopharmaceutical to receive payment based on ASP beginning January 1, 2010, we would need to receive ASP information from the manufacturer no later than November 1, 2009, that would reflect therapeutic radiopharmaceutical sales in the third quarter of CY 2009 (July 1, 2009, through September 30, 2009). These data would not be available for publication in the CY 2010 OPPS/ASC final rule with comment period but would be included in the January 2010 OPPS quarterly release that would update the payment rates for separately payable drugs, biologicals, and therapeutic radiopharmaceuticals based on the most recent ASP data, consistent with our customary practice over the past 4 years when we have used the ASP methodology for payment of separately payable drugs and biologicals under the OPPS. In addition, we would need to receive information from radiopharmaceutical manufacturers that would allow us to calculate a unit dose cost estimate based on the applicable HCPCS code for the therapeutic radiopharmaceutical.

We realize that not all therapeutic radiopharmaceutical manufacturers may be willing or able to submit ASP information for a variety of reasons. We are proposing to provide payment at the ASP rate if ASP information is available for a given calendar year quarter or, if ASP information is not available, we are proposing to provide payment based on the most recent hospital mean unit cost data that we have available. We believe that both methodologies represent an appropriate and adequate proxy for average hospital acquisition cost and associated handling costs for these products. Therefore, if ASP information for the appropriate period of sales related to payment in any CY 2010 quarter is not available, we would rely on the CY 2008 mean unit cost data derived from hospital claims to set the payment rates for therapeutic radiopharmaceuticals. We note that this is not the usual OPPS process that relies on alternative data sources, such as WAC or AWP, when ASP information is temporarily unavailable, prior to defaulting to the mean unit cost from hospital claims data. We are proposing this methodology specifically for therapeutic radiopharmaceuticals whereby we would immediately default to the mean unit cost from hospital claims if sufficient ASP data were not available because we are not proposing to require therapeutic radiopharmaceutical manufacturers to report ASP data at this time. We do not believe that WAC or AWP is an appropriate proxy to provide OPPS payment for average therapeutic radiopharmaceutical acquisition cost and associated handling costs when manufacturers are not required to submit ASP data and, therefore, payment based on WAC or AWP could continue for the full calendar year.

Recognizing that we may need to utilize mean unit cost data to pay for therapeutic radiopharmaceuticals in CY 2010 if ASP data are not submitted, we evaluated the mean unit cost information in the CY 2010 claims data for all therapeutic radiopharmaceuticals for this proposed rule. We noticed that we had numerous claims with service units greater than one for HCPCS code A9543 (Yttrium Y-90 ibritumomab tiuxetan, therapeutic, per treatment dose, up to 40 millicuries) and A9545 (Iodine I-131 tositumomab, therapeutic, per treatment dose), when the long descriptors for these therapeutic radiopharmaceuticals clearly indicate ''per treatment dose'' and, therefore, we would expect the service units on every claim to be one. In contrast, the other six therapeutic radiopharmaceuticals that would be separately payable in CY 2010 all include ''per millicurie'' in their HCPCS code descriptors, so reporting multiple service units for those items could be appropriate. We do not believe that hospitals billing more than one unit of HCPCS codes A9543 orA9545 on a claim are correctly reporting these products and, therefore, we believe these claims are incorrectly coded. Although we do not normally examine hospital reporting patterns for individual services, pricing an individual item, such as a therapeutic radiopharmaceutical with low volume, may argue for more aggressive trimming to remove inaccurate claims. Therefore, we removed all claims with units greater than one for these two therapeutic radiopharmaceuticals before estimating their mean unit costs. Because we do not have ASP data for therapeutic radiopharmaceuticals that were used for payment in April 2009, the proposed payment rates included in Addenda A and B to this proposed rule are based on mean costs from historical hospital claims data available for this proposed rule, subject to the additional trimming of incorrectly coded claims for HCPCS codes A9543 and A9545 as described above.

Similar to the ASP process already in place for drugs and biologicals, we are proposing to update ASP data for therapeutic radiopharmaceuticals through our quarterly process as updates become available. In addition, we are proposing to assess the availability of ASP data for therapeutic radiopharmaceuticals quarterly, and if ASP data become available midyear, we would transition at the next available quarter to ASP-based payment. For example, if ASP data are not available for the quarter beginning January 2010 (that is, ASP information reflective of third quarter CY 2009 sales are not submitted in October 2009), then the next opportunity to begin payment based on ASP data for a therapeutic radiopharmaceutical would be April 2010 if ASP data reflective of fourth quarter CY 2009 sales were submitted in January 2010.

TABLE 29—PROPOSED CY 2010 SEPARATELY PAYABLE THERAPEUTIC RADIOPHARMACEUTICALS

CY 2009 HCPCS Code	CY 2009 short descriptor	Proposed CY 2010 APC	Proposed CY 2010 SI
A9517	I131 iodide cap, rx	1064	K
A9530	I131 iodide sol, rx	1150	K
A9543	Y90 ibritumomab, rx	1643	K
A9545	I131 tositumomab, rx	1645	K
A9563	P32 Na phosphate	1675	K
A9564	P32 chromic phosphate	1676	K

TABLE 29—PROPOSED CY 2010 SEPARATELY PAYABLE THERAPEUTIC RADIOPHARMACEUTICALS—Continued

CY 2009 HCPCS Code	CY 2009 short descriptor	Proposed CY 2010 APC	Proposed CY 2010 SI
A9600	Sr89 strontium	0701	K
A9605	Sm 153 lexidronm	0702	K

6. Proposed Payment for Nonpass-Through Drugs, Biologicals, and Radiopharmaceuticals With HCPCS Codes, But Without OPPS Hospital Claims Data

Public Law 108–173 does not address the OPPS payment in CY 2005 and after for drugs, biologicals, and radiopharmaceuticals that have assigned HCPCS codes, but that do not have a reference AWP or approval for payment as pass-through drugs or biologicals. Because there is no statutory provision that dictated payment for such drugs, biologicals and radiopharmaceuticals in CY 2005, and because we had no hospital claims data to use in establishing a payment rate for them, we investigated several payment options for CY 2005 and discussed them in detail in the CY 2005 OPPS final rule with comment period (69 FR 65797 through 65799).

For CYs 2005 to 2007, we implemented a policy to provide separate payment for new drugs, biologicals, and radiopharmaceuticals with HCPCS codes (specifically those new drug, biological, and radiopharmaceutical HCPCS codes in each of those calendar years that did not crosswalk to predecessor HCPCS codes) but which did not have pass-through status, at a rate that was equivalent to the payment they received in the physician's office setting, established in accordance with the ASP methodology for drugs and biologicals, and based on charges adjusted to cost for radiopharmaceuticals. For CYs 2008 and 2009, we finalized a policy to provide payment for new drugs (excluding contrast agents) and biologicals (excluding implantable biologicals for CY 2009) with HCPCS codes, but which did not have pass-through status and were without OPPS hospital claims data, at ASP+5 percent and ASP+4 percent, respectively, consistent with the final OPPS payment methodology for other separately payable drugs and biologicals. New therapeutic radiopharmaceuticals were paid at charges adjusted cost based on the statutory requirement for CY 2008 and CY 2009 and payment for new diagnostic radiopharmaceuticals was packaged in both years. For CY 2010, we are proposing to continue the CY 2009 payment methodology for new drugs (excluding contrast agents) and nonimplantable biologicals and extend the methodology to payment for new therapeutic radiopharmaceuticals, when their period of payment at charges adjusted to cost no longer would apply. Therefore, for CY 2010, we are proposing to provide payment for new drugs (excluding contrast agents), nonimplantable biologicals, and therapeutic radiopharmaceuticals with HCPCS codes (those new CY 2010 drug (excluding contrast agents), nonimplantable biological, and therapeutic radiopharmaceutical HCPCS codes that do not crosswalk to CY 2009 HCPCS codes), but which do not have pass-through status and are without OPPS hospital claims data, at ASP+4 percent, consistent with the proposed CY 2010 payment methodology for other separately payable nonpass-through drugs, nonimplantable biologicals, and therapeutic radiopharmaceuticals. We believe this proposed policy would ensure that new nonpass-through drugs, nonimplantable biologicals, and therapeutic radiopharmaceuticals would be treated like other drugs, nonimplantable biologicals, and therapeutic radiopharmaceuticals under the OPPS, unless they are granted pass-through status. Only if they are pass-through drugs, nonimplantable biologicals, or therapeutic radiopharmaceuticals would they receive a different payment for CY 2010, generally equivalent to the payment these drugs and biologicals would receive in the physician's office setting, consistent with the requirements of the statute. We are proposing to continue packaging payment for all new nonpass-through diagnostic radiopharmaceuticals, contrast agents, and implantable biologicals with HCPCS codes (those new CY 2010 diagnostic radiopharmaceutical, contrast agent, and implantable biological HCPCS codes that do not crosswalk to predecessor HCPCS codes), consistent with the proposed packaging of all existing nonpass-through diagnostic radiopharmaceuticals, contrast agents and implantable biologicals, as discussed in more detail in section V.B.2.d. of this proposed rule.

In accordance with the OPPS ASP methodology, in the absence of ASP data, we are proposing, for CY 2010, to continue the policy we implemented beginning in CY 2005 of using the WAC for the product to establish the initial payment rate for new nonpass-through drugs and biologicals with HCPCS codes, but which are without OPPS claims data. However, we note that if the WAC is also unavailable, we would make payment at 95 percent of the product's most recent AWP. We also are proposing to assign status indicator ''K'' to HCPCS codes for new drugs and nonimplantable biologicals without OPPS claims data and for which we have not granted pass-through status. We further note that, with respect to new items for which we do not have ASP data, once their ASP data become available in later quarter submissions, their payment rates under the OPPS would be adjusted so that the rates would be based on the ASP methodology and set to the finalized ASP-based amount (proposed for CY 2010 at ASP+4 percent) for items that have not been granted pass-through status.

For CY 2010, we also are proposing to base payment for new therapeutic radiopharmaceuticals with HCPCS codes as of January 1, 2010, but which do not have pass-through status, on the WACs for these products if ASP data for these therapeutic radiopharmaceuticals are not available. If the WACs are also unavailable, we are proposing to make payment for new therapeutic radiopharmaceuticals at 95 percent of their most recent AWPs because we would not have mean costs from hospital claims data upon which to base payment. Analogous to new drugs and biologicals, we are proposing to assign status indicator ''K'' to HCPCS codes for new therapeutic radiopharmaceuticals for which we have not granted pass-through status.

Consistent with other ASP-based payments, for CY 2010, we are proposing to make any changes to the payment amounts for new drugs and biologicals in the CY 2010 OPPS/ASC final rule with comment period and also on a quarterly basis on the CMS Web site during CY 2010 if later quarter ASP submissions (or more recent WACs or

AWPs) indicate that changes to the payment rates for these drugs and biologicals are necessary. The payment rates for new therapeutic radiopharmaceuticals would also be changed accordingly, based on later quarter ASP submissions. We note that the new CY 2010 HCPCS codes for drugs, biologicals, and therapeutic radiopharmaceuticals are not available at the time of development of this proposed rule. However, they will be included in the CY 2010 OPPS/ASC final rule with comment period where they will be assigned comment indicator ''NI'' to reflect that their interim final OPPS treatment is open to public comment on the CY 2010 OPPS/ASC final rule with comment period.

There are several nonpass-through drugs and biologicals that were payable in CY 2008 and/or CY 2009 for which we do not have any CY 2008 hospital claims data available for this proposed rule and for which there are no other HCPCS codes that describe different doses of the same drug but for which we do have pricing information for the ASP methodology. We note that there are currently no therapeutic radiopharmaceuticals in this category. In order to determine the packaging status of these items for CY2010, we calculated an estimate of the per day cost of each of these items by multiplying the payment rate for each product based on ASP+4 percent, similar to other nonpass-through drugs and biologicals paid separately under the OPPS, by an estimated average number of units of each product that would typically be furnished to a patient during one administration in the hospital outpatient setting. We are proposing to package items for which we estimated the per administration cost to be less than or equal to $65, which is the general packaging threshold that we are proposing for drugs, nonimplantable biologicals, and therapeutic radiopharmaceuticals in CY 2010. We are proposing to pay separately for items with an estimated per day cost greater than $65 (with the exception of diagnostic radiopharmaceuticals, contrast agents and implantable biologicals, which we are proposing to continue to package regardless of cost, as discussed in more detail in section V.B.2.d. of this proposed rule) in CY 2010. We are proposing that the CY 2010 payment for separately payable items without CY 2008 claims data would be ASP+4 percent, similar to payment for other separately payable nonpass-through drugs and biologicals under the OPPS. In accordance with the ASP methodology used in the physician's office setting, in the absence of ASP data, we are proposing to use the WAC for the product to establish the initial payment rate. However, we note that if the WAC is also unavailable, we would make payment at 95 percent of the most recent AWP available.

Table 30 lists all of the nonpass-through drugs and biologicals without available CY 2008 claims data to which these policies would apply in CY 2010.

TABLE 30—DRUGS AND BIOLOGICALS WITHOUT CY 2008 CLAIMS DATA

CY 2009 HCPCS code	CY 2009 long descriptor	Estimated average number of units per administration	Proposed CY 2010 SI	Proposed CY 2010 APC
90681	Rotavirus vaccine, human, attenuated, 2 dose schedule, live, for oral use	1	K	1239
90696	Diphtheria, tetanus toxoids, acellular pertussis vaccine and poliovirus vaccine, inactivated (DTaP–IPV), when administered to children 4 through 6 years of age, for intramuscular use.	1	N	
J0364	Injection, apomorphine hydrochloride, 1 mg	12	N	
J2724	Injection, protein c concentrate, intravenous, human, 10 iu	2240	K	1139
J3355	Injection, urofollitropin, 75 IU	2	K	1741
J9215	Injection, interferon, alfa-n3, (human leukocyte derived), 250,000 iu	5	K	0865

Finally, there are eight drugs and biologicals, shown in Table 31 below, that were payable in CY 2008, but for which we lack CY 2008 claims data and any other pricing information for the ASP methodology. In CY 2009, for similar items without CY 2007 claims data and without pricing information for the ASP methodology, we stated that we were unable to determine their per day cost and we packaged these items for the year, assigning these items status indicator ''N.''

For CY 2010, we are proposing to change the status indicator for the eight drugs and biologicals shown in Table 31 below to status indicator ''E'' (Not paid by Medicare when submitted on outpatient claims (any outpatient bill type)) as these drugs and biologicals are not currently sold or have been identified as obsolete. In addition, we are proposing to provide separate payment for these drugs and biologicals if pricing information reflecting recent sales becomes available mid-year in CY 2010 for the ASP methodology. If pricing information becomes available, we would assign the products status indicator ''K'' and pay for them separately for the remainder of CY 2010.

TABLE 31—DRUGS AND BIOLOGICALS WITHOUT INFORMATION ON PER DAY COST AND WITHOUT PRICING INFORMATION FOR THE ASP METHODOLOGY

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 SI
90296	Diphtheria antitoxin	E
90581	Anthrax vaccine, sc	E
90727	Plague vaccine, im	E
J0128	Abarelix injection	E
J0350	Injection anistreplase 30 u	E
J0395	Arbutamine hcl injection	E
J1452	Intraocular Fomivirsen na	E
J2460	Oxytetracycline injection	E

VI. Proposed Estimate of OPPS Transitional Pass-Through Spending for Drugs, Biologicals, Radiopharmaceuticals, and Devices

A. Background

Section 1833(t)(6)(E) of the Act limits the total projected amount of transitional pass-through payments for drugs, biologicals, radiopharmaceuticals, and categories of devices for a given year to an ''applicable percentage'' of total program payments estimated to be made under section 1833(t) of the Act for all covered services furnished for that year under the hospital OPPS. For a year before CY 2004, the applicable percentage was 2.5 percent; for CY 2004 and subsequent years, we specify the applicable percentage up to 2.0 percent.

If we estimate before the beginning of the calendar year that the total amount of pass-through payments in that year would exceed the applicable percentage, section 1833(t)(6)(E)(iii) of the Act requires a uniform reduction in the amount of each of the transitional pass-through payments made in that year to ensure that the limit is not exceeded. We make an estimate of pass-through spending to determine not only whether payments exceed the applicable percentage, but also to determine the appropriate reduction to the conversion factor for the projected level of pass-through spending in the following year in order to ensure that total estimated pass-through spending for the prospective payment year is budget neutral as required by section 1883(t)(6)(E) of the Act.

For devices, developing an estimate of pass-through spending in CY 2010 entails estimating spending for two groups of items. The first group of items consists of device categories that were recently made eligible for pass-through payment and that would continue to be eligible for pass-through payment in CY 2010. The CY 2008 OPPS/ASC final rule with comment period (72 FR 66778) describes the methodology we have used in previous years to develop the pass-through spending estimate for known device categories continuing into the applicable update year. The second group contains items that we know are newly eligible, or project would be newly eligible, for device pass-through payment in the remaining quarters of CY 2009 or beginning in CY 2010. As discussed in section V.A.4. of this proposed rule, because we are proposing that, beginning in CY 2010, the pass-through evaluation process and pass-through payment for implantable biologicals newly approved for pass-through payment beginning on or after January 1, 2010, that are always surgically inserted or implanted (through a surgical incision or a natural orifice) would be the device pass-through process and payment methodology only, the estimate of pass-through spending for these implantable biologicals newly eligible for pass-through payment beginning in CY 2010 would be included in the pass-through spending estimate for this second group of device categories. The sum of the CY 2010 pass-through estimates for these two groups of device categories would equal the total CY 2010 pass-through spending estimate for device categories with pass-through status.

For devices eligible for pass-through payment, section 1833(t)(6)(D)(ii) of the Act establishes the pass-through amount as the amount by which the hospital's charges for the device, adjusted to cost, exceeds the portion of the otherwise applicable Medicare OPD fee schedule that the Secretary determines is associated with the device. As discussed in section IV.A.2. of this proposed rule, we deduct from the pass-through payment for an identified device category eligible for pass-through payment an amount that reflects the portion of the APC payment amount that we determine is associated with the cost of the device, defined as the device APC offset amount, when we believe that predecessor device costs for the device category newly approved for pass-through payment (hereinafter referred to as the new device category) are already packaged into the existing APC structure. For each device category that becomes newly eligible for device pass-through payment, including an implantable biological under our CY 2010 proposal, we estimate pass-through spending to be the difference between payment for the device category and the device APC offset amount, if applicable, for the procedures that would use the device. If we determine that predecessor device costs for the new device category are not already included in the existing APC structure, the pass-through spending estimate for the device category would be the full payment at charges adjusted to cost.

For drugs and biologicals eligible for pass-through payment, section 1833(t)(6)(D)(i) of the Act establishes the pass-through payment amount as the amount by which the amount authorized under section 1842(o) of the Act (or, if the drug or biological is covered under a competitive acquisition contract under section 1847B of the Act, an amount determined by the Secretary equal to the average price for the drug or biological for all competitive acquisition areas and year established under such section as calculated and adjusted by the Secretary) exceeds the portion of the otherwise applicable fee schedule amount that the Secretary determines is associated with the drug or biological. Because we are proposing to pay for most nonpass-through separately payable drugs and nonimplantable biologicals under the CY 2010 OPPS at ASP+4 percent, which represents the otherwise applicable fee schedule amount associated with most pass-through drugs and biologicals, and because we would pay for pass-through drugs and nonimplantable biologicals at ASP+6 percent or the Part B drug CAP rate, if applicable, our estimate of drug and nonimplantable biological pass-through payment for CY 2010 is not zero. Furthermore, payment for certain drugs, specifically diagnostic radiopharmaceuticals, contrast agents, and implantable biologicals without pass-through status, would always be packaged into payment for the associated procedures because these products would never be separately paid. However, all pass-through diagnostic radiopharmaceuticals and contrast agents and those implantable biologicals with pass-through status approved prior to CY 2010 would be paid based at ASP+6 percent or the Part B drug CAP rate, if applicable, like other pass-through drugs and biologicals. Therefore, our estimate of pass-through payment for all diagnostic radiopharmaceuticals and contrast agents and those implantable biologicals with pass-through status approved prior to CY 2010 is also not zero.

In section V.A.6. of this proposed rule, we discuss our proposal to determine if the cost of certain ''policy-packaged'' drugs, including diagnostic radiopharmaceuticals and contrast agents, are already packaged into the existing APC structure. If we determine that a ''policy-packaged'' drug approved for pass-through payment resembles predecessor diagnostic radiopharmaceuticals and contrast agents already included in the costs of the APCs that would be associated with the drug receiving pass-through payment, we are proposing to offset the amount of pass-through payment for diagnostic radiopharmaceuticals and contrast agents. For these drugs, the APC offset amount would be the portion of the APC payment for the specific procedure being performed with the diagnostic radiopharmaceutical or contrast agent receiving pass-through payment that is attributable to diagnostic radiopharmaceuticals and contrast agents, which we refer to as the

''policy-packaged'' drug APC offset amount. If we determine that an offset is appropriate for a specific diagnostic radiopharmaceutical or contrast agent receiving pass-through payment, we would reduce our estimate of pass-through payment for these drugs by this amount. We have not established a policy to offset pass-through payment for implantable biologicals when approved for pass-through payment as a drug or biological, that is, for CY 2009 and earlier, so we would consider full payment at ASP+6 percent for these implantable biologicals receiving biological pass-through payment in our estimate of CY 2010 pass-through spending for drugs and biologicals.

We note that the Part B drug CAP program has been suspended beginning January 1, 2009. We refer readers to the Medicare Learning Network (MLN) Matters Special Edition article SE0833 for more information on this suspension. As of the publication of this proposed rule, the Part B drug CAP program has not been reinstituted. Therefore, for this proposed rule, we will continue to not have an effective Part B drug CAP rate for pass-through drugs and biologicals. Similar to estimates for devices, the first group of drugs and biologicals requiring a pass-through payment estimate consists of those products that were recently made eligible for pass-through payment and that would continue to be eligible for pass-through payment in CY 2010. The second group contains drugs and nonimplantable biologicals that we know are newly eligible, or project would be newly eligible, beginning in CY 2010. The sum of the CY 2010 pass-through estimates for these two groups of drugs and biologicals would equal the total CY 2010 pass-through spending estimate for drugs and biologicals with pass-through status.

B. Proposed Estimate of Pass-Through Spending

We are proposing to set the applicable percentage limit at 2.0 percent of the total OPPS projected payments for CY 2010, consistent with our OPPS policy from CY 2004 through 2009. As we discuss in section IV.A. of this proposed rule, there are currently no device categories receiving pass-through payment in CY 2009 that would continue for payment during CY 2010. Therefore, there are no device categories in the first group, that is, device categories recently made eligible for pass-through payment and continuing into CY 2010, and the estimate for this group is $0.

As stated earlier, we are proposing in section V.A.4. of this proposed rule to specify that, beginning in CY 2010, the pass-through evaluation process and pass-through payment for implantable biologicals that are always surgically inserted or implanted (through a surgical incision or a natural orifice) would be the device pass-through process and payment methodology only. Therefore, we are proposing to continue considering existing implantable biologicals approved for pass-through payment under the drugs and biologicals pass-through provision prior to CY 2010 as drugs and biologicals for pass-through payment estimate purposes. These implantable biologicals that have been approved for pass-through status prior to CY 2010 would continue to be considered drugs and biologicals until they expire from pass-through status. Therefore, the pass-through spending estimate for this first group of pass-through devices would not include currently eligible implantable biologicals that have been granted pass-through status prior to CY 2010.

In section V.A.4. of this proposed rule, we are proposing that payment for implantable biologicals newly eligible for pass-through payment beginning in CY 2010 would be based on hospital charges adjusted to cost, rather than the ASP methodology that is applicable to pass-through drugs and biologicals. Therefore, we are proposing that, beginning in CY 2010, the estimate of pass-through spending for implantable biologicals first paid as pass-through devices in CY 2010 be based on the payment methodology for pass-through devices, and be included in the device pass-through spending estimate.

In estimating CY 2010 pass-through spending for device categories in the second group, that is, device categories that we knew at the time of the development of this proposed rule would be newly eligible for pass-through payment in CY 2010 (of which there are none), additional device categories (including categories that would describe implantable biologicals) that we estimate could be approved for pass-through status subsequent to the development of this proposed rule and before January 1, 2010, and contingent projections for new categories (including categories that would describe implantable biologicals in the second through fourth quarters of CY 2010), we are proposing to use the general methodology described in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66778), while also taking into account recent OPPS experience in approving new pass-through device categories. There are no new device categories (including categories that would describe implantable biologicals) for CY 2010 of which we are aware at the time of development of this proposed rule. The estimate of CY 2010 pass-through spending for this second group is $10.0 million.

Employing our established methodology that the estimate of pass-through device spending in CY 2010 incorporates CY 2010 estimates of pass-through spending for known device categories continuing in CY 2010, those known or projected to be first effective January 1, 2010, and those device categories projected to be approved during subsequent quarters of CY 2009 or CY 2010, our proposed estimate of total pass-through spending for device categories is $10.0 million for CY 2010.

To estimate CY 2010 pass-through spending for drugs and biologicals in the first group, specifically those drugs (including radiopharmaceuticals and contrast agents) and biologicals (including implantable biologicals) recently made eligible for pass-through payment and continuing into CY 2010, we are proposing to utilize the most recent Medicare physician's office data regarding their utilization, information provided in the respective pass-through applications, historical hospital claims data, pharmaceutical industry information, and clinical information regarding those drugs or biologicals, in order to project the CY 2010 OPPS utilization of the products. For the known drugs and biologicals (excluding diagnostic radiopharmaceuticals, contrast agents, and implantable biologicals) that would continue on pass-through status in CY 2010, we then estimate the total pass-through payment amount as the difference between ASP+6 percent or the Part B drug CAP rate, as applicable, and ASP+4 percent, aggregated across the projected CY 2010 OPPS utilization of these products. Because payment for a diagnostic radiopharmaceutical or contrast agent would be packaged if the product were not paid separately due to its pass-through status, we include in the pass-through estimate the difference between payment for the drug or biological at ASP+6 percent (or WAC+6 percent, or 95 percent of AWP, if ASP information is not available) and the ''policy-packaged'' drug APC offset amount, if we have determined that the diagnostic radiopharmaceutical or contrast agent approved for pass-through payment resembles predecessor diagnostic radiopharmaceuticals and contrast agents already included in the costs of the APCs that would be associated with the drug receiving pass-through payment. Because payment for an

implantable biological continuing on pass-through status in CY 2010 would be packaged if the product were not paid separately due to its pass-through status and because we have not established a pass-through payment offset policy for implantable biologicals when approved for pass-through payment as biologicals, that is, for CY 2009 and earlier, we include in the pass-through spending estimate the full payment for these implantable biological at ASP+6 percent (or WAC+6 percent or 95 percent of AWP, if ASP is not available). Based on the results of these analyses, we are proposing the estimated pass-through spending attributable to the first group (that is, the known drugs and biologicals, including implantable biologicals continuing with pass-through eligibility in CY 2010) described above to be approximately $8.9 million for CY 2010. This $8.9 million estimate of CY 2010 pass-through spending for the first group of pass-through drugs and biologicals reflects the current pass-through drugs and biologicals that are continuing on pass-through status into CY 2010; these products are displayed in Table 22 in section V.A.3. of this proposed rule.

To estimate CY 2010 pass-through spending for drugs and nonimplantable biologicals in the second group (that is, drugs and nonimplantable biologicals that we know at the time of development of this proposed rule would be newly eligible for pass-through payment in CY 2010 (of which there are none), additional drugs and nonimplantable biologicals that we estimate could be approved for pass-through status subsequent to the development of this proposed rule and before January 1, 2010, and projections for new drugs and nonimplantable biologicals that could be initially eligible for pass-through payment in the second through fourth quarters of CY 2010, we are proposing to use utilization estimates from pass-through applicants, pharmaceutical industry data, clinical information, recent trends in the per unit ASPs of hospital outpatient drugs, and projected annual changes in service volume and intensity as our basis for making the CY 2010 pass-through payment estimate. We also are considering the most recent OPPS experience in approving new pass-through drugs and nonimplantable biologicals. As noted earlier, consistent with our proposal discussed in section V.A.4. of this proposed rule, we are proposing to include new implantable biologicals that we would expect to be approved for pass-through status as devices beginning in CY 2010 in the second group of items considered for device pass-through estimate purposes. Therefore, we are not including implantable biologicals in the second group of items in the drug and biological pass-through spending estimate. We also are proposing in section V.A.5. of this proposed rule to revise our pass-through payment policy regarding ''new'' drugs and biologicals that were not receiving hospital outpatient payment as of December 31, 1996 and that also meet the other criteria for receiving pass-through payment. Specifically, we are proposing to change the start date of the pass-through payment eligibility period for a ''new'' drug or biological from the first date on which pass-through payment is made to the date on which payment is first made for a drug or biological as an outpatient hospital service under Part B, using the date of first sale of the drug or biological in the United States after FDA approval as a proxy, to better reflect the statutory provisions for pass-through payment under section 1833(t)(6) of the Act. As we developed our CY 2010 estimate of pass-through spending, we considered the most recent OPPS experience in approving new pass-through drugs and nonimplantable biologicals. We note that a number of the drugs and biologicals currently receiving pass-through payment in CY 2009 would not be eligible for pass-through payment under the proposed revised definition of the pass-through payment eligibility period. Therefore, we have reduced our estimate of CY 2010 pass-through spending for new drugs and nonimplantable biologicals that could be initially eligible for pass-through payment beginning in CY 2010 to take into consideration the potential effect of our proposed CY 2010 pass-through payment eligibility period policy on the future number of drugs and biologicals newly approved for pass-through payment in comparison with our historical OPPS experience over the past several years.

Based on the results of these analyses, we are proposing the estimated pass-through spending attributable to this second group of drugs and biologicals to be approximately $19.1 million for CY 2010. We note that, as discussed in section V.A. of this proposed rule, radiopharmaceuticals are considered drugs for pass-through purposes. Therefore, we have included radiopharmaceuticals as drugs in our proposed CY 2010 pass-through spending estimate.

In accordance with the comprehensive methodology described above in this section, we estimate that total pass-through spending for the device categories and the drugs and biologicals that are continuing for pass-through payment into CY 2010 and those device categories, drugs, and nonimplantable biologicals that first become eligible for pass-through status during CY 2010, would be approximately $38 million, which represents 0.12 percent of total OPPS projected payments for CY 2010. Because we estimate that pass-through spending in CY 2010 would not amount to 2.0 percent of total projected OPPS CY 2010 program spending, we are proposing to return 1.88 percent of the pass-through pool to adjust the conversion factor, as we discuss in section II.B. of this proposed rule.

VII. Proposed OPPS Payment for Brachytherapy Sources

A. Background

Section 1833(t)(2)(H) of the Act, as added by section 621(b)(2)(C) of Public Law 108–173 (MMA), mandated the creation of additional groups of covered OPD services that classify devices of brachytherapy consisting of a seed or seeds (or radioactive source) (''brachytherapy sources'') separately from other services or groups of services. The additional groups must reflect the number, isotope, and radioactive intensity of the brachytherapy sources furnished and include separate groups for palladium-103 and iodine-125 sources.

Section 1833(t)(16)(C) of the Act, as added by section 621(b)(1) of Public Law 108–173, established payment for brachytherapy sources furnished from January 1, 2004, through December 31, 2006, based on a hospital's charges for each brachytherapy source furnished adjusted to cost. Under section 1833(t)(16)(C) of the Act, charges for the brachytherapy sources may not be used in determining any outlier payments under the OPPS for that period of payment. Consistent with our practice under the OPPS to exclude items paid at cost from budget neutrality consideration, these items were excluded from budget neutrality for that time period as well.

In our CY 2007 annual OPPS rulemaking, we proposed and finalized a policy of prospective payment based on median costs for the 11 brachytherapy sources for which we had claims data. We based the prospective payment rates on median costs for each source from our CY 2005 claims data (71 FR 68102 through 71 FR 68115).

Subsequent to publication of the CY 2007 OPPS/ASC final rule with comment period, section 107 of Public

Law 109–432 (MIEA–TRHCA) amended section 1833 of the Act. Specifically, section 107(a) of Public Law 109–432 amended section 1833(t)(16)(C) of the Act by extending the payment period for brachytherapy sources based on a hospital's charges adjusted to cost for 1 additional year, through December 31, 2007. Therefore, we continued to pay for brachytherapy sources based on charges adjusted to cost for CY 2007.

Section 107(b)(1) of Public Law 109–432 amended section 1833(t)(2)(H) of the Act by adding a requirement for the establishment of separate payment groups for ''stranded and non-stranded'' brachytherapy sources furnished on or after July 1, 2007, in addition to the existing requirements for separate payment groups based on the number, isotope, and radioactive intensity of brachytherapy sources under section 1833(t)(2)(H) of the Act. Section 107(b)(2) of Public Law 109–432 authorized the Secretary to implement this requirement by ''program instruction or otherwise.'' We note that public commenters who responded to the CY 2007 OPPS/ASC proposed rule asserted that stranded sources, which they described as embedded into the stranded suture material and separated within the strand by material of an absorbable nature at specified intervals, had greater production costs than non-stranded sources (71 FR 68113 through 68114).

As a result of the statutory requirement to create separate groups for stranded and non-stranded sources as of July 1, 2007, we established several coding changes through a transmittal, effective July 1, 2007 (Transmittal 1259, dated June 1, 2007). Based on public comments received on the CY 2007 OPPS/ASC proposed rule and industry input, we were aware of three sources available in stranded and non-stranded forms at that time: Iodine-125; palladium-103; and cesium-131 (72 FR 42746). We created six new HCPCS codes to differentiate the stranded and non-stranded versions of iodine, palladium, and cesium sources.

In Transmittal 1259, we indicated that if we receive information that any of the other sources now designated as non-stranded are also FDA-approved and marketed as a stranded source, we would create a code for the stranded source. We also established two ''Not Otherwise Specified'' (NOS) codes for billing stranded and non-stranded sources that are not yet known to us and for which we do not have source-specific codes. We established HCPCS code C2698 (Brachytherapy source, stranded, not otherwise specified, per source) for stranded NOS sources and HCPCS code C2699 (Brachytherapy source, non-stranded, not otherwise specified, per source) for non-stranded NOS sources.

In the CY 2008 OPPS/ASC final rule with comment period (72 FR 66784), we again finalized prospective payment for brachytherapy sources, beginning in CY 2008, with payment rates determined using the CY 2006 claims-based costs per source for each brachytherapy source. Consistent with our policy regarding APC payments made on a prospective basis, we finalized the policy in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66686) to subject the cost of brachytherapy sources to the outlier provision of section 1833(t)(5) of the Act, and to also subject brachytherapy source payment weights to scaling for purposes of budget neutrality. Therefore, brachytherapy sources could receive outlier payments if the costs of furnishing brachytherapy sources met the criteria for outlier payment. In addition, as noted in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66683), implementation of prospective payment for brachytherapy sources would provide opportunities for hospitals to receive additional payments under certain circumstances through the 7.1 percent rural SCH adjustment.

For CY 2008, we also proposed and finalized a policy regarding payment for new brachytherapy sources for which we have no claims data (72 FR 42749 and 72 FR 66786, respectively). We indicated we would assign future new HCPCS codes for new brachytherapy sources to their own APCs, with prospective payment rates set based on our consideration of external data and other relevant information regarding the expected costs of the sources to hospitals. Finally, we proposed and finalized our policy to discontinue using status indicator ''H'' (Pass-Through Device Categories. Separate cost based pass-through payment; not subject to co-payment) because we would not be paying charges adjusted to costs after December 31, 2007, and instead adopted a policy of using status indicator ''K'' (which includes, among others, ''Brachytherapy Sources. Paid under OPPS; separate APC payment'') for CY 2008 (72 FR 42749 and 72 FR 66785, respectively).

After we finalized these proposals for CY 2008, section 106(a) of Public Law 110–173 (MMSEA) extended the charges-adjusted-to-cost payment methodology for brachytherapy sources for an additional 6 months, through June 30, 2008. Because our final CY 2008 policies paid for brachytherapy sources at prospective rates based on median costs, we were unable to implement these policies during this extension.

In the CY 2009 OPPS/ASC proposed rule (73 FR 41502), we again proposed prospective payment rates for brachytherapy sources for CY 2009. We proposed to pay for brachytherapy sources at prospective rates based on their source-specific median costs as calculated from CY 2007 claims data available for CY 2009 ratesetting. Subsequent to issuance of the CY 2009 OPPS/ASC proposed rule, Public Law 110–275 (MIPPA) was enacted on July 15, 2008. Section 142 of Public Law 110–275 amended section 1833(t)(16)(C) of the Act, as amended by section 106(a) of Public Law 110–173 (MMSEA), to further extend the payment period for brachytherapy sources based on a hospital's charges adjusted to cost from July 1, 2008, through December 31, 2009. Therefore, we continued to pay for brachytherapy sources at charges adjusted to cost in CY 2008 from July 1 through December 31, and we maintained the assignment of status indicator ''H'' to brachytherapy sources for claims processing purposes in CY 2008. For CY 2009, we have continued to pay for all separately payable brachytherapy sources based on a hospital's charges adjusted to cost. Because brachytherapy sources are paid at charges adjusted to cost, we did not subject them to outlier payments under section 1833(t)(5) of the Act, or subject brachytherapy source payment weights to scaling for purposes of budget neutrality. Moreover, during the CY 2009 period of payment at charges adjusted to cost, brachytherapy sources are not eligible for the 7.1 percent rural SCH adjustment (as discussed in detail in section I*I.E.* of this proposed rule).

Furthermore, for CY 2009, we did not adopt the policy we established in the CY 2008 OPPS/ASC final rule with comment period of paying stranded and non-stranded NOS codes for brachytherapy sources, C2698 and C2699, based on a rate equal to the lowest stranded or non-stranded prospective payment for such sources. Also, for CY 2009, we did not adopt the policy we established in the CY 2008 OPPS/ASC final rule with comment period regarding payment for new brachytherapy sources for which we have no claims data. NOS HCPCS codes C2698 and C2699 and newly established specific source codes are paid at charges adjusted to cost through December 31, 2009, consistent with section 142 of Public Law 110–275.

For CY 2009, we finalized our proposal to create new status indicator ''U'' (Brachytherapy Sources. Paid

under OPPS; separate APC payment) for brachytherapy source payment, instead of using status indicator ''K'' as proposed and finalized for CY 2008 for prospective payment, or status indicator ''H,'' used during the period of charges adjusted to cost payment. As noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68670), assigning a status indicator, such as status indicator ''K,'' to several types of items and services with potentially differing payment policies added unnecessary complexity to our operations. Status indicator ''U'' is used only for brachytherapy sources, regardless of their specific payment methodology for any period of time.

At the February 2009 meeting, the APC Panel recommended paying for brachytherapy sources in CY 2010 using a prospective payment methodology based on median costs from claims data. The APC Panel reviewed CY 2007 and CY 2008 brachytherapy source median costs from claims data and noted the stability of the data from year to year.

B. Proposed OPPS Payment Policy

Under section 142 of Public Law 110–275, payment for brachytherapy sources is mandated at charges adjusted to cost only through CY 2009. For CY 2010, we are proposing to adopt the general OPPS prospective payment methodology for brachytherapy sources, consistent with section 1833(t)(2)(C) of the Act.

As we have previously stated (72 FR 66780 and 73 FR 41502), we believe that adopting the general OPPS prospective payment methodology for brachytherapy sources is appropriate for a number of reasons. The general OPPS payment methodology uses median costs based on claims data to set the relative payment weights for hospital outpatient services. This payment methodology results in more consistent, predictable, and equitable payment amounts per source across hospitals by eliminating some of the extremely high and low payment amounts resulting from payment based on hospitals' charges adjusted to cost. We believe the OPPS prospective payment methodology would also provide hospitals with incentives for efficiency in the provision of brachytherapy services to Medicare beneficiaries. Moreover, this approach is consistent with our payment methodology for the vast majority of items and services paid under the OPPS.

We are proposing to use CY 2008 claims data for setting the CY 2010 payment rates for brachytherapy sources, as we are proposing for most other items and services that will be paid under the CY 2010 OPPS. For CY 2008, we have a full year of claims data for each of the separately payable sources, including iodine, palladium, and cesium sources that have stranded and non-stranded configurations. As indicated earlier, the APC Panel, at the February 2009 meeting, recommended using the median cost data for CY 2010 rates. Our proposal is consistent with the APC Panel's recommendation.

We are proposing to adopt the other payment policies for brachytherapy sources we finalized in previous final rules. We are proposing to pay for the stranded and non-stranded NOS codes, HCPCS codes C2698 and C2699, at a rate equal to the lowest stranded or non-stranded prospective payment rate for such sources, respectively, on a per source basis (as opposed, for example, to a per mci), which is based on the policy we established in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66785). This proposed payment methodology for NOS sources would provide payment to a hospital for new sources, while encouraging interested parties to quickly bring new sources to our attention so that specific coding and payment could be established.

We also are proposing to implement the policy we established in the CY 2008 OPPS/ASC final rule with comment period (which was superseded by section 142 of Pub. L. 110–275) regarding payment for new brachytherapy sources for which we have no claims data, based on the same reasons we discussed in that final rule with comment period (72 FR 66786). That policy is intended to enable us to assign future new HCPCS codes for new brachytherapy sources to their own APCs, with prospective payment rates set based on our consideration of external data and other relevant information regarding the expected costs of the sources to hospitals.

Consistent with our policy regarding APC payments made on a prospective basis, we are proposing to subject brachytherapy sources to outlier payments under section 1833(t)(5) of the Act, and also to subject brachytherapy source payment weights to scaling for purposes of budget neutrality. Therefore, brachytherapy sources could receive outlier payments if the costs of furnishing brachytherapy sources meet the criteria for outlier payment. In addition, as noted in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66683), implementation of prospective payments for brachytherapy sources would provide opportunities for hospitals to receive additional payments in CY 2010 under certain circumstances through the 7.1 percent rural adjustment as described in section *II.E.* of this proposed rule. Therefore, we are proposing to pay for brachytherapy sources at prospective payment rates based on their source-specific median costs for CY 2010. The separately payable brachytherapy source HCPCS codes, long descriptors, APCs, status indicators, and approximate median costs that we are proposing for CY 2010 are presented in Table 32.

TABLE 32—PROPOSED SEPARATELY PAYABLE BRACHYTHERAPY SOURCES FOR CY 2010

CY 2009 HCPCS code	CY 2009 long descriptor	Proposed CY 2010 APC	Proposed CY 2010 SI	CY 2010 approximate median cost
A9527	Iodine I-125, sodium iodide solution, therapeutic, per millicurie	2632	U	$38
C1716	Brachytherapy source, non-stranded, Gold-198, per source	1716	U	42
C1717	Brachytherapy source, non-stranded, High Dose Rate Iridium-192, per source.	1717	U	220
C1719	Brachytherapy source, non-stranded, Non-High Dose Rate Iridium-192, per source.	1719	U	35
C2616	Brachytherapy source, non-stranded, Yttrium-90, per source	2616	U	15,599
C2634	Brachytherapy source, non-stranded, High Activity, Iodine-125, greater than 1.01 mCi (NIST), per source.	2634	U	60
C2635	Brachytherapy source, non-stranded, High Activity, Palladium-103, greater than 2.2 mCi (NIST), persource.	2635	U	28
C2636	Brachytherapy linear source, non-stranded, Palladium-103, per 1 MM	2636	U	19
C2638	Brachytherapy source, stranded, Iodine-125, per source	2638	U	43
C2639	Brachytherapy source, non-stranded, Iodine-125, per source	2639	U	36

TABLE 32—PROPOSED SEPARATELY PAYABLE BRACHYTHERAPY SOURCES FOR CY 2010—Continued

CY 2009 HCPCS code	CY 2009 long descriptor	Proposed CY 2010 APC	Proposed CY 2010 SI	CY 2010 approximate median cost
C2640	Brachytherapy source, stranded, Palladium-103, per source	2640	U	58
C2641	Brachytherapy source, non-stranded, Palladium-103, per source	2641	U	58
C2642	Brachytherapy source, stranded, Cesium-131, per source	2642	U	100
C2643	Brachytherapy source, non-stranded, Cesium-131, per source	2643	U	66
C2698	Brachytherapy source, stranded, not otherwise specified, per source	2698	U	*43
C2699	Brachytherapy source, non-stranded, not otherwise specified, per source	2699	U	*28

*Median cost is that of the lowest cost stranded or non-stranded source upon which CY 2010 payment for the NOS HCPCS code would be based.

We continue to invite hospitals and other parties to submit recommendations to us for new HCPCS codes to describe new brachytherapy sources consisting of a radioactive isotope, including a detailed rationale to support recommended new sources. Such recommendations should be directed to the Division of Outpatient Care, Mail Stop C4–05–17, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244. We will continue to add new brachytherapy source codes and descriptors to our systems for payment on a quarterly basis.

VIII. Proposed OPPS Payment for Drug Administration Services

A. Background

In CY 2005, in response to the recommendations made by public commenters and the hospital industry, OPPS transitioned from Level II HCPCS Q-codes to the use of CPT codes for drug administration services. These CPT codes allowed specific reporting of services regarding the number of hours for an infusion and provided consistency in coding between Medicare and other payers. (For a discussion regarding coding and payment for drug administration services prior to CY 2005, we refer readers to the CY 2008 OPPS/ASC final rule with comment period (72 FR 66787).)

While hospitals began adopting CPT codes for outpatient drug administration services in CY 2005, physicians paid under the MPFS were using HCPCS G-codes in CY 2005 to report office-based drug administration services. These G-codes were developed in anticipation of substantial revisions to the drug administration CPT codes by the CPT Editorial Panel that were expected for CY 2006.

In CY 2006, as anticipated, the CPT Editorial Panel revised its coding structure for drug administration services and incorporated new concepts such as initial, sequential, and concurrent services, into a structure that previously distinguished services based on type of administration (chemotherapy/nonchemotherapy), method of administration (injection/infusion/push), and for infusion services, first hour and additional hours. For CY 2006, we implemented the CY 2006 drug administration CPT codes that did not reflect the concepts of initial, sequential, and concurrent services under the OPPS, and we created HCPCS C-codes that generally paralleled the CY 2005 CPT codes for reporting these other services.

For CY 2007, as a result of public comments on the proposed rule and feedback from the hospital community and the APC Panel, we implemented the full set of CPT codes for drug administration services, including codes incorporating the concepts of initial, sequential, and concurrent services. In addition, the CY 2007 update process offered us the first opportunity to consider data gathered from the use of CY 2005 CPT codes for purposes of ratesetting. For CY 2007, we used CY 2005 claims data to implement a six-level APC structure for drug administration services. In CY 2008, we continued to use the full set of CPT codes for drug administration services and continued our assignment of drug administration services to this six-level APC structure.

For CY 2009, we continued to allow hospitals to use the full set of CPT codes for drug administration services but moved from a six-level APC structure to a five-level APC structure. We note that, while there were changes in the CPT numerical coding for nonchemotherapy drug administration services in CY 2009, the existing CPT codes were only renumbered and there were no significant changes to the code descriptors themselves. As we discussed in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68672), the CY 2009 ratesetting process afforded us the first opportunity to examine hospital claims data for the full set of CPT codes that reflected the concepts of initial, sequential, and concurrent services. For CY 2009, we performed our standard annual OPPS review of the clinical and resource characteristics of the drug administration CPT codes assigned to the six-level CY 2008 APC structure based on the CY 2007 claims data available for the CY 2009 OPPS/ASC proposed rule. As a result of our hospital cost analysis and detailed clinical review, we adopted a five-level APC structure for CY 2009 drug administration services to more appropriately reflect their resource utilization in APCs that also group clinically similar services. As we noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68671), these APCs generally demonstrated the clinically expected and actually observed comparative relationships between the median costs of different types of drug administration services, including initial and additional services; chemotherapy and other diagnostic, prophylactic, or therapeutic services; injections and infusions; and simple and complex methods of drug administration. In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68673), we indicated our belief that the five-level APC structure was the most appropriate structure based on updated hospital claims data for the full range of CPT drug administration codes for the CY 2009 OPPS/ASC final rule with comment period because the structure resulted in payment groups with greater clinical and resource homogeneity.

B. Proposed Coding and Payment for Drug Administration Services

For CY 2010, we are proposing to continue to use the full set of CPT codes for drug administration services. In addition, as a part of our standard annual review, we analyzed the assignments of drug administration CPT codes into the five-level APC structure and, based on the results of this review, are proposing to continue a five-level APC structure for CY 2010. Further, we are proposing some minor reconfigurations of the APCs as

described below to account for changes in HCPCS code-specific median costs resulting from updated CY 2008 claims data and the most recent cost report data, and the CY 2010 drug payment proposal that is discussed in section V.B.3.b. of this proposed rule.

In the CY 2007 OPPS/ASC final rule with comment period (71 FR 68117), we explained that we expected CPT codes for additional hours of infusion to be reported with CPT codes for the initial hour of drug infusion. This would result in a substantial number of claims for drug administration services that were unusable for ratesetting purposes because multiple services would be present on the same bill and result in essentially no correctly coded claims upon which to set the median costs for the CPT codes describing additional hours of infusion. (We refer readers to section II.A.1.b. of this proposed rule for a further discussion of multiple bills and our ratesetting methodology.) In order to use these claims for ratesetting purposes for both the initial drug administration codes and the additional hour drug administration codes, we adopted the policy of adding the additional hour drug administration codes to the bypass list in order to create ''pseudo'' single claims that would be useable for OPPS ratesetting purposes. After the creation of these ''pseudo'' single claims, we applied the standard OPPS methodology to calculate HCPCS code-specific median costs for these initial and additional hour drug administration codes.

As we explained further in the CY 2007 OPPS/ASC final rule with comment period, bypassing these additional hour drug administration CPT codes and developing additional ''per unit'' claims provided a methodology for calculating median costs for these previously packaged drug administration services which attributed all of their line-item cost data to their assigned APCs. However, we noted that this methodology allocates all packaged costs on claims for drug administration services to the associated initial hour of infusion code. Because these additional hours of infusion codes were always reported with other drug administration services, we expected that the packaging related to additional hours of infusion would be appropriately assigned to the initial drug administration service also included on the same claim. While we stated our belief that there are some packaged costs that are clinically related to the second and subsequent hours of infusion, especially for infusions of packaged drugs spanning several hours, we were not able to accurately assign representative portions of packaged costs to multiple different services due to the limitations of our claims data.

We indicated that while this methodology did not assign any packaged costs to the additional hours of drug administration codes, we believed this methodology took into account all of the packaging on claims for drug administration services and provided a reasonable framework for developing median costs for drug administration services that were often provided in combination with one another.

Since this approach was first adopted for CY 2007, we have updated and expanded the bypass methodology to reflect changing drug administration HCPCS codes that are recognized under the OPPS. We placed all of the add-on CPT codes for drug administration services, including the sequential infusion and intravenous push codes, on the bypass list in CY 2009 (73 FR 68513) in order to continue this framework for transforming these otherwise unusable multiple bills into ''pseudo'' single claims that can be used for OPPS ratesetting purposes.

Table 33 below displays the proposed configurations of the five drug administration APCs for CY 2010. In proposing to reassign several HCPCS codes for CY 2010, we have taken into consideration the resource characteristics of the services, as reflected in their HCPCS code-specific median costs and their clinical characteristics. We believe the proposed APC configurations group drug administration services that share sufficiently similar clinical and resource characteristics, taking into consideration updated CY 2008 claims data and the most recent cost report data and common clinical scenarios that have been described to us.

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TABLE 33.—PROPOSED CY 2010 DRUG ADMINISTRATION APCs

CY 2009 HCPCS Code	Proposed CY 2010 APC	Proposed CY 2010 Approximate APC Median Cost	CY 2009 Long Descriptor
90471	0436	$26	Immunization administration (includes percutaneous, intradermal, subcutaneous, or intramuscular \injections); one vaccine (single or combination vaccine/toxoid)
90472			Immunization administration (includes percutaneous, intradermal, subcutaneous, or intramuscular injections); each additional vaccine (single or combination vaccine/toxoid) (List separately in addition to code for primary procedure)
90473			Immunization administration by intranasal or oral route; one vaccine (single or combination vaccine/toxoid)
90474			Immunization administration by intranasal or oral route; each additional vaccine (single or combination vaccine/toxoid) (List separately in addition to code for primary procedure)
95115			Professional services for allergen immunotherapy not including provision of allergenic extracts; single injection
95117			Professional services for allergen immunotherapy not including provision of allergenic extracts; 2 or more injections
95165			Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy; single or multiple antigens (specify number of doses)
96361			Intravenous infusion, hydration; each additional hour (List separately in addition to code for primary procedure)
96366			Intravenous infusion, for therapy, prophylaxis, or diagnosis (specify substance or drug); each additional hour (List separately in addition to code for primary procedure)

CY 2009 HCPCS Code	Proposed CY 2010 APC	Proposed CY 2010 Approximate APC Median Cost	CY 2009 Long Descriptor
96371			Subcutaneous infusion for therapy or prophylaxis (specify substance or drug); additional pump set-up with establishment of new subcutaneous infusion site(s) (List separately in addition to code for primary procedure)
96372			Therapeutic, prophylactic, or diagnostic injection (specify substance or drug); subcutaneous or intramuscular
96379			Unlisted therapeutic, prophylactic, or diagnostic intravenous or intra-arterial injection or infusion
96549			Unlisted chemotherapy procedure
95144	0437	$38	Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy, single dose vial(s) (specify number of vials)
95145			Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy (specify number of doses); single stinging insect venom
95148			Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy (specify number of doses); 4 single stinging insect venoms
95149			Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy (specify number of doses); 5 single stinging insect venoms
95170			Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy; whole body extract of biting insect or other arthropod (specify number of doses)
96367			Intravenous infusion, for therapy, prophylaxis, or diagnosis (specify substance or drug); additional sequential infusion, up to 1 hour (List separately in addition to code for primary procedure)

CY 2009 HCPCS Code	Proposed CY 2010 APC	Proposed CY 2010 Approximate APC Median Cost	CY 2009 Long Descriptor
96370			Subcutaneous infusion for therapy or prophylaxis (specify substance or drug); each additional hour (List separately in addition to code for primary procedure)
96373			Therapeutic, prophylactic, or diagnostic injection (specify substance or drug); intra-arterial
96374			Therapeutic, prophylactic, or diagnostic injection (specify substance or drug); intravenous push, single or initial substance/drug
96375			Therapeutic, prophylactic, or diagnostic injection (specify substance or drug); each additional sequential intravenous push of a new substance/drug (List separately in additional to code for primary procedure)
96401			Chemotherapy administration, subcutaneous or intramuscular; non-hormonal anti-neoplastic
96402			Chemotherapy administration, subcutaneous or intramuscular; hormonal anti-neoplastic
96405			Chemotherapy administration; intralesional, up to and including 7 lesions
96415			Chemotherapy administration, intravenous infusion technique; each additional hour (List separately in addition to code for primary procedure)
95146	0438	$74	Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy (specify number of doses); 2 single stinging insect venoms
95147			Professional services for the supervision of preparation and provision of antigens for allergen immunotherapy (specify number of doses); 3 single stinging insect venoms
96360			Intravenous infusion, hydration; initial, 31 minutes to 1 hour
96411			Chemotherapy administration; intravenous, push technique, each additional substance/drug (List separately in addition to code for primary procedure)

CY 2009 HCPCS Code	Proposed CY 2010 APC	Proposed CY 2010 Approximate APC Median Cost	CY 2009 Long Descriptor
96417			Chemotherapy administration, intravenous infusion technique; each additional sequential infusion (different substance/drug), up to 1 hour (List separately in addition to code for primary procedure)
96420			Chemotherapy administration, intra-arterial; push technique
96423			Chemotherapy administration, intra-arterial; infusion technique, each additional hour (List separately in addition to code for primary procedure)
96542			Chemotherapy injection, subarachnoid or intraventricular via subcutaneous reservoir, single or multiple agents
95990	0439	$128	Refilling and maintenance of implantable pump or reservoir for drug delivery, spinal (intrathecal, epidural) or brain (intraventricular);
95991			Refilling and maintenance of implantable pump or reservoir for drug delivery, spinal (intrathecal, epidural) or brain (intraventricular); administered by physician
96365			Intravenous infusion, for therapy, prophylaxis, or diagnosis (specify substance or drug); initial, up to 1 hour
96369			Subcutaneous infusion for therapy or prophylaxis (specify substance or drug); initial, up to 1 hour, including pump set-up and establishment of subcutaneous infusion site(s)
96406			Chemotherapy administration; intralesional, more than 7 lesions
96409			Chemotherapy administration; intravenous, push technique, single or initial substance/drug
96440			Chemotherapy administration into pleural cavity, requiring and including thoracentesis
96521			Refilling and maintenance of portable pump
96522			Refilling and maintenance of implantable pump or reservoir for drug delivery, systemic (eg, intravenous, intra-arterial)

CY 2009 HCPCS Code	Proposed CY 2010 APC	Proposed CY 2010 Approximate APC Median Cost	CY 2009 Long Descriptor
C8957			Intravenous infusion for therapy/diagnosis; initiation of prolonged infusion (more than eight hours), requiring use of portable or implantable pump
96413	0440	$217	Chemotherapy administration; intravenous infusion technique; up to 1 hour, single or initial substance/drug
96416			Chemotherapy administration, intravenous infusion technique; initiation of prolonged chemotherapy infusion (more than 8 hours), requiring use of a portable or implantable pump
96422			Chemotherapy administration, intra-arterial; infusion technique, up to 1 hour
96425			Chemotherapy administration, intra-arterial; infusion technique, initiation of prolonged infusion (more than 8 hours), requiring the use of a portable or implantable pump
96445			Chemotherapy administration into peritoneal cavity, requiring and including peritoneocentesis
96450			Chemotherapy administration, into CNS (eg, intrathecal), requiring and including spinal puncture

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IX. Proposed OPPS Payment for Hospital Outpatient Visits

A. Background

Currently, hospitals report visit HCPCS codes to describe three types of OPPS services: Clinic visits, emergency department visits, and critical care services. For OPPS purposes, we recognize clinic visit codes as those codes defined in the CPT codebook to report evaluation and management (E/M) services provided in the physician's office or in an outpatient or other ambulatory facility. We recognize emergency department visit codes as those codes used to report E/M services provided in the emergency department. Emergency department visit codes consist of five CPT codes that apply to Type A emergency departments, and five Level II HCPCS codes that apply to Type B emergency departments. For OPPS purposes, we recognize critical care codes as those CPT codes used by hospitals to report critical care services that involve the ''direct delivery by a physician(s) of medical care for a critically ill or critically injured patient,'' as defined by the CPT codebook. In Transmittal 1139, Change Request 5438, dated December 22, 2006, we stated that, under the OPPS, the time that can be reported as critical care is the time spent by a physician and/or hospital staff engaged in active face-to-face critical care of a critically ill or critically injured patient. Under the OPPS, we also recognize HCPCS code G0390 (Trauma response team associated with hospital critical care service) for the reporting of a trauma response in association with critical care services.

We are proposing to continue recognizing these CPT and HCPCS codes describing clinic visits, Type A and B emergency department visits, critical care services, and trauma team activation provided in association with critical care services for CY 2010. These codes are listed below in Table 34.

TABLE 34—PROPOSED HCPCS CODES USED TO REPORT CLINIC AND EMERGENCY DEPARTMENT VISITS AND CRITICAL CARE SERVICES

CY 2009 HCPCS code	CY 2009 descriptor
Clinic Visit HCPCS Codes	
99201	Office or other outpatient visit for the evaluation and management of a new patient (Level 1).
99202	Office or other outpatient visit for the evaluation and management of a new patient (Level 2).

TABLE 34—PROPOSED HCPCS CODES USED TO REPORT CLINIC AND EMERGENCY DEPARTMENT VISITS AND CRITICAL CARE SERVICES—Continued

CY 2009 HCPCS code	CY 2009 descriptor
99203	Office or other outpatient visit for the evaluation and management of a new patient (Level 3).
99204	Office or other outpatient visit for the evaluation and management of a new patient (Level 4).
99205	Office or other outpatient visit for the evaluation and management of a new patient (Level 5).
99211	Office or other outpatient visit for the evaluation and management of an established patient (Level 1).
99212	Office or other outpatient visit for the evaluation and management of an established patient (Level 2).
99213	Office or other outpatient visit for the evaluation and management of an established patient (Level 3).
99214	Office or other outpatient visit for the evaluation and management of an established patient (Level 4).
99215	Office or other outpatient visit for the evaluation and management of an established patient (Level 5).
Emergency Department Visit HCPCS Codes	
99281	Emergency department visit for the evaluation and management of a patient (Level 1).
99282	Emergency department visit for the evaluation and management of a patient (Level 2).
99283	Emergency department visit for the evaluation and management of a patient (Level 3).
99284	Emergency department visit for the evaluation and management of a patient (Level 4).
99285	Emergency department visit for the evaluation and management of a patient (Level 5).
G0380	Type B emergency department visit (Level 1).
G0381	Type B emergency department visit (Level 2).
G0382	Type B emergency department visit (Level 3).
G0383	Type B emergency department visit (Level 4).
G0384	Type B emergency department visit (Level 5).
Critical Care Services HCPCS Codes	
99291	Critical care, evaluation and management of the critically ill or critically injured patient; first 30–74 minutes.
99292	Critical care, evaluation and management of the critically ill or critically injured patient; eachadditional 30 minutes.
G0390	Trauma response associated with hospital critical care service.

During the February 2009 APC Panel meeting, the APC Panel recommended that CMS present at the next APC Panel meeting an analysis of the most common diagnoses and services associated with Type A and Type B emergency department visits, including an analysis by hospital-specific characteristics, as well as an analysis of CY 2008 claims data for clinic and emergency department (Types A and B) visits. The APC Panel also recommended that the work of the Visits and Observation Subcommittee continue. We are adopting these recommendations and plan to provide the requested data and analyses to the APC Panel at an upcoming meeting.

B. Proposed Policies for Hospital Outpatient Visits

1. Clinic Visits: New and Established Patient Visits

As reflected in Table 34, hospitals use different CPT codes for clinic visits based on whether the patient being treated is a new or an established patient. Beginning in CY 2009, we refined the definitions of new and established patients to reflect whether or not the patient has been registered as an inpatient or outpatient of the hospital within the past 3 years. A patient who has been registered as an inpatient or outpatient of the hospital within the 3 years prior to a visit would be considered to be an established patient for that visit, while a patient who has not been registered as an inpatient or outpatient of the hospital within the 3 years prior to a visit would be considered to be a new patient for that visit. We refer readers to the CY 2009 OPPS/ASC final rule with comment period (73 FR 68677 through 68680) for a full discussion of the refined definitions.

We continue to believe that defining new or established patient status based on whether the patient has been registered as an inpatient or outpatient of the hospital within the 3 years prior to a visit will reduce hospitals' administrative burden associated with reporting appropriate clinic visit CPT codes. For CY 2010, we are proposing to continue recognizing the refined definitions of new and established patients, and to continue our policy of calculating median costs for clinic visits under the OPPS using historical hospital claims data. As discussed in detail in section II.A.2.e.(1) of this proposed rule and consistent with our CY 2009 policy, when calculating the median costs for the clinic visit APCs (0604 through 0608), we would utilize our methodology that excludes those claims for visits that are eligible for payment through the extended assessment and management composite APC 8002 (Level I Extended Assessment and Management Composite). We believe that this approach would continue to result in the most accurate cost estimates for APCs 0604 through 0608 for CY 2010.

2. Emergency Department Visits

Since CY 2007, we have recognized two different types of emergency departments for payment purposes under the OPPS—Type A emergency departments and Type B emergency departments. As described in greater detail below, by providing payment for two types of emergency departments, we recognize for OPPS payment purposes both the CPT definition of an emergency department, which requires the facility to be available 24 hours, and the requirements for emergency departments specified in the provisions of the Emergency Medical Treatment and Labor Act (EMTALA) (Pub. L. 99–272), which do not stipulate 24 hour availability but do specify other obligations for hospitals that offer emergency services. For more detailed information on the EMTALA provisions, we refer readers to the CY 2009 OPPS/ASC final rule with comment period (73 FR 68680).

In the CY 2007 OPPS/ASC final rule with comment period (71 FR 68132), we finalized the definition of Type A emergency departments to distinguish them from Type B emergency

departments. A Type A emergency department must be available to provide services 24 hours a day, 7 days a week, and meet one or both of the following requirements related to the EMTALA definition of a dedicated emergency department, specifically: (1) It is licensed by the State in which it is located under the applicable State law as an emergency room or emergency department; or (2) It is held out to the public (by name, posted signs, advertising, or other means) as a place that provides care for emergency medical conditions on an urgent basis without requiring a previously scheduled appointment. For CY 2007 (71 FR 68140), we assigned the five CPT E/M emergency department visit codes for services provided in Type A emergency departments to five created Emergency Visit APCs, specifically APC 0609 (Level 1 Emergency Visits), APC 0613 (Level 2 Emergency Visits), APC 0614 (Level 3 Emergency Visits), APC 0615 (Level 4 Emergency Visits), and APC 0616 (Level 5 Emergency Visits). We defined a Type B emergency department as any dedicated emergency department that incurred EMTALA obligations, but did not meet the CPT definition of an emergency department. For example, a hospital department or facility that may be characterized as a Type B emergency department would meet the definition of a dedicated emergency department, but may not be available 24 hours a day, 7 days a week. Hospitals or facilities with such dedicated emergency departments incur EMTALA obligations with respect to an individual who presents to the department and requests, or has a request made on his or her behalf, examination or treatment for a medical condition.

To determine whether visits to Type B emergency departments have different resource costs than visits to either clinics or Type A emergency departments, in the CY 2007 OPPS/ASC final rule with comment period (71 FR 68132), we finalized a set of five HCPCS G-codes for use by hospitals to report visits to all entities that meet the definition of a dedicated emergency department under the EMTALA regulations but that are not Type A emergency departments. These codes are called ''Type B emergency department visit codes.'' In the CY 2007 OPPS/ASC final rule with comment period (71 FR 68132), we explained that these new HCPCS G-codes would serve as a vehicle to capture median cost and resource differences among visits provided by Type A emergency departments, Type B emergency departments, and clinics. We stated that the reporting of specific HCPCS G-codes for emergency department visits provided in Type B emergency departments would permit us to specifically collect and analyze the hospital resource costs of visits to these facilities in order to determine if, in the future, a proposal for an alternative payment policy might be warranted. We expected hospitals to adjust their charges appropriately to reflect differences in Type A and Type B emergency department visit costs.

As we noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68681), the CY 2007 claims data used for that rulemaking system were from the first year of claims data available for analysis that included hospital's cost data for these new Type B emergency department HCPCS visit codes. Based on our analysis of the CY 2007 claims data, we confirmed that the median costs of Type B emergency department visits were less than the median costs of Type A emergency department visits for all but the level 5 visit. In other words, the median costs from the CY 2007 hospital claims represented real differences in the hospital resource costs for the same level of visits in a Type A or Type B emergency department. Therefore, for CY 2009, we adopted the August 2008 APC Panel recommendation to assign levels 1 through 4 Type B emergency department visits to their own APCs and to assign the level 5 Type B emergency department visit to the same APC as the level 5 Type A emergency department visit.

We now have CY 2008 cost data for CY 2010 ratesetting for the Type B emergency department HCPCS G-codes, representing a second year of claims data for these Type B emergency department visit HCPCS codes. Overall, we observe the same frequency and pattern of billing for the type B emergency department visit codes as we did in the CY 2007 claims data (72 FR 68681). In the CY 2008 claims available for this proposed rule, we observe that 334 hospitals billed at least one Type B emergency department visit code in CY 2008, with a total frequency of visits provided in Type B emergency departments of approximately 210,000. All except 5 of the 334 hospitals reporting Type B emergency department visits in CY 2007 also reported Type A emergency department visits. Overall, many more hospitals (approximately 3,225 total hospitals) reported Type A emergency department visits than Type B emergency department visits. For comparison purposes, the total frequency of visits provided in hospital outpatient clinics and Type A emergency departments is approximately 14.8 million and 10.4 million, respectively. The median costs for the Type B emergency department visit HCPCS codes, as compared to the Type A emergency department visit HCPCS codes and the clinic visit APC median costs, are shown in Table 35 below.

TABLE 35—COMPARISON OF PROPOSED MEDIAN COSTS FOR CLINIC VISIT APCS, TYPE B EMERGENCY DEPARTMENT VISIT HCPCS CODES, AND TYPE A EMERGENCY DEPARTMENT VISIT HCPCS CODES

Visit level	Proposed CY 2010 clinic visit approximate APC median cost	Proposed CY 2010 type B emergency department approximate HCPCS code median cost	Proposed CY 2010 type A emergency visit approximate HCPCS code median cost
Level 1	$55	$46	$54
Level 2	71	65	89
Level 3	87	95	141
Level 4	112	132	227
Level 5	164	251	334

As demonstrated in Table 35, the median costs of the lowest level visits based on the CY 2008 claims data are similar across all settings, including clinic and Type A and B emergency departments. Visit levels 2 and 3 share similar resource costs in the clinic and Type B emergency department settings, while visits provided in Type A emergency departments have higher estimated resource costs at these levels. The level 4 clinic visit APC is less resource-intensive than the level 4 Type B emergency department visit, which is similarly less resource-intensive than the level 4 Type A emergency department visit. Similarly, the level 5 clinic visit APC is less resource-intensive than the level 5 Type B emergency department visit, which is less resource-intensive than the level 5 Type A emergency department visit.

This pattern of relative cost differences between Type A and Type B emergency department visits is largely consistent with the distributions we observed in the CY 2007 data, with the exception that, in the CY 2008 claims data, we observe a relatively lower HCPCS code-specific median cost associated with level 5 Type B emergency department visits compared to the HCPCS-code specific median cost of level 5 Type A emergency department visits. In contrast, in our CY 2007 claims data we observed similar resource costs for level 5 Type A and Type B emergency department visits. In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68683), we hypothesized that for the highest level of emergency department visits, the resources required would be the same in both emergency department settings. Now that more data on Type B emergency department visits are available, and hospitals have more experience billing for Type B services, we observe differences in the resources for the highest level emergency department visits to Type A and Type B emergency departments. We shared this cost and frequency data with the Visits and Observation Subcommittee of the APC Panel during the February 2009 meeting.

As noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68683), we performed data analyses regarding the costs of Type A and Type B emergency department visits in addition to our standard median cost calculations. These analyses included studying the emergency department visit costs of hospitals that billed Type B emergency department visits only, analyzing the cost data for hospitals that billed both Type A and Type B emergency department visits, and evaluating whether there were differences in the costs of Type A and Type B emergency department visits by Medicare contractor to ascertain whether there were differences in how Medicare contractors have interpreted our Type A and Type B emergency department visit policies. In the CY 2007 data, we observed that hospitals that billed both Type A and Type B emergency department visits had lower costs for Type B emergency department visits than Type A emergency department visits at all levels except for the level 5 Type B emergency department visit. Our analyses of differences in Type A and Type B emergency department visit median costs by Medicare contractor did not identify concerning differences. Overall, we observed a distribution of visit costs as expected, including generally lower Type B emergency department visit costs in comparison with Type A emergency department visits, and increasing costs for Type B emergency department visits from levels 1 through 5, similar to the cost increases we observed from levels 1 through 5 for Type A emergency department visits. We did observe a few contractors with more unusual cost distributions for Type B emergency department visits, including relatively similar or higher costs across levels 1 through 5 for Type B emergency department visits. For CY 2009, we concluded that we had no reason to believe that the cost differences between Type A and Type B emergency department visits evident in our aggregate OPPS claims data resulted from varying contractor criteria as to what defines Type A and Type B emergency departments. We also committed to monitoring these distributions in future years.

For this CY 2010 proposed rule, we repeated some of our analyses of Type B emergency department visits using updated CY 2008 claims data to confirm that Type B emergency department visit costs are generally lower than Type A emergency department visit costs and to again assess whether there are systematic differences in the costs of Type A and Type B emergency department visits by Medicare contractor. As noted above, we observed that hospitals that billed both Type A and Type B emergency department visits had lower costs for Type B emergency department visits than Type A emergency department visits, including level 5 Type B emergency department visits, which is a change from the CY 2007 data. We further evaluated differences in the costs of Type A and Type B emergency department visits by Medicare contractor. Based on our analysis of CY 2008 claims, we observed similar patterns in HCPCS code-specific median cost differences between Type A and Type B emergency department visits as observed in the CY 2007 claims. Hospitals in the jurisdictions of most Medicare contractors have generally lower Type B emergency department visit costs in comparison with Type A emergency department visits, as well as increasing costs for Type B emergency department visits from levels 1 through 5, similar to the cost increases we observed from levels 1 through 5 for Type A emergency department visits.

Like last year, we also observed a few contractors with more unusual cost distributions for Type B emergency department visits, including those with Type B emergency department visit costs that are relatively similar or higher than Type A emergency department visit costs across levels 1 through 5. Some of these Medicare contractors are the same contractors that we noted had more unusual relative cost distributions for Type B emergency department visits relative to Type A emergency department visit costs in the CY 2007 claims data. In order to confirm that these Medicare contractors are applying our policies consistently, we examined the HCPCS code-specific median costs for Type A and Type B emergency department visits for the providers in each Medicare contractor's area. For almost all of these Medicare contractors, we see one or two providers with relatively high Type B emergency department visit costs relative to Type B emergency department visit costs nationwide or with Type B emergency department visit costs that are relatively similar to or higher than Type A emergency department visit costs. These one or two providers have sufficient visit volumes to influence the calculation of the HCPCS code-specific median costs for their respective Medicare contractors.

In summary, our further analyses of Type B emergency department visit costs for this CY 2010 OPPS/ASC proposed rule confirm that the median costs of Type B emergency department visits are less than the median costs of Type A emergency department visits across all levels. Our further analyses also confirm that there are no significant differences in how Medicare contractors have interpreted our Type A and Type B emergency department visit reporting policies. The median costs from CY 2008 hospital claims represent real differences in the hospital resource costs for the same level of visit in a

Type A or Type B emergency department.

Therefore, we are proposing to pay for Type B emergency department visits in CY 2010 consistent with their median costs. Specifically, we are proposing to pay levels 1 through 4 Type B emergency department visits through four levels of APCs: APC 0626 (Level 1 Type B Emergency Visits), APC 0627 (Level 2 Type B Emergency Visits), APC 0628 (Level 3 Type B Emergency Visits), and APC 0629 (Level 4 Type B Emergency Visits). In addition, we are proposing to create new APC 0630 (Level 5 Type B Emergency Visits) and pay level 5 Type B emergency department visits through this new APC. We are proposing to assign HCPCS codes G0380, G0381, G0382, G0383, and G0384 (the levels 1, 2, 3, 4, and 5 Type B emergency department visit Level II HCPCS codes) to APCs 0626, 0627, 0628, 0629, and 0630, respectively, for CY 2010. These HCPCS codes would be the only HCPCS codes assigned to these APCs. Furthermore, to distinguish new APC 0630 from the APC for the level 5 Type A emergency visits, we are proposing to modify the title of the current level 5 Type A emergency visit APC to incorporate Type A in the title. Therefore, the proposed revised title of APC 0616 would be ''Level 5 Type A Emergency Visits.''

This proposal to pay for Type B emergency department visits based on their median costs is consistent with the APC Panel's March 2008 recommendation for payment of Type B emergency department visits. As part of their recommended configuration of APCs for Type B emergency department visits in CY2009, the APC Panel also said that, given the limited CY 2007 claims data available for Type B emergency department visits, CMS should reconsider payment adjustments as more claims data become available. In general, the APC Panel's recommended CY 2009 configuration paid appropriately for each level of the Type B emergency department visits, based on the resource costs of the Type B emergency department visits that are reflected in claims data. We believe our proposed CY 2010 configuration also would pay appropriately for each level of Type B emergency department visits based on estimated resource costs from more recent claims data.

Table 36 below displays the proposed APC median costs for each level of Type B emergency department visit under our proposed CY 2010 configuration. As more cost data become available and hospitals gain additional experience with reporting visits to Type B emergency departments, we will continue to regularly reevaluate patterns of Type A and Type B emergency department visit reporting to ensure that hospitals continue to bill appropriately and differentially for these services. In addition, according to our usual practice, we will examine trends in cost data over time and consider proposing alternative emergency department visit APC configurations in the future if updated data indicate that changes to the payment structure should be considered.

TABLE 36—PROPOSED CY 2010 TYPE B EMERGENCY DEPARTMENT VISIT APC ASSIGNMENTS AND MEDIAN COSTS

Type B emergency department level	Proposed CY 2010 APC assignment	Proposed CY 2010 approximate APC median cost
Level 1	0626	$46
Level 2	0627	65
Level 3	0628	95
Level 4	0629	132
Level 5	0630	251

3. Visit Reporting Guidelines

Since April 7, 2000, we have instructed hospitals to report facility resources for clinic and emergency department hospital outpatient visits using the CPT E/M codes and to develop internal hospital guidelines for reporting the appropriate visit level. Because a national set of hospital-specific codes and guidelines do not currently exist, we have advised hospitals that each hospital's internal guidelines that determine the levels of clinic and emergency department visits to be reported should follow the intent of the CPT code descriptors, in that the guidelines should be designed to reasonably relate the intensity of hospital resources to the different levels of effort represented by the codes.

As noted in detail in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66802 through 66805), we observed a normal and stable distribution of clinic and emergency department visit levels in hospital claims over the past several years. The data indicated that hospitals, on average, were billing all five levels of visit codes with varying frequency, in a consistent pattern over time. Overall, both the clinic and emergency department visit distributions indicated that hospitals were billing consistently over time and in a manner that distinguished between visit levels, resulting in relatively normal distributions nationally for the OPPS, as well as for specific classes of hospitals. The results of these analyses were generally consistent with our understanding of the clinical and resource characteristics of different levels of hospital outpatient clinic and emergency department visits. In the CY 2008 OPPS/ASC proposed rule (72 FR 42764 through 42765), we specifically invited public comment as to whether a pressing need for national guidelines continued at this point in the maturation of the OPPS, or if the current system where hospitals create and apply their own internal guidelines to report visits was currently more practical and appropriately flexible for hospitals. We explained that although we have reiterated our goal since CY 2000 of creating national guidelines, this complex undertaking for these important and common hospital services was proving more challenging than we initially thought as we received new and expanded information from the public on current hospital reporting practices that led to appropriate payment for the hospital resources associated with clinic and emergency department visits. We stated our belief that many hospitals had worked diligently and carefully to develop and implement their own internal guidelines that reflected the scope and types of services they provided throughout the hospital outpatient system. Based on public comments, as well as our own knowledge of how clinics operate, it seemed unlikely that one set of straightforward national guidelines could apply to the reporting of visits in all hospitals and specialty clinics. In

addition, the stable distribution of clinic and emergency department visits reported under the OPPS over the past several years indicated that hospitals, both nationally in the aggregate and grouped by specific hospital classes, were generally billing in an appropriate and consistent manner as we would expect in a system that accurately distinguished among different levels of service based on the associated hospital resources.

Therefore, we did not propose to implement national visit guidelines for clinic or emergency department visits for CY 2008. Since publication of the CY 2008 OPPS/ASC final rule with comment period, we have again examined the distribution of clinic and Type A emergency department visit levels based upon updated CY 2008 claims data available for this proposed rule and confirmed that we continue to observe a normal and stable distribution of clinic and emergency department visit levels in hospital claims. We continue to believe that, based on the use of their own internal guidelines, hospitals are generally billing in an appropriate and consistent manner that distinguishes among different levels of visits based on their required hospital resources. As a result of our updated analyses, we are encouraging hospitals to continue to report visits during CY 2010 according to their own internal hospital guidelines. In the absence of national guidelines, we will continue to regularly reevaluate patterns of hospital outpatient visit reporting at varying levels of disaggregation below the national level to ensure that hospitals continue to bill appropriately and differentially for these services. As originally noted in detail in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66648), we continue to expect that hospitals will not purposely change their visit guidelines or otherwise upcode clinic and emergency department visits for purposes of composite Extended Assessment & Management Composite APC payment.

In addition, we note our continued expectation that hospitals' internal guidelines will comport with the principles listed in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66805). We encourage hospitals with more specific questions related to the creation of internal guidelines to contact their local fiscal intermediary or MAC.

We appreciate all of the comments we have received in the past from the public on visit guidelines, and we encourage continued submission of comments throughout the year that would assist us and other stakeholders interested in the development of national guidelines. Until national guidelines are established, hospitals should continue using their own internal guidelines to determine the appropriate reporting of different levels of clinic and emergency department visits. While we understand the interest of some hospitals in having us move quickly to promulgate national guidelines that would ensure standardized reporting of hospital outpatient visit levels, we believe that the issues and concerns identified both by us and others that may arise are important and require serious consideration prior to the implementation of national guidelines. Because of our commitment to provide hospitals with 6 to 12 months notice prior to implementation of national guidelines, we would not implement national guidelines prior to CY 2011. Our goal is to ensure that OPPS national or hospital-specific visit guidelines continue to facilitate consistent and accurate reporting of hospital outpatient visits in a manner that is resource-based and supportive of appropriate OPPS payments for the efficient and effective provision of visits in hospital outpatient settings.

X. Proposed Payment for Partial Hospitalization Services

A. Background

Partial hospitalization is an intensive outpatient program of psychiatric services provided to patients as an alternative to inpatient psychiatric care for individuals who have an acute mental illness. Section 1833(t)(1)(B)(i) of the Act provides the Secretary with the authority to designate the HOPD services to be covered under the OPPS. The Medicare regulations at § 419.21 that implement this provision specify that payments under the OPPS will be made for partial hospitalization services furnished by community mental health centers (CMHCs) as well as those services furnished by hospitals to their outpatients. Section 1833(t)(2)(C) of the Act requires the Secretary to establish relative payment weights for covered HOPD services (and any APCs) based on median (or mean, at the election of the Secretary) hospital costs using data on claims from 1996 and data from the most recent available cost reports. Because a day of care is the unit that defines the structure and scheduling of partial hospitalization services, we established a per diem payment methodology for the partial hospitalization program (PHP) APC, effective for services furnished on or after August 1, 2000 (65 FR 18452).

Historically, the median per diem cost for CMHCs greatly exceeded the median per diem cost for hospital-based PHPs and fluctuated significantly from year to year, while the median per diem cost for hospital-based PHPs remained relatively constant ($200–$225). We believe that CMHCs may have increased and decreased their charges in response to Medicare payment policies. As discussed in more detail in section X.B. of this proposed rule and in the CY 2004 OPPS final rule with comment period (68 FR 63470), we also believe that some CMHCs manipulated their charges in order to inappropriately receive outlier payments.

In developing the CY 2008 update, we began an effort to strengthen the PHP benefit through extensive data analysis and policy and payment changes. We began this effort as a result of the significant fluctuations and declines in the CMHC PHP median per diem costs (we refer readers to the CY 2008 OPPS/ASC final rule with comment period (72 FR 66670 through 66676) for a detailed discussion). The analysis included an examination of revenue-to-cost center mapping, refinements to the per diem methodology, and an in-depth analysis of the number of units of service furnished per day.

For CY 2008, we proposed and finalized two refinements to the methodology for computing the PHP median. Although these refinements did not appreciably impact the median per diem cost, we believe the refinements resulted in more accurate per diem medians. First, we remapped 10 revenue codes that are common among hospital-based PHP claims to the most appropriate cost centers (72 FR 66671 through 66672). Typically, we map the revenue code to the most specific cost center with a provider-specific CCR. However, if the hospital does not have a CCR for any of the listed cost centers, we consider the overall hospital CCR as the default. For partial hospitalization services, the revenue center codes billed by hospital-based PHPs are mapped to Primary Cost Center 3550 (Psychiatric/Psychological Services). If that cost center is not available, they are mapped to the Secondary Cost Center 6000 (Clinic). We use the overall facility CCR for CMHCs because PHPs are CMHCs only Medicare cost, and CMHCs do not have the same cost structure as hospitals. Therefore, for CMHCs, we use the CCR from the outpatient provider-specific file. A closer examination of the revenue-code-to-cost-center crosswalk revealed that 10 of the revenue center codes did not map to a Primary Cost Center 3550 or a Secondary Cost Center of 6000. We believe this occurred

because these codes may also be used for services that are not furnished in a PHP or services that are not psychiatric related (for example, occupational therapy). As discussed in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66671 through 66672), we updated this analysis using more recent PHP claims and CCR data. After remapping codes, we computed an alternate cost for each line item of the hospital-based PHP claims. Remapping those 10 revenue center codes reduced the number of lines that defaulted to the hospitals' overall CCR and thus created a more accurate estimate of PHP per diem costs for a significant number of claims.

Secondly, we refined our methodology for calculating PHP per diem costs by computing the median using a per day methodology. We developed an alternate method to determine median cost by computing a separate per diem cost for each day rather than for each claim. When there were multiple days of care entered on a claim, a unique cost was computed for each day of care. We only assigned costs for line items on days when a payment was made. All of these costs were then arrayed from lowest to highest, and the middle value of the array was considered the median per diem cost. A complete discussion of the refined method of computing the PHP median cost can be found in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66672).

After completing extensive data analysis, we continued to observe a clear downward trend in the median per diem cost based on the CY 2006 data used to develop the CY 2008 OPPS/ASC final rule with comment period. The analysis revealed that fewer PHP services were being provided in a given day. We believed, and continue to believe, that the data reflects the level of cost for the type of services that were being provided and continue to be provided.

Because partial hospitalization is provided in lieu of inpatient care, it should be a highly structured and clinically intensive program, usually lasting most of the day. In order to improve the level of services furnished in a PHP day, in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66673), we reiterated our expectation that hospitals and CMHCs must provide a comprehensive program consistent with the statutory intent. We also indicated our intent to explore changes to our regulations and claims processing systems in order to deny payment for low intensity days.

For CY 2009, we implemented several regulatory, policy, and payment changes, including a two-tiered payment approach for PHP services under which we would pay one amount for days with 3 units of service (APC 0172 (Level I Partial Hospitalization) and a higher amount for days with 4 or more units of service (APC 0173 (Level II Partial Hospitalization). We implemented this payment approach to reflect the lower costs of a less intensive day while still paying programs that provide 4 or more units of service an amount that recognizes that they have provided a more intensive day of care. In this way, we can pay appropriately for the level of care provided while still allowing PHPs necessary scheduling flexibility (73 FR 68689). As we reiterated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68688), it was never our intention that days with only 3 units of service become the number of services provided in a typical day. Our intention was to provide payment to cover days that consisted of 3 units of service only in certain limited circumstances. For example, we believe 3 units of service a day may be appropriate when a patient is transitioning towards discharge or when a patient is required to leave the PHP early for the day due to an unexpected medical appointment. As we noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68689), although we do not expect Level I days to be frequent, we recognize that there are times when a patient may need a less intensive day. We refer readers to section X.C.2. of the CY 2009 OPPS/ASC final rule with comment period (73 FR 68688 through 68695) for a full discussion of this requirement.

For CY 2009, we proposed to calculate the payment rates for PHP APCs 0172 and 0173 using both hospital-based and CMHC PHP data (73 FR 41513). After consideration of the public comments received on our proposal, we decided to base payment rates for the two-tiered approach on hospital-based PHP data only. As we explained in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68689), using the CMHC data for CY 2009 would have significantly reduced the CY 2009 PHP rates and negatively impacted hospital-based PHPs. Because hospital-based PHPs are geographically diverse, whereas CMHCs are located in only a few States, we were concerned that a significant drop in the rate could result in hospital-based PHPs closing and lead to possible beneficiary access to care problems. To calculate the CY 2009 PHP payment rate for APC 0172, we used the median per diem cost for hospital-based PHP days with 3 units of service to derive a PHP payment rate of $157. For APC 0173, we used the median per diem cost for hospital-based PHP days with 4 or more units of service to derive a CY 2009 PHP payment rate of $200.

In addition, for CY 2009, we finalized our policy to deny payment for any PHP claims for days when fewer than 3 units of therapeutic services are provided. As noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68694), we believe that 3 units of service should be the minimum number of services allowed in a PHP day because a day with 1 or 2 units of service does not meet the statutory intent of a PHP program. Three units of service are a minimum threshold that permits unforeseen circumstances, such as medical appointments, while allowing payment, but maintains the integrity of the PHP benefit.

Further, for CY 2009, we revised the regulations at § 410.43 to codify existing basic PHP patient eligibility criteria and added a reference to current physician certification requirements at § 424.24. We believed these changes would help strengthen the PHP benefit by conforming our regulations to our longstanding policy (73 FR 68694 through 68695). Specifically, we revised § 410.43 to add a reference to existing regulations at § 424.24(e) that require that PHP services be furnished pursuant to a physician certification and plan of care. While the requirements at § 424.24(e) are not new, we included the reference in § 410.43 to provide a more complete description of our expectations for PHP programs in one regulatory section. We also revised § 410.43 to add the following patient eligibility criteria and reiterate that PHPs are intended for patients who—(1) require a minimum of 20 hours per week of therapeutic services as evidenced in their plan of care; (2) are likely to benefit from a coordinated program of services and require more than isolated sessions of outpatient treatment; (3) do not require 24-hour care; (4) have an adequate support system while not actively engaged in the program; (5) have a mental health diagnosis; (6) are not judged to be dangerous to self or others; and (7) have the cognitive and emotional ability to participate in the active treatment process and can tolerate the intensity of the PHP. We refer readers to section X.C.2. of the CY 2009 OPPS/ASC final rule with comment period (73 FR 68694 through 68695) for a full discussion of this requirement.

Lastly, in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68695 through 68697), we revised the partial hospitalization benefit to include several coding updates. We removed three PHP billable codes (CPT codes 90899 (Unlisted psychiatric service or procedure), 90853 (Group psychotherapy other than of a multiple-family group), and 90857 (Interactive group psychotherapy)), and created two new timed HCPCS codes (GO410 (Group psychotherapy other than of a multiple-family group, in a partial hospitalization setting, approximately 45 to 50 minutes) and G0411(Interactive group psychotherapy in a partial hospitalization setting, approximately 45 to 50 minutes)). The elimination of CPT code 90899 was a result of our concerns about the type of services that may be billed using an unlisted CPT code when a more appropriate code may be available that better describes the services for which PHP payment may be made. The decision to eliminate the two group therapy CPT codes (90853 and 90857) and replace them with two new parallel timed HCPCs G-codes (G–0410 and G–0411) was based on the need for consistency. As most of the current PHP codes already include time estimates, we wanted to maintain consistency with the existing HCPCS codes used in the PHP by applying a time descriptor to the group therapy codes. In addition to these coding updates, we also decided to eliminate CPT code 90849 (multi-family group psychotherapy) as a billable PHP code because we believed that CPT code 90849 focuses the service on the needs of the family and not specifically on the needs of the patient, which is not consistent with the intent of the statute that treatment in a PHP be focused on the patient's condition (73 FR 68696).

B. Proposed PHP APC Update for CY 2010

For CY 2010, we used CY 2008 claims data and computed median per diem costs in the following three categories: (1) All days; (2) days with 3 units of service; and (3) days with 4 or more units of service. These updated median per diem costs were computed separately for CMHCs and hospital-based PHPs and are shown in the table below:

	CMHCs	Hospital-based PHPs	Combined
All Days	$140	$200	$144
Days with 3 units of service	129	149	131
Days with 4 units or more units of service	173	213	175

Using CY 2008 data and the refined methodology for computing PHP per diem costs that we adopted in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66672), we computed the median per diem cost from all claims of $144. The data indicate that CMHCs continue to provide far fewer days with 4 or more units of service (33 percent compared to 70 percent for hospital-based PHPs) and that the CMHC median per diem cost for 4 or more units of service ($173) is substantially lower than the comparable data from hospital-based PHPs ($213). The median for claims containing 4 or more units of service for all PHP claims, regardless of site of service, is $175. Medians for claims containing 3 units of service are $129 for CMHCs, $149 for hospital-based PHPs, and $131 for all PHP claims, regardless of site of service.

For CY 2010, we are proposing to continue to use the two-tiered payment approach for PHP services established in CY 2009. As mentioned previously, this payment approach reflects the lower costs of a less intensive day while still recognizing the higher costs associated with more intensive days. This payment approach is consistent with our intent that the PHP benefit be a comprehensive program in keeping with the statutory intent while still providing flexibility in recognizing the need for lower intensive days in certain circumstances.

In addition, for CY 2010, we are proposing to use only hospital-based PHP data to develop the two PHP APC per diem payment rates for the following reasons. If we used combined CMHC and hospital-based PHP data to develop the rates, the two per diem payment rates would be reduced by approximately $26 for APC 0172 and $25 for APC 0173. We are concerned about further reducing both PHP APC per diem payment rates without knowing the impact of the policy and payment changes we made in CY 2009. Because there is a 2-year delay between data collection and rulemaking, the changes we made in CY 2009 will not be reflected in the claims data until next year when we are developing the update for CY 2011. As noted above, we believe the changes we made last year will strengthen the integrity of the benefit while at the same time positively impact the PHP data for both CMHC and hospital-based PHP providers, thus causing the medians to increase over time as the number of services provided in a given day of partial hospitalization increases. It is for these reasons that we are proposing to use only hospital-based PHP data to develop the two proposed APC payment rates for PHP for CY 2010: one for days with 3 units of service and one for days with 4 or more units of service. The proposed two APCs medians for PHP are as follows:

Proposed APC	Group title	Proposed median Per diem rate
0172	Level I Partial Hospitalization (3 services)	$149
0173	Level II Partial Hospitalization (4 or more services)	213

Although we are proposing to use only hospital-based PHP data to develop the two proposed PHP APC per diem payment rates for CY 2010, we are requesting public comment about the possibility of using both CMHC and hospital-based PHP data to develop the PHP payment rates for CY 2010. We are requesting public comments because we have concerns about not using data from both PHP provider types. Both CMHCs and hospital-based PHPs are paid the

same two APC per diem payment rates. Therefore, we believe that both provider types should have their data utilized in the development of the payment rates. However, as noted above, we have concerns about further reducing the two payment rates without knowing the impact of the policy and payment changes made in CY 2009.

In summary, for CY 2010, we are proposing to use only hospital-based PHP data for developing the two proposed PHP APC per diem payment rates, although we are requesting public comments on the possibility of using both CMHC and hospital-based data for the final rule.

C. Proposed Separate Threshold for Outlier Payments to CMHCs

In the November 7, 2003 final rule with comment period (68 FR 63469), we indicated that, given the difference in PHP charges between hospitals and CMHCs, we did not believe it was appropriate to make outlier payments to CMHCs using the outlier percentage target amount and threshold established for hospitals. Prior to that time, there was a significant difference in the amount of outlier payments made to hospitals and CMHCs for PHP services. In addition, further analysis indicated that using the same OPPS outlier threshold for both hospitals and CMHCs did not limit outlier payments to high cost cases and resulted in excessive outlier payments to CMHCs. Therefore, beginning in CY 2004, we established a separate outlier threshold for CMHCs. The separate outlier threshold for CMHCs has resulted in more commensurate outlier payments.

In CY 2004, the separate outlier threshold for CMHCs resulted in $1.8 million in outlier payments to CMHCs. In CY 2005, the separate outlier threshold for CMHCs resulted in $0.5 million in outlier payments to CMHCs. In contrast, in CY 2003, more than $30 million was paid to CMHCs in outlier payments. We believe this difference in outlier payments indicates that the separate outlier threshold for CMHCs has been successful in keeping outlier payments to CMHCs in line with the percentage of OPPS payments made to CMHCs. The table below includes a listing of the outlier target amounts and the portion of the target amount allocated to CMHCs for PHP outliers for CYs 2004 through 2009.

Year	Outlier target amount percentage	Portion of target amount allocated to CMHCs for PHP outliers (in Percent)
CY 2004	2.0	0.5
CY 2005	2.0	0.6
CY 2006	1.0	0.6
CY 2007	1.0	0.15
CY 2008	1.0	0.02
CY 2009	1.0	0.12

As noted in section II.F. of this proposed rule, for CY 2010, we are proposing to continue our policy of identifying 1.0 percent of the aggregate total payments under the OPPS for outlier payments. We are proposing that a portion of that 1.0 percent, an amount equal to 0.02 percent of outlier payments (or 0.0002 percent of total OPPS payments), would be allocated to CMHCs for PHP outliers. As discussed in section II.F. of this proposed rule, we are proposing to set a dollar threshold in addition to an APC multiplier threshold for OPPS outlier payments. However, because the PHP APC is the only APC for which CMHCs may receive payment under the OPPS, we would not expect to redirect outlier payments by imposing a dollar threshold. Therefore, we are not proposing to set a dollar threshold for CMHC outliers. As noted in section II.F. of this proposed rule, we are proposing to set the outlier threshold for CMHCs for CY 2010 at 3.40 times the APC payment amount and the CY 2010 outlier payment percentage applicable to costs in excess of the threshold at 50 percent. Specifically, we are proposing that if a CMHC's cost for partial hospitalization services, paid under either APC 0172 or APC 0173, exceeds 3.40 times the payment for APC 0173, the outlier payment would be calculated as 50 percent of the amount by which the cost exceeds 3.40 times the APC 0173 payment rate.

XI. Proposed Procedures That Will Be Paid Only as Inpatient Procedures

A. Background

Section 1833(t)(1)(B)(i) of the Act gives the Secretary broad authority to determine the services to be covered and paid for under the OPPS. Before implementation of the OPPS in August 2000, Medicare paid reasonable costs for services provided in the HOPD. The claims submitted were subject to medical review by the fiscal intermediaries to determine the appropriateness of providing certain services in the outpatient setting. We did not specify in regulations those services that were appropriate to provide only in the inpatient setting and that, therefore, should be payable only when provided in that setting.

In the April 7, 2000 final rule with comment period (65 FR 18455), we identified procedures that are typically provided only in an inpatient setting and, therefore, would not be paid by Medicare under the OPPS. These procedures comprise what is referred to as the ''inpatient list.'' The inpatient list specifies those services for which the hospital will be paid only when provided in the inpatient setting because of the nature of the procedure, the underlying physical condition of the patient, or the need for at least 24 hours of postoperative recovery time or monitoring before the patient can be safely discharged. As we discussed in that rule and in the November 30, 2001 final rule with comment period (66 FR 59856), we may use any of a number of criteria we have specified when reviewing procedures to determine whether or not they should be removed from the inpatient list and assigned to an APC group for payment under the OPPS when provided in the hospital outpatient setting. Those criteria include the following:

- Most outpatient departments are equipped to provide the services to the Medicare population.
- The simplest procedure described by the code may be performed in most outpatient departments.
- The procedure is related to codes that we have already removed from the inpatient list.

In the November 1, 2002 final rule with comment period (67 FR 66741), we added the following criteria for use in reviewing procedures to determine whether they should be removed from the inpatient list and assigned to an APC group for payment under the OPPS:

- A determination is made that the procedure is being performed in numerous hospitals on an outpatient basis; or
- A determination is made that the procedure can be appropriately and safely performed in an ASC, and is on the list of approved ASC procedures or has been proposed by us for addition to the ASC list.

The list of codes that we are proposing to be paid by Medicare in CY 2010 only as inpatient procedures is included as Addendum E to this proposed rule.

B. Proposed Changes to the Inpatient List

For the CY 2010 OPPS, we are proposing to use the same methodology as described in the November 15, 2004 final rule with comment period (69 FR 65835) to identify a subset of procedures currently on the inpatient list that are being performed a significant amount of the time on an outpatient basis. Using this methodology, we identified three procedures that met the criteria for potential removal from the inpatient list. We then clinically reviewed these three potential procedures for possible removal from the inpatient list and found them to be appropriate candidates for removal from the inpatient list. During the February 2009 meeting of the APC Panel, we solicited the APC Panel's input on the appropriateness of proposing to remove the following three procedures from the CY 2010 OPPS inpatient list: CPT codes 21256 (Reconstruction of orbit with osteotomies (extracranial) and with bone grafts (includes obtaining autografts) (*e.g.*, micro-ophthalmia)); 27179 (Open treatment of slipped femoral epiphysis; osteoplasty of femoral neck (Heyman type procedure)); and 51060 (Transvesical ureterolithotomy).

In addition to presenting to the APC Panel the three procedures above, we also presented utilization data for the first 9 months of CY 2008 for two other specific procedures, in response to a request by the APC Panel from the March 2008 meeting: CPT code 20660 (Application of cranial tongs, caliper or stereotactic frame, including removal (separate procedure)), a procedure that we removed from the inpatient list for CY 2009; and CPT code 64818 (Sympathectomy, lumbar), a procedure that we maintained on the inpatient list for CY 2009.

Following the discussion at the February 2009 meeting, the APC Panel recommended that CMS propose to remove from the CY 2010 OPPS inpatient list CPT codes 21256, 27179, and 51060. The APC Panel also recommended that CPT code 64818 remain on the inpatient list for CY 2010. The APC Panel made no recommendation regarding CPT code 20660.

For CY 2010, we are proposing to accept the APC Panel's recommendations to remove the procedures described by CPT codes 21256, 27179, and 51060 from the inpatient list because we agree with the APC Panel that the procedures may be appropriately provided as hospital outpatient procedures for some Medicare beneficiaries. We also are proposing to retain CPT code 64818 on the inpatient list because we agree with the APC Panel that this procedure should be provided to Medicare beneficiaries only in the hospital inpatient setting. The three procedures we are proposing to remove from the inpatient list for CY 2010 and their CPT codes, long descriptors, and proposed APC assignments are displayed in Table 37 below.

TABLE 37—PROCEDURES PROPOSED FOR REMOVAL FROM THE INPATIENT LIST AND THEIR PROPOSED APC ASSIGNMENTS FOR CY 2010

HCPCS code	Long descriptor	Proposed CY 2010 APC assignment	Proposed CY 2010 status indicator
21256	Reconstruction of orbit with osteotomies (extracranial) and with bone grafts (includes obtaining autografts) (eg, micro-ophthalmia).	0256	T
27179	Open treatment of slipped femoral epiphysis; osteoplasty of femoral neck (Heyman type procedure).	0052	T
51060	Transvesical ureterolithotomy	0163	T

XII. OPPS Nonrecurring Technical and Policy Changes and Clarifications

A. Kidney Disease Education Services

1. Background

Section 152(b) of Public Law 110–275 (MIPPA) amended section 1861(s)(2) of the Act by adding a new subsection (EE) to provide for coverage of kidney disease education (KDE) services as a Medicare Part B benefit for Medicare beneficiaries diagnosed with stage IV chronic kidney disease (CKD) who, according to accepted clinical guidelines identified by the Secretary, will require dialysis or a kidney transplant, effective for services furnished on or after January 1, 2010. Section 152(b) also added a new subsection (ggg) to section 1861 of the Act to define ''kidney disease education services'' and to specify who may furnish these services as a ''qualified person.'' Section 1861(ggg)(2)(A) (i) of the Act, as added by section 152(b) of Public Law 110–275, defines a qualified person as a physician (as defined in section 1861(r)(1) of the Act); or a physician assistant, nurse practitioner, or clinical nurse specialist (as defined in section 1861(aa)(5) of the Act) who furnishes services for which payment may be made under the fee schedule established under section 1848 of the Act. Section 1861(ggg)(2)(A)(ii) of the Act also defines a qualified person as a ''provider of services located in a rural area (as defined in section 1886(d)(2)(D) [of the Act]).'' The definition of a ''qualified person'' for this benefit includes certain rural providers of services, such as hospitals, critical access hospitals (CAHs), skilled nursing facilities (SNFs), home health agencies (HHAs), comprehensive outpatient rehabilitation facilities (CORFs), and hospices. Section 1861(ggg)(2)(B) of the Act provides that a qualified person does not include a provider of services (other than a provider of services described in section 1861(ggg)(2)(A)(ii)) or a renal dialysis facility.

We are proposing to implement the provisions of section 1861(s)(2)(EE) and 1861(ggg) of the Act, as added by section 152(b) of Public Law 110–275, mainly through the June 2009 CY 2010

MPFS proposed rule (CMS–1413–P; Medicare Program; Payment Policies under the Physician Fee Schedule and Other Revisions to Part B for CY 2010), hereinafter referred to as the CY 2010 MPFS proposed rule. Specifically, in section II.G.10. of the CY 2010 MPFS proposed rule, we are proposing to define the Medicare coverage criteria that would be applicable to KDE services and who may provide these services (that is, a ''qualified person''), consistent with the provisions of sections 1861(s)(2)(EE) and1861(ggg) of the Act. In that proposed rule, we also are proposing to define a provider of services in a rural area as defined in section 1886(d)(2)(D) of the Act as a hospital, CAH, SNF, CORF, HHA, or hospice that is physically located in a rural area as defined in § 412.64(b)(ii)(C) of the regulations or a hospital or CAH that is reclassified from urban to rural status pursuant to section 1886(d)(8)(E) of the Act, as defined in § 412.103 of the regulations. According to the proposal included in the CY 2010 MPFS proposed rule, a hospital, CAH, SNF, CORF, HHA, or hospice would not be considered to be a qualified person if the facility providing KDE services is located outside of a rural area unless the service is furnished in a hospital or CAH that has reclassified as rural under § 412.103.

In addition, in the CY 2010 MPFS proposed rule, consistent with the provisions of section 1861(ggg) of the Act, we are proposing a payment amount for KDE services furnished by a ''qualified person.'' Specifically, we are proposing to establish two new Level II HCPCS G-codes to describe KDE services and to specify the associated relative value units under the MPFS for payment for these codes.

Individuals who wish to comment on the proposed coverage criteria for KDE services under section 1861(ggg) of the Act, including the definition of a ''qualified person,'' the proposed HCPCS codes, and the proposed relative value units for KDE services should submit their comments to CMS in response to the CY 2010 MPFS proposed rule that we describe above. Below we discuss our proposed payment for KDE services furnished by providers of services located in a rural area. Public comments relating to payment for KDE services furnished by providers of services located in a rural area should be submitted in response to this OPPS/ASC proposed rule.

2. Proposed Payment for Services Furnished by Providers of Services Located in a Rural Area

We are proposing to pay under the MPFS for KDE services under section 1861(ggg) of the Act when the services are furnished by a qualified person that is a hospital, CAH, SNF, CORF, HHA, or hospice that is located in a rural area as defined in section 1886(d)(2)(D) of the Act or a hospital or CAH that is reclassified from urban to rural status pursuant to section 1886(d)(8)(E) of the Act, as defined in § 412.103 of the regulations. Section 152(b) of Public Law 100–275 amended section 1848(j)(3) of the Act to add section 1861(s)(2)(EE) (kidney disease education services) to the list of subsections of section 1861(s)(2) of the Act, which are included in the definition of physician services in section 1848(j)(3) of the Act. However, the statute does not specify the payment methodology for KDE services furnished by providers of these services located in rural areas.

Given that the statute provides the Secretary with the flexibility to pay all qualified persons under the MPFS and there is precedent for paying both diabetes self-management training and medical nutrition therapy services (which we believe KDE is similar to in terms of resource use, specifically staffing and infrastructure) under the MPFS, we are proposing to pay all qualified persons for KDE services under the MPFS. This single payment methodology would apply to all qualified persons, including providers of services in a rural area as we are proposing to define such providers in the CY 2010 MPFS proposed rule.

The language in section 1861(ggg) of the Act that defines KDE services is similar to the language in section 1861(qq) of the Act that defines ''diabetes self-management training services,'' which is a medical or other health service under section 1861(s)(2)(S) of the Act. In addition, the language in section 1861(ggg) of the Act is similar to the language in section 1861(vv) of the Act that defines medical nutrition therapy services, which is also a medical or other health service under section 1861(s)(2)(V) of the Act. Finally, both diabetes self-management training and medical nutrition therapy are included in the definition of ''physicians' services'' for purposes of the MPFS at section 1848(j)(3) of the Act, and our standard policy is to pay for both services under the MPFS when they are furnished in an HOPD. Given that the statute permits us to pay all qualified persons under the MPFS and the precedent for paying both diabetes self-management training and medical nutrition therapy under the MPFS when these services are provided in the hospital outpatient setting, we believe that payment under the MPFS is the most appropriate methodology for payment to qualified persons who are providers of services located in a rural area or who are CAHs or hospitals that have been reclassified as rural pursuant to § 412.103 of the regulations for the KDE services they furnish.

The proposed CY 2010 MPFS payments for HCPCS codes GXX26 (Educational services related to the care of chronic kidney disease; individual, per session; face-to-face) and GXX27 (Educational services related to the care of chronic kidney disease; group, per session; face-to-face) are discussed in the CY 2010 MPFS proposed rule. When the qualified person is a rural provider, we would pay the provider the applicable amount under the MPFS and a single payment would be made for each KDE session, limited to no more than six sessions as discussed in the CY 2010 MPFS proposed rule. We would not provide separate payment for both a physician's professional services and the associated facility services if a single session of KDE services was furnished in a rural hospital. Therefore, because of operational constraints, we are proposing that payment would be made to only one qualified person for KDE services on the same day for the same beneficiary. We also note that the MPFS' geographic practice cost index would apply to the calculation of the payment in a particular fee schedule locality because this locality adjustment methodology is applicable to payment for all services paid under the MPFS. We are proposing to assign status indicator ''A'' to HCPCS codes GXX26 and GXX27 in Addendum B to this CY 2010 OPPS/ASC proposed rule to signify that these services, when covered, would be paid under a payment system other than the OPPS, specifically the MPFS in the case of both HCPCS codes.

Public comments on this proposal to pay under the MPFS for covered KDE services furnished by qualified persons who are hospitals, CAHs, SNFs, CORFs, HHAs, or hospices that are located in a rural area or are treated as being rural under § 412.103 should be submitted in accordance with the instructions for commenting on this OPPS/ASC proposed rule. Public comments on all other aspects of the proposed implementation of sections 1861(s)(2)(EE) and 1861(ggg) of the Act, including, but not limited to, the proposed criteria for coverage of the services, the proposed definition of

''session,'' the proposed HCPCS codes, and the proposed content of the program, should be submitted in response to the CY 2010 MPFS proposed rule.

B. Pulmonary Rehabilitation, Cardiac Rehabilitation, and Intensive Cardiac Rehabilitation Services

1. Legislative Changes

Section 144(a) of Public Law 110–275 (MIPPA) made a number of changes to the Act to provide Medicare Part B coverage and payment for pulmonary and cardiac rehabilitation services furnished to beneficiaries with chronic obstructive pulmonary disease and certain other conditions, respectively, effective January 1, 2010. Specifically, section 144(a)(1) of the Act amended section 1861(s)(2) of the Act by adding new subparagraphs (CC) and (DD) to specify Medicare Part B coverage of items and services furnished under (1) a cardiac rehabilitation (CR) program (as defined in an added new section 1861(eee)(1) of the Act) or under a pulmonary rehabilitation (PR) program (as defined under an added new section 1861(fff)(1) of the Act; and (2) an intensive cardiac rehabilitation (ICR) program (as defined in an added new section 1861(eee)(4) of the Act). The amendments made by section 144(a) of Public Law 110–275 provide for coverage of CR, PR, and ICR services provided in a physician's office, in a hospital on an outpatient basis, or in other settings as the Secretary determines appropriate. Section 144(a)(2) of Public Law 110–275 amended section 1848(j)(3) to provide for payment for services furnished in an ICR program under the MPFS and also added a new section 1848(b)(5) to provide specific language governing payment for ICR services. Under that specific section, the Secretary shall substitute the Medicare OPD fee schedule amount established under the prospective payment system for hospital outpatient department services under section 1833(t)(3)(D) of the Act for cardiac rehabilitation (under HCPCS codes 93797 (Physician services for outpatient cardiac rehabilitation; without continuous ECG monitoring (per session)) and 93798 (Physician services for outpatient cardiac rehabilitation; with continuous ECG monitoring (per session)) for CY 2007, or any succeeding HCPCS codes established for cardiac rehabilitation). Section 144(a)(2) also defined under the new section 1848(b)(5) a ''session'' for each of the component cardiac rehabilitation items and services defined in subparagraphs (A) through (E) of section 1861(eee)(3) of the Act, when furnished for one hour, as a separate session of intensive cardiac rehabilitation, and specified that payment may be made for up to 6 sessions per day of the series of 72 one-hour sessions of ICR services. Section 144(a)(1)(B) also requires that a physician must be immediately available and accessible for medical consultations and medical emergencies at all times items and services are being furnished under CR, ICR, and PR programs, except that in the case of such items and services furnished under such a program in a hospital, such availability shall be presumed.

As we discuss in detail in section II.G.8. of the June 2009 CY 2010 MPFS proposed rule, we are using the MPFS and the OPPS rulemaking processes, and may use the national coverage determination (NCD) process as well, to implement the amendments made by section 144(a) of Public Law 110–275. In the CY 2010 MPFS proposed rule, we specify our policy proposals for implementing Medicare Part B coverage and payment for services furnished in a CR, ICR, and PR program under the MPFS. Therefore, public comments on the proposed coverage and payment under the MPFS for a CR, ICR, or PR program beginning in CY 2010 should be submitted in response to the CY 2010 MPFS proposed rule. In this section of this CY 2010 OPPS/ASC proposed rule, we are proposing the CY 2010 OPPS payment for services in a CR, ICR, or PR program furnished to hospital outpatients. Therefore, public comments on the proposed OPPS payments for CY 2010 should be submitted in response to this CY 2010 OPPS/ASC proposed rule.

2. Proposed Payments for Services Furnished to Hospital Outpatients in a Pulmonary Rehabilitation Program

For CY 2010, we are proposing to create one new Level II HCPCS code for hospitals to report and bill for the services furnished under a PR program as specified in section 1861(fff) of the Act. Specifically, we would use HCPCS code GXX30 (Pulmonary rehabilitation, including aerobic exercise (includes monitoring), per session, per day). This proposed new HCPCS G-code would be used by hospitals to report PR services furnished to patients performing physician-prescribed exercises that are targeted to improving the patient's physical functioning and may also include the provision of other aspects of PR, such as education and training. Consistent with our proposal in the CY 2010 MPFS proposed rule, we are proposing that hospitals would use proposed HCPCS code GXX30 to report sessions lasting a minimum of 60 minutes each, generally for two to three sessions of PR per week, under the OPPS. We also are proposing to allow no more than one session per day because individuals who are furnished services in a PR program have significant respiratory compromise and would not typically be capable of performing more than one session of exercise per day.

PR described by proposed HCPCS code GXX30 would be a new comprehensive service. We do not believe there is an existing clinical APC to which this service could be appropriately assigned under the OPPS based on the information currently available to us. We do not believe that any services currently paid under the OPPS are sufficiently similar to PR, based on both clinical and resource characteristics, to justify the initial assignment of proposed HCPCS code GXX30 to the same clinical APC as an existing service. Historically, individual services that comprise comprehensive PR have been reported separately with existing HCPCS codes that are paid under the OPPS through the individual APC that is most appropriate for each service described by the specific HCPCS code reported.

For payment under the MPFS, we are proposing relative value units for new HCPCS code GXX30 for CY 2010 based on the estimated resources and work intensity associated with existing cardiac rehabilitation and respiratory therapy services. The nonfacility practice expense amount is the component of the MPFS payment that is most comparable to what Medicare pays under the OPPS. Both the MPFS nonfacility practice expense payment and the OPPS payment include payment for the service costs other than the physician professional services that are billed and paid under the MPFS in all service settings. The CY 2010 proposed nonfacility practice expense payment amount under the MPFS is between $10 and $20.

Given the lack of OPPS hospital cost data to guide the initial assignment of the proposed new HCPCS code that would describe services furnished under the new PR benefit, for the CY 2010 OPPS, we are proposing to assign HCPCS code GXX30 to New Technology APC 1492 (New Technology—Level IB ($10–$20)), the New Technology APC that provides payment for new services with estimated facility costs between $10 and $20 and for which no existing clinical APC is appropriate. The New Technology APC payment of $15, at the midpoint of the cost band, would be approximately the same as the proposed

CY 2010 MPFS nonfacility practice expense amount for PR described by HCPCS code GXX30. As discussed above, this is the portion of the proposed MPFS payment that is most comparable to what Medicare would pay under the OPPS. We believe this proposed temporary assignment to a New Technology APC would allow us to pay appropriately for the service under the OPPS, at a rate that is similar to the corresponding physician's office payment amount, while we gather hospital claims data and experience with the new service on which to base a clinically relevant APC assignment in the future.

3. Proposed Payment for Services Furnished to Hospital Outpatients Under a Cardiac Rehabilitation or an Intensive Cardiac Rehabilitation Program

Currently, CR services furnished by hospitals are reported using CPT codes 93797 and 93798. In the CY 2010 MPFS proposed rule, we are proposing that each day CR items and services are furnished to a patient, aerobic exercises along with other exercises must be included (that is, a patient must exercise aerobically every day he or she attends a CR session). In addition, we are proposing that each session must be a minimum of 60 minutes and patients must participate in a minimum of two CR sessions a week, with a maximum of two CR sessions a day.

With respect to ICR services, section 1861(eee)(4)(C) of the Act, states that ''an intensive cardiac rehabilitation program may be provided in a series of 72 one-hour sessions (as defined in section1848(b)(5)), up to 6 sessions per day, over a period of up to 18 weeks.'' For the CY 2010 OPPS, we are proposing to create two new Level II HCPCS codes to report the services of an ICR program that are furnished to hospital outpatients, consistent with the provisions of section 1861(eee)(4)(C) of the Act: Proposed HCPCS code GXX28 (Intensive cardiac rehabilitation; with or without continuous ECG monitoring with exercise, per session) and proposed HCPCS code GXX29 (Intensive cardiac rehabilitation; with or without continuous ECG monitoring; without exercise, per session). These proposed new HCPCS G-codes would be used to report ICR services furnished by hospitals that have an ICR program that has received a designation as a qualified ICR program. Consistent with the proposal in the CY 2010 MPFS proposed rule, we are proposing that each session of ICR must be a minimum of 60 minutes and that each day ICR items and services are provided to a patient, aerobic exercises along with other exercises must be included (that is, a patient must exercise aerobically every day he or she attends a ICR session).

For the CY 2010 OPPS, we are proposing to assign proposed HCPCS codes GXX28 and GXX29 to APC0095 (Cardiac Rehabilitation) with a status indicator of ''S.'' The proposed median cost of APC 0095 for CY 2010 is approximately $39. This proposed median cost reflects historical hospital cost data for one session of general CR services reported with CPT code 93797 or 93798. Both CR and ICR programs consist of exercise, cardiac risk factor modification, psychosocial assessment, outcomes assessment and other services, as described in the CY 2010 MPFS proposed rule. Although more sessions per day for a beneficiary may be provided in an ICR program than a CR program, we believe the hospital costs for a single session would be similar, and OPPS payment for CR and ICR would be provided on a per-session basis. Therefore, because CR and ICR services are similar from both clinical and resource perspectives, we believe that it would be appropriate to assign the two proposed new Level II HCPCS codes for ICR to APC 0095 while we collect cost information from hospitals specific to ICR. We would make a single payment of APC 0095 for each session of ICR reported on hospital outpatient claims.

4. Physician Supervision for Pulmonary Rehabilitation, Cardiac Rehabilitation, and Intensive Cardiac Rehabilitation Services

Section 144 of Public Law 110–275 includes requirements for immediate and ongoing physician availability and accessibility for both medical consultations and medical emergencies at all times items and services are being furnished under CR, ICR, and PR programs. In section II.G.8. of the June 2009 CY 2010 MPFS proposed rule, we have proposed that these requirements would be met through existing definitions for direct physician supervision in physicians' offices and hospital outpatient departments at § 410.26(a)(2) (defined through cross reference to § 410.32(b)(3)(ii)) and § 410.27, respectively. Direct supervision, as defined in the regulations, is consistent with the requirements of Public Law 110–275 because the physician must be present and immediately available where the services are being furnished. The physician must also be able to furnish assistance and direction throughout the performance of the services, which would include medical consultations and medical emergencies.

For CR, ICR, and PR services provided to hospital outpatients, direct physician supervision is the standard set forth in the April 7, 2000 OPPS final rule with comment period (68 FR 18524 through 18526) for supervision of hospital outpatient therapeutic services covered and paid by Medicare in hospitals and provider-based departments of hospitals. We noted in the discussions of cardiac and pulmonary rehabilitation in the CY 2010 MPFS proposed rule that if we were to propose future changes to the physician office or hospital outpatient policies for direct physician supervision, we would provide our assessment of the implications of those proposals for the supervision of cardiac and pulmonary rehabilitation services at that time.

As discussed in more detail in section XII.D of this proposed rule, we are proposing to refine the definition of the direct supervision of hospital outpatient therapeutic services for those services provided in the hospital and in an on-campus PBD of the hospital. For services, including CR, ICR, and PR services, provided in the hospital and in an on-campus PBD of the hospital, direct supervision would mean that the physician must be present on the same campus, in the hospital or the on-campus PBD of the hospital, as defined in § 413.65, and immediately available to furnish assistance and direction throughout the performance of the procedure. We are also proposing to define ''in the hospital'' in proposed new paragraph § 410.27(g) to mean areas in the main building(s) of the hospital that are under the ownership, financial, and administrative control of the hospital; are operated as part of the hospital; and for which the hospital bills the services furnished under the hospital's CMS Certification Number (CCN). We are proposing no significant change to the definition or requirements for direct supervision of hospital outpatient therapeutic services provided in off-campus PBDs of a hospital. Thus, with respect to CR, ICR, and PR services furnished in off-campus PBDs of the hospital, direct supervision would continue to mean that the physician must be in the off-campus PBD and immediately available to furnish assistance and direction throughout the performance of the procedure. We believe that direct supervision, as defined in the proposed regulations for hospital outpatient therapeutic services, continues to be consistent with the requirements of Public Law 110–275 for CR, ICR, and PR services because the physician must be present and

immediately available where the services are being furnished. The physician must also be able to furnish assistance and direction throughout the performance of the services, which would include medical consultations and medical emergencies. For a complete discussion of the current and proposed requirements for the direct supervision of hospital outpatient therapeutic services, we refer readers to section XII.D. of this proposed rule.

Section 144 of Public Law 110–275 also states that in the case of items and services furnished under such a CR, ICR, or PR program in a hospital, physician availability shall be presumed. As we have stated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68702 through 68704), the longstanding presumption of direct physician supervision for hospital outpatient services means that direct physician supervision is the standard for supervision of hospital outpatient therapeutic services covered and paid by Medicare in hospitals and PBDs of hospitals, and we expect that hospitals are providing services in accordance with this standard.

We note that in section XII.D. of this proposed rule, we are also proposing that nonphysician practitioners, defined for the purpose of proposed revised § 410.27 of the regulations as clinical psychologists, physician assistants, nurse practitioners, clinical nurse specialists, and certified nurse-midwives, may directly supervise all hospital outpatient therapeutic services that they may perform themselves within their State scope of practice and hospital-granted privileges, provided that they meet all additional requirements, including any collaboration or supervision requirements as specified in §§ 410.71, 410.74, 410.75, 410.76, and 410.77. However, in the CY 2010 MPFS proposed rule and in the corresponding proposed regulation text, we proposed a different requirement for the direct supervision of CR, ICR, and PR services. We proposed that services provided in CR, ICR, and PR programs must be supervised by a doctor of medicine or osteopathy, as defined in section 1861(r)(i) of the Act. In addition, we proposed specific requirements for the expertise and licensure of physicians supervising CR and ICR services. It would not be in accordance with the proposed regulations for a nonphysician practitioner to supervise services furnished in a CR, ICR, or PR program. The physician supervision and expertise requirements proposed in the coverage policy and regulations for CR, ICR, and PR services must be met for those services to be covered and, therefore, paid by Medicare in hospital outpatient settings.

C. Stem Cell Transplant

Stem cell transplantation is a treatment in which stem cells that are harvested from either a patient's or a donor's bone marrow or peripheral blood are later infused into that patient to treat an illness. Autologous stem cell transplantation is a technique for providing additional stem cells using the patient's own previously harvested stem cells. Allogeneic stem cell transplantation is a procedure in which stem cells from a healthy donor are acquired and prepared to provide a patient with new stem cells.

We recently revised section 90.3.3 of Chapter 3 of the Medicare Claims Processing Manual (Pub. 100–04) and created new section 231.10 of Chapter 4 of the Medicare Claims Processing Manual in order to clarify billing under Medicare for autologous and allogeneic stem cell transplant services. As stated in the cited new and revised manual sections, autologous stem cell transplants performed on Medicare beneficiaries may be provided on an inpatient or an outpatient basis. Hospitals are instructed to bill and show all charges for autologous stem cell harvesting, processing, and transplant procedures based on the status of the patient (that is, inpatient or outpatient) when the individual services are furnished. The CPT codes describing these services may be billed and are separately payable under the OPPS when the services are provided in the hospital outpatient setting.

In contrast, allogeneic stem cell transplants performed on Medicare beneficiaries are provided on an inpatient basis, and all services related to acquiring the stem cells from a donor (whether performed inpatient or outpatient) are billed and are payable under Medicare Part A through the IPPS MS–DRG payment for the stem cell transplant. In addition to payment for the stem cell transplant procedure itself, the MS–DRG payment for the stem cell transplant includes payment for stem cell acquisition services, which include, but are not limited to, National Marrow Donor Program fees for stem cells from an unrelated donor (if applicable); tissue typing of donor and recipient; donor evaluation; physician pre-admission/pre-procedure donor evaluation services; costs associated with the harvesting procedure; post-operative/post-procedure evaluation of donor; and preparation and processing of stem cells. While certain acquisition services, such as donor harvesting procedures, may be performed in the hospital outpatient setting, hospitals are instructed to include the charges for these services in the recipient's inpatient transplant bill as acquisition services and not to bill them under the OPPS.

In order to be consistent with the revised section 90.3.3 and the new section 231.10 of the Medicare Claims Processing Manual cited earlier, which reflect what we believe to be the current clinical practice of performing allogeneic stem cell transplants on Medicare beneficiaries on an inpatient basis only, we are proposing to revise the status indicator assignments of certain stem cell transplant-related CPT codes under the OPPS. Specifically, we are proposing to change the status indicator for CPT code 38205 (Blood-derived hematopoietic progenitor cell harvesting for transplantation, per collection; allogenic) from ''S'' to ''E'' for the CY 2010 OPPS to reflect that, while an allogeneic stem cell harvesting procedure performed on the donor may take place in the HOPD, payment for the service is made through the IPPS MS–DRG payment for the associated transplant procedure performed on the recipient. We also are proposing to change the status indicators for CPT code 38240 (Bone marrow or blood-derived peripheral stem cell transplantation; allogenic) and CPT code 38242 (Bone marrow or blood-derived peripheral stem cell transplantation; allogeneic donor lymphocyte infusions) from ''S'' to ''C'' for the CY 2010 OPPS to reflect that these allogeneic transplant procedures are payable by Medicare as inpatient procedures only.

We refer readers to section 90.3.3 of Chapter 3 and section 231.10 of Chapter 4 of the Medicare Claims Processing Manual for more detailed information on billing and payment for autologous and allogeneic stem cell transplants and related services.

D. Physician Supervision

1. Background

In the CY 2009 OPPS/ASC proposed rule and final rule with comment period (73 FR 41518 through 41519 and 73 FR 68702 through 68704, respectively), we provided a restatement and clarification of the requirements for physician supervision of hospital outpatient diagnostic and therapeutic services that were set forth in the April 2000 OPPS final rule with comment period (65 FR 18524 through 18526). As we stated in those rules, section 1861(s)(2)(C) of the Act authorizes payment for diagnostic services that are furnished to a hospital

outpatient for the purpose of diagnostic study. We have further defined the requirements for diagnostic services furnished to hospital outpatients, including requirements for physician supervision of diagnostic services, in §§ 410.28 and 410.32 of our regulations. Section 410.28(e) states that Medicare Part B will make payment for diagnostic services furnished at provider-based departments (PBDs) of hospitals ''only when the diagnostic services are furnished under the appropriate level of physician supervision specified by CMS in accordance with the definitions in §§ 410.32(b)(3)(i), (b)(3)(ii), and (b)(3)(iii).'' In addition, in the April 2000 OPPS final rule with comment period (65 FR 18526), we stated that our model for the requirement was the requirement for physician supervision of diagnostic tests payable under the MPFS that was set forth in the CY 1998 MPFS final rule (62 FR 59048). In 2000, we also explained with respect to the supervision requirements for individual diagnostic tests that we intended to instruct hospitals and fiscal intermediaries to use the MPFS as a guide pending issuance of updated requirements. For diagnostic services not listed in the MPFS, we stated that fiscal intermediaries, in consultation with their medical directors, would define appropriate supervision levels in order to determine whether claims for these services are reasonable and necessary. Since 2000, we have continued to follow the supervision requirements for individual diagnostic tests as listed in the MPFS Relative Value File. The file is updated quarterly and is available on the CMS Web site at: *http://www.cms.hhs.gov/PhysicianFeeSched/*.

In the CY 2009 OPPS/ASC proposed rule and final rule with comment period (73 FR 41518 through 41519 and 73 FR 68702 through 68704, respectively), we also reiterated that direct physician supervision is the standard for physician supervision as set forth in the April 2000 OPPS final rule with comment period for supervision of hospital outpatient therapeutic services covered and paid by Medicare in hospitals and PBDs of hospitals. We noted that section 1861(s)(2)(B) of the Act authorizes payment for hospital services ''incident to physicians' services rendered to outpatients.'' We have further defined the supervision requirements for hospital outpatient therapeutic services and supplies ''incident to'' a physician's service in § 410.27 of our regulations. More specifically, § 410.27(f) states: ''Services furnished at a department of a provider, as defined in § 413.65(a)(2) of this subchapter, that has provider-based status in relation to a hospital under § 413.65 of this subchapter, must be under the direct supervision of a physician. 'Direct supervision' means the physician must be present and on the premises of the location and immediately available to furnish assistance and direction throughout the performance of the procedure. It does not mean that the physician must be present in the room when the procedure is performed.'' This language makes no distinction between on-campus and off-campus PBDs.

In the preamble of the April 2000 OPPS final rule with comment period (65 FR 18525), we further discussed the requirement for physician supervision and the finalization of the proposed regulation text. In that discussion, we stated that the language of § 410.27(f) ''applies to services furnished at an entity that is located off the campus of a hospital that we designate as having provider-based status as a department of a hospital in accordance with § 413.65.'' We also stated that, for services furnished in a department of a hospital that is located on the campus of a hospital, ''we assume the direct supervision requirement to be met as we explain in section 3112.4(a) of the Intermediary Manual.'' We further stated that ''we assume the physician supervision requirement is met on hospital premises because staff physicians would always be nearby within the hospital.''

In the CY 2009 OPPS/ASC proposed rule and final rule with comment period (73 FR 41518 through 41519 and 73 FR 68702 through 68704, respectively), we restated the existing physician supervision policy for hospital outpatient therapeutic services because we were concerned that some stakeholders may have misunderstood our use of the term ''assume'' in the April 2000 OPPS final rule with comment period, believing that our statement meant that we do not require any supervision in the hospital or in an on-campus PBD for hospital outpatient therapeutic services, or that we only require general supervision for those services. This is not the case. It has been our expectation that hospital outpatient therapeutic services are provided under the direct supervision of physicians in the hospital and in all PBDs of the hospital, specifically, both on-campus and off-campus departments of the hospital. The expectation that a physician would always be nearby predates the OPPS and is related to the statutory authority for payment of hospital outpatient services—that Medicare makes payment for hospital outpatient services ''incident to'' the services of physicians in the treatment of patients as described in section 1861(s)(2)(B) of the Act. Section 410.27(a)(1)(ii) of the regulations states that Medicare Part B pays for hospital services and supplies furnished incident to a physician service to outpatients if they are provided ''as an integral though incidental part of a physician's services.'' In addition, we have stated in section 20 of chapter 6 of the Medicare Benefit Policy Manual (Pub. 100–2) that hospitals provide two distinct types of services to outpatients: services that are diagnostic in nature, and other services that aid the physician in the treatment of the patient. We further defined these therapeutic services and supplies in section 20.5.1 of the Medicare Benefit Policy Manual, stating ''therapeutic services and supplies which hospitals provide on an outpatient basis are those services and supplies (including the use of hospital facilities) which are incident to the services of physicians in the treatment of patients.'' We also provide in section 20.5.1 that services and supplies must be furnished on a physician's order and delivered under physician supervision. However, the manual indicates further that each occasion of a service by a nonphysician does not need to also be the occasion of the actual rendition of a personal professional service by the physician responsible for the care of the patient. Nevertheless, as stipulated in that same section of the manual ''during any course of treatment rendered by auxiliary personnel, the physician must personally see the patient periodically and sufficiently often enough to assess the course of treatment and the patient's progress and, where necessary, to change the treatment regimen.''

The expectation that a physician would always be nearby within the hospital also dates back to a time when hospital inpatient services provided in a single hospital building represented the majority of hospital payments by Medicare. Since that time, advances in medical technology, changes in the patterns of health care delivery, and changes in the organizational structure of hospitals have led to the development of extensive hospital campuses, sometimes spanning several city blocks, as well as off-campus and satellite provider-based campuses at different locations. In the April 2000 OPPS final rule with comment period (65 FR 18525), we described the focus of the direct physician supervision requirement for off-campus PBDs. In the CY 2009 OPPS/ASC final rule with

comment period (73 FR 68703), we stated that we do expect direct physician supervision of all hospital outpatient therapeutic services, regardless of their on-campus or off-campus location, but that we would continue to emphasize the physician supervision requirement for off-campus PBDs. However, we also noted that if there were problems with outpatient care in a hospital or in an on-campus PBD where direct supervision was not in place (that is, the expectation of direct physician supervision was not met), we would consider that to be a quality concern. We noted that we want to ensure that payment is made for high quality hospital outpatient services provided to beneficiaries in a safe and effective manner and consistent with Medicare requirements.

Finally, we noted that the definition of direct supervision in § 410.27(f) for PBDs requires that the physician must be present and on the premises of the location and immediately available to furnish assistance and direction throughout the performance of the procedure. In the April 2000 OPPS final rule with comment period (65 FR 18525), we further distinguished ''on the premises of the location'' by stating ''* * * a physician must be present on the premises of the entity accorded status as a department of the hospital and therefore, immediately available to furnish assistance and direction for as long as patients are being treated at the site.'' We also stated that this characterization does not mean that the physician must be physically in the room where a procedure or service is furnished. We noted in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68703) that although we have not further defined the term ''immediately available'' for this specific context, the lack of timely physician response to a problem in the HOPD would represent a quality concern from our perspective that hospitals should consider in structuring their provision of services in ways that meet the direct physician supervision requirement for HOPD services.

In response to a comment requesting clarification, we also discussed in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68703 through 68704) that a nonphysician practitioner may not provide the physician supervision in a PBD, even if a nurse practitioner's or a physician assistant's professional service was being billed as a nurse practitioner or a physician assistant service and not a physician service. We noted that section 1861(r) of the Act defines a physician as follows: ''[t]he term 'physician', when used in connection with the performance of any function or action, means (1) a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which he performs such function or action * * *; (2) a doctor of dental surgery or of dental medicine * * *; (3) a doctor of podiatric medicine * * *; (4) a doctor of optometry * * *; or (5) a chiropractor. In addition, we pointed out that the conditions of participation for hospitals under § 482.12(c)(1)(i) through (c)(1)(vi) of our regulations require that every Medicare hospital patient is under the care of a doctor of medicine or osteopathy, a doctor of dental surgery or dental medicine, a doctor of podiatric medicine, a doctor of optometry, a chiropractor, or a clinical psychologist; each practicing within the extent of the Act, the Federal regulations, and State law. Further, § 482.12(c)(4) of our regulations requires that a doctor of medicine or osteopathy must be responsible for the care of each Medicare patient with respect to any medical or psychiatric condition that is present on admission or develops during hospitalization and is not specifically within the scope of practice of one of the other practitioners listed in § 482.12(c)(1)(ii) through (c)(1)(vi).

Moreover, section 1861(s)(2)(B) of the Act authorizes payment for hospital services ''incident to physicians' services rendered to outpatients.'' We have further defined the requirements for hospital outpatient therapeutic services and supplies ''incident to'' a physician's service in § 410.27 of our regulations. Section 410.27(a)(1)(ii) describes payment for hospital outpatient services when they are ''an integral though incidental part of a physician's services.'' Also, § 410.27(f) requires that hospital outpatient services provided in PBDs must be under the direct supervision of a physician. We stated that the language of the statute and regulations does not include nonphysician practitioners other than clinical psychologists. Therefore, it would not be in accordance with the law and regulations for a nonphysician practitioner other than a clinical psychologist to be providing the physician supervision in a PBD, even if a nurse practitioner's or a physician assistant's professional service was being billed as a nurse practitioner or a physician assistant service and not a physician service.

2. Issues Regarding the Physician Supervision of Hospital Outpatient Services Raised by Hospitals and Other Stakeholders

Although we received a few public comments on the discussion of physician supervision in the CY 2009 OPPS/ASC proposed rule, since publication of the CY 2009 OPPS/ASC final rule with comment period on November 18, 2008, we have received many questions and concerns about the current policies from hospitals and other stakeholders. Some stakeholders expressed appreciation for the CMS clarification, stating that the supervision policies were clear and represented needed safeguards for beneficiaries. On the other hand, we have received numerous questions about the application of the policies to hospital outpatient therapeutic services furnished in areas of the hospital that some stakeholders believe have not clearly been discussed, such as the application of direct supervision to hospital outpatient therapeutic services furnished within the main buildings of the hospital that may not be PBDs of the hospital. Some hospitals expressed difficulty in determining whether certain areas of their hospitals were considered provider-based. Other stakeholders cited the direct supervision policy as first articulated in 2000 as problematic because they believe that CMS failed to consider hospitals' current organizational structures. Some hospitals and other stakeholders inquired about a physician's qualifications for providing supervision or questioned whether physician supervision must be provided by a physician in a particular medical specialty. A number of stakeholders challenged the current policy that nonphysician practitioners cannot provide direct supervision for those hospital outpatient therapeutic services they may personally perform or that they may order to be provided by other hospital staff incident to the nonphysician practitioner's services. In addition, numerous stakeholders, especially rural hospitals, raised budgetary and patient access concerns related to ensuring adequate physician staffing, especially because nonphysician practitioners may not directly supervise the delivery of hospital outpatient therapeutic services. Furthermore, rural hospitals and CAHs raised concerns regarding the inconsistency of the direct supervision requirements for CAHs with other CAH policies, pointing out that the Medicare conditions of participation for CAHs allow nurse practitioners and physician

assistants to be responsible for the care of Medicare patients in CAHs. Some stakeholders specifically questioned whether § 410.27(f) applied to CAHs because the term ''CAH'' is not in the heading of § 410.27, which currently reads ''Outpatient hospital services and supplies incident to a physician service: Conditions.'' Other stakeholders complained about the significant burden on hospitals to provide direct physician supervision because they believe there is no clear clinical need for such supervision, particularly a uniform level of supervision for all types of hospital outpatient therapeutic services. Some stakeholders challenged the applicability of the direct supervision requirements to specific types of hospital outpatient services, such as partial hospitalization or chemotherapy administration services.

Similar to the issues related to direct supervision of hospital outpatient therapeutic services raised by hospitals and other stakeholders, we have received questions since publication of the CY 2009 OPPS/ASC final rule with comment period, citing confusion regarding the application of physician supervision policies for hospital outpatient diagnostic services, especially with respect to services provided within the main buildings of the hospital that are not PBDs. In addition, some stakeholders have pointed out that there is no site-of-service requirement for hospital outpatient diagnostic services, and that, therefore, hospitals may send patients to independent diagnostic testing facilities (IDTFs) or other entities to receive diagnostic services under arrangement. They added that although these facilities are not PBDs, the hospital would bill for these services as hospital outpatient services in accordance with the hospital bundling rules. Some of these stakeholders have asked what type of physician supervision is required for diagnostic services provided under arrangement.

A number of stakeholders urged CMS to withdraw or delay the physician supervision policies discussed in the CY 2009 OPPS/ASC final rule with comment period, arguing that this rule included policy changes rather than clarification and, therefore, sufficient opportunity for public notice and comment was not provided. Some further argued that CMS should suspend enforcement of these policies while CMS gathers additional public input and considered alternatives. These stakeholders suggested a variety of additional approaches to soliciting full feedback from the hospital and physician communities on the supervision policies and their impact, including holding an open door forum or town hall meeting and reopening the discussion during the CY 2010 OPPS rulemaking process.

As stated previously in this section, we provided a restatement and clarification of existing policy in the CY 2009 OPPS/ASC proposed rule (73 FR 41518 through 41519), citing numerous existing statutory, regulatory, manual, and prior rule preamble statements in section XII.A. of that rule specifically titled, ''Physician Supervision of HOPD Services.'' The CY 2009 OPPS/ASC proposed rule provided for a 60-day comment period. We continue to believe that the CY 2009 restatement and clarification made no change to longstanding hospital outpatient physician supervision policies as incorporated in prior statements of policy, including the codified Federal regulations. In addition, we provided for public notice and comment regarding these physician supervision polices through the CY2009 OPPS/ASC proposed rule in which, as noted above, we discussed physician supervision in a distinct section of the proposed rule. However, we received only a few public comments on that section. We note that the physician supervision policies for hospital outpatient diagnostic and therapeutic services as described in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68702 through 68704) continue to be in effect for CY 2009. We have not instructed contractors to delay initiation of enforcement actions or to discontinue pursuing pending enforcement actions regarding the physician supervision of hospital outpatient services.

However, while we are not proposing to withdraw the longstanding physician supervision policies for hospital outpatient services, we have extensively considered the many questions and concerns on this topic raised to us by stakeholders in the course of developing this CY 2010 OPPS/ASC proposed rule in order to assess whether proposed changes to the existing policies should be considered. We appreciate the many detailed comments and suggestions interested stakeholders have raised in the first few months since publication of the CY 2009 OPPS/ASC final rule with comment period. We have considered a wide variety of potential modifications to our physician supervision policies in response to this information about current health care delivery practices and challenges. The dialogue with interested stakeholders has provided us with sufficient information to develop proposals for certain changes to the supervision policies for hospital outpatient services for CY 2010 in order to take into full consideration current clinical practice and patterns of care, the need to ensure patient access, the associated hospital and physician responsibilities, consistency among requirements for different sites of services, and other important factors. We believe that these proposals address many of the concerns and questions regarding our existing policies that have been raised to us by stakeholders over the past several months. We look forward to robust public comments on this proposed rule regarding our CY 2010 proposals for physician supervision in order to inform our decisions regarding final policies for CY 2010.

In considering the questions and concerns that have been raised over the past several months, we have identified three areas within our existing hospital outpatient physician supervision policies for which we believe proposals of policy changes are appropriate for CY 2010, two related to the supervision of therapeutic services and one related to the supervision of diagnostic services. Our specific CY 2010 proposals, including the proposed changes to our regulations to conform to these proposals, are discussed below.

3. Proposed Policies for Direct Supervision of Hospital and CAH Outpatient Therapeutic Services

First, for CY 2010 we are proposing that nonphysician practitioners, specifically physician assistants, nurse practitioners, clinical nurse specialists, and certified nurse-midwives, may directly supervise all hospital outpatient therapeutic services that they may perform themselves in accordance with their State law and scope of practice and hospital-granted privileges, provided that they continue to meet all additional requirements, including any collaboration or supervision requirements as specified in the regulations at §§ 410.74 through 410.77. Clinical psychologists may already provide direct supervision, as we mentioned in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68703 through 68704) because they, along with physicians (as defined in section 1861(r)(1) of the Act), may be responsible for the care of a hospital patient, as discussed in the Medicare conditions of participation for hospitals in § 482.12(c) of our regulations. We believe that allowing certain nonphysician practitioners (nurse practitioners, physician assistants, clinical nurse specialists, and certified nurse-midwives) to provide direct supervision of certain hospital

outpatient therapeutic services is appropriate because, even though these practitioners are not physicians, they are recognized in statute and regulation as providing services that are analogous to physicians' services. Medicare Part B covers the professional services of clinical psychologists, nurse practitioners, physician assistants, clinical nurse specialists, and certified nurse-midwives when the services would be covered as physicians' services if furnished by a physician (a doctor of medicine or osteopathy, as set forth in section 1861(r)(1) of the Act). The coverage of their services is described in §§ 410.71(a), 410.74(a), 410.75(a) and (c), 410.76(a) and (c), and 410.77(a), respectively, of our regulations. Medicare also makes payment for services provided incident to the services of these nonphysician practitioners as specified in §§ 410.71(a)(2)(iii), 410.74(b), 410.75(d), 410.76(d), and 410.77(c), respectively.

We also note that section 1861(r) of the Act does not include clinical psychologists, nurse practitioners, physician assistants, clinical nurse specialists, or certified nurse-midwives in the definition of a physician. However, as previously mentioned, the conditions of participation for hospitals at § 482.12(c)(1)(vi) of our regulations do include clinical psychologists as practitioners who may be responsible for the care of Medicare patients. The conditions of participation at §§ 482.12(c)(1)(i) through (c)(1)(vi) require that every Medicare hospital patient be under the care of a doctor of medicine or osteopathy, a doctor of dental surgery or dental medicine, a doctor of podiatric medicine, a doctor of optometry, a chiropractor, or a clinical psychologist; each practicing in accordance with the Act, Federal regulations, and State law. Further, § 482.12(c)(4) of our regulations requires that a doctor of medicine or osteopathy must be responsible for the care of each Medicare patient with respect to any medical or psychiatric condition that is present on admission or develops during hospitalization and is not specifically within the scope of practice of one of the other practitioners listed in § 482.12(c)(1)(ii) through (c)(1)(vi). Also, as permitted by State law, certain nonphysician practitioners may admit individuals to a hospital or CAH and order and provide therapeutic services to them. Since 1998, we have allowed payment for the professional services of these nonphysician practitioners in addition to payment for physicians' services when the nonphysician practitioner's professional services are furnished in an HOPD. We also have made outpatient facility payments to the hospital for those facility services provided incident to the professional services of these nonphysician practitioners (63 FR 58873). In addition, the conditions of participation for CAHs at § 485.631 require that a doctor of medicine or osteopathy, a nurse practitioner, a physician assistant, or a clinical nurse specialist is available to furnish patient care services at all times the CAH operates. A doctor of medicine or osteopathy must be present for sufficient periods of time to provide medical direction, medical care services, consultation and supervision as described in the conditions of participation and must be available through radio or telephone contact for assistance with medical emergencies or patient referral.

Taking into consideration the totality of these existing conditions and requirements, we are proposing to revise § 410.27 of the regulations to make clear that Medicare Part B payment may be made for hospital outpatient services and supplies furnished incident to the services of a physician, clinical psychologist, nurse practitioner, physician assistant, clinical nurse specialist, or certified nurse-midwife service; and to add that, effective January 1, 2010, clinical psychologists, nurse practitioners, physician assistants, clinical nurse specialists, or certified nurse-midwives may provide direct supervision for hospital outpatient therapeutic services that they may perform themselves under State law and within their scope of practice and hospital-granted privileges in the context of the existing requirements in §§ 410.71, 410.74, 410.75, 410.76, and 410.77. However, we note that, as discussed in section XII.B.4 of this proposed rule, the direct supervision of CR, ICR, and PR services must be furnished by a doctor of medicine or osteopathy, as specified in the proposed coverage policy and regulations for CR, ICR, and PR services. We also note that Medicare does not make a payment to a physician under the MPFS when the physician solely provides the direct physician supervision of hospital outpatient therapeutic services but furnishes no direct professional services to a patient. This also would apply to the supervision of hospital outpatient therapeutic services provided by nonphysician practitioners.

We also note that we are not proposing to modify requirements relating to physician supervision or collaboration for these nonphysician practitioners. In regard to the supervision of physician assistants, § 410.74(a)(iv) requires that physician assistants perform services under the general supervision of a physician. We have further defined this general supervision in section 190(c) of chapter 15 of the Medicare Benefit Policy Manual. Section 190(c) states that ''the PA's physician supervisor (or a physician designated by the supervising physician or employer as provided under State law or regulations) is primarily responsible for the overall direction and management of the PA's professional activities and for assuring that the services provided are medically appropriate for the patient. The physician supervisor (or physician designee) need not be physically present with the PA when a service is being furnished to a patient and may be contacted by telephone, if necessary, unless State law or regulations require otherwise.''

The requirements for collaboration of nurse practitioners are defined in § 410.75(c)(3) of the regulations and section 200(D) of chapter 15 of the Medicare Benefit Policy Manual. The requirements for clinical nurse specialists are located in § 410.76(c)(3) of the regulations and section 210(D) of Chapter 15 of the Medicare Benefit Policy Manual. These sections define collaboration as a process in which the nurse practitioner or the clinical nurse specialist works with one or more physicians (doctors or medicine or osteopathy) to deliver health care services within the scope of the practitioner's expertise, with medical direction and appropriate supervision as required by the law of the State in which the services are being furnished. In the absence of more stringent State law requirements governing collaboration, collaboration is to be evidenced by the nurse practitioner or the clinical nurse specialist documenting his or her scope of practice and indicating the relationships that he or she has with physicians to deal with issues outside their scope of practice. The collaborating physician does not need to be present with the nurse practitioner or clinical nurse specialist when the services are furnished or to make an independent evaluation of each patient who is seen by the nurse practitioner or clinical nurse specialist.

Second, for CY 2010 we are proposing to refine the definition of direct supervision of hospital outpatient therapeutic services for those services furnished in a hospital and in on-campus PBDs of a hospital. For services furnished on a hospital's main campus, we are proposing that direct supervision means that the supervisory physician or

nonphysician practitioner must be present on the same campus, in the hospital or the on-campus PBD of the hospital as defined in § 413.65, and immediately available to furnish assistance and direction throughout the performance of the procedure. We are proposing to add a new paragraph (a)(1)(iv)(A) to § 410.27(a)(1)(iv)(A) to reflect this requirement. We also are proposing to define ''in the hospital'' in new paragraph § 410.27(g) as meaning areas in the main building(s) of a hospital that are under the ownership, financial, and administrative control of the hospital; that are operated as part of the hospital; and for which the hospital bills the services furnished under the hospital's CCN. Therefore, to be present in the hospital or the on-campus PBD of the hospital and immediately available requires that the physician or nonphysician practitioner must be physically present in areas on the campus of the hospital that are part of the hospital, including on-campus PBDs, that are operated by the hospital, and where services furnished in those areas are billed under the hospital's CCN. The supervisory physician or nonphysician practitioner of the hospital's outpatient therapeutic services may not be located in any other entity, such as a physician's office, IDTF, co-located hospital, or hospital-operated provider or supplier such as a skilled nursing facility (SNF), end stage renal disease (ESRD) facility, or home health agency (HHA), or any other nonhospital space that may be co-located on the hospital's campus, as ''hospital campus'' is defined in § 413.65(a)(2) of the regulations.

While we have not previously specified in policy guidance a definition for the term ''immediately available'' with respect to services provided in areas of the hospital on its main campus that are not PBDs, we believe that the existing definitions of direct supervision in §§ 410.27(f) and 410.32(b)(3)(ii) that apply to PBDs and physician office settings indicate that the physician must be physically present in order to provide direct supervision of services. With regard to services provided in PBDs of hospitals or physicians' offices, these regulations specify that the physician must be present in the PBD or in the office suite, respectively. Thus, we have previously established that direct supervision requires immediate physical presence. While we also have not specifically defined the word ''immediate'' for direct supervision in terms of time or distance, the general definition of the word means ''without interval of time.'' Therefore, the supervisory physician or nonphysician practitioner could not be immediately available while, for example, performing another procedure or service that he or she could not interrupt. In addition, we understand that advances in medical technology, changes in the patterns of health care delivery, and changes in the organizational structure of hospitals have led to the development of extensive hospital campuses, sometimes spanning several city blocks. However, in the context of direct physician or nonphysician practitioner supervision, we believe that it would be neither appropriate nor ''immediate'' for the supervisory physician or nonphysician practitioner to be so physically far away on the main campus from the location where hospital outpatient services are being furnished that he or she could not intervene right away. As we stated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68703), if there were problems with outpatient care in a hospital or in an on-campus PBD where the requirement for direct supervision was not met, we would consider that to be a quality concern. Appropriate supervision is a key aspect of the delivery of safe and high quality hospital outpatient services that are paid under Medicare.

In addition, the definition of direct supervision in existing § 410.27(f) has included and would continue to specify under our CY 2010 proposal that the physician or nonphysician practitioner must be available to furnish assistance and direction throughout the performance of the procedure. This means that the physician or nonphysician practitioner must be prepared to step in and perform the service, not just to respond to an emergency. This includes the ability to take over performance of a procedure and, as appropriate to both the supervisory physician or nonphysician practitioner and the patient, to change a procedure or the course of treatment being provided to a particular patient. We originally stated in the April 2000 OPPS final rule (65 FR 18525) that the physician does not ''necessarily need to be of the same specialty as the procedure or service that is being performed.'' We also have stated in manual guidance that hospital medical staff that supervises the services ''need not be in the same department as the ordering physician'' (section 20.5.1 of chapter 6 of the Medicare Benefits Policy Manual). However, in order to furnish appropriate assistance and direction for any given service or procedure, we believe the supervisory physician or nonphysician practitioner must have, within his or her State scope of practice and hospital-granted privileges, the ability to perform the service or procedure.

We are proposing no significant changes to the definition or requirements for direct supervision in off-campus PBDs of the hospital other than to allow nonphysician practitioners to provide direct supervision in these PBDs for the services that these practitioners may perform. With respect to off-campus PBDs of hospitals, direct supervision will continue to mean that the physician or nonphysician practitioner must be in the off-campus PBD and immediately available to furnish assistance and direction throughout the performance of the procedure. We are proposing to revise existing § 410.27(f) by redesignating it as § 410.27(a)(1)(iv)(B) and making a technical change to clarify the current language by removing ''present and on the premises of the location'' and replacing it with ''present in the off-campus provider-based department.'' While the meaning of this provision is the same, we believe this proposed modification to the language defining direct supervision is more consistent with the language of the other proposed changes to § 410.27. As we clarified in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68704), the supervisory physician for hospital outpatient therapeutic services must be in each PBD of a particular off-campus remote location, but that does not mean that the physician must be in the room when the procedure is performed. In the April 2000 OPPS final rule (65 FR 18525), we responded to public commenters who asserted that requiring a physician to be onsite at a PBD throughout the performance of all ''incident to'' (therapeutic) services would be burdensome and costly for hospitals where there are a limited number of physicians available to provide coverage, particularly in rural settings. We disagreed then that the supervision requirement was unnecessary and burdensome because hospitals, prior to 2000, were already required to ''meet a direct supervision of 'incident to' services requirement that is unrelated to the provider-based rules. That is, we require that hospital services and supplies furnished to outpatients that are incident to physician services be furnished on a physician's order by hospital personnel and under a physician's supervision'' (section 3112.4 of the Medicare Intermediary Manual). In addition, when we discussed the ''assumption'' or expectation that the physician supervision requirement is

met on the hospital's main campus in the April 2000 OPPS final rule (65 FR 18525), we specifically did not extend that assumption to off-campus departments of the hospital. We continue to believe that it would be inappropriate to allow one physician or nonphysician practitioner to supervise all services being provided in all PBDs at a particular off-campus remote location. Since first allowing off-campus sites to be considered PBDs of hospitals, we have placed particular emphasis on ensuring the quality and safety of the services provided in these locations, which can be many miles from the main hospital campus, through both additional provider-based requirements in § 413.65(e) and our emphasis on direct physician supervision under § 410.27(f). In addition, because the physician or nonphysician practitioner must be immediately available and have, within his or her State scope of practice and hospital-granted privileges, the ability to perform the services being supervised, we believe it would be highly unlikely that one physician or nonphysician practitioner would be both immediately available at all times that therapeutic services are being provided and would have the knowledge and ability to adequately supervise all services being performed at once in multiple off-campus PBDs.

To reflect these proposed changes for the provision of direct supervision of therapeutic services provided to hospital outpatients in our regulations, we are proposing to revise the language of the existing § 410.27(f) and redesignate it as a new paragraph (a)(1)(iv) of § 410.27 to specify that direct physician or nonphysician practitioner supervision of hospital outpatient therapeutic services is required for Medicare Part B payment. We are proposing to add a new paragraph (a)(1)(iv)(A) to § 410.27 to state that, for services provided on the hospital's main campus, direct supervision means that the physician or nonphysician practitioner must be present on the same campus, in the hospital or on-campus PBD of the hospital, as defined in § 413.65, and immediately available to furnish assistance and direction throughout the performance of the procedure. It does not mean that the physician or nonphysician practitioner must be in the room when the procedure is performed. We also are proposing to add new paragraph (a)(1)(iv)(B) to § 410.27 to reflect that, for off-campus PBDs of hospitals, the physician or nonphysician practitioner must be present in the off-campus PBD, as defined in § 413.65, and immediately available to furnish assistance and direction throughout the performance of the procedure. It does not mean that the physician or nonphysician practitioner must be in the room when the procedure is performed. As we stated previously, the proposed language of paragraph (a)(1)(iv)(B) is similar to existing § 410.27(f) that we are proposing to revise and redesignate. Furthermore, we are proposing to make a technical change to clarify the language in this paragraph to remove ''present and on the premises of the location'' and replace it with ''present in the off-campus provider-based department.'' Also, as discussed above in section XII.B.4 of this proposed rule and as proposed in the CY 2010 MPFS proposed rule, the direct supervision of CR, ICR, and PR services must be furnished by a doctor of medicine or osteopathy, as specified in proposed §§ 410.47 and 410.49, respectively. We are proposing to include this exception in proposed paragraphs (a)(1)(iv)(A) and (a)(1)(iv)(B) in § 410.27. In addition, we are proposing to add a new paragraph (f) to § 410.27 to define a nonphysician practitioner for purposes of § 410.27 as a clinical psychologist, a physician assistant, a nurse practitioner, a clinical nurse specialist, or a certified nurse-midwife. Proposed new § 410.27(a)(1)(iv) would provide that these nonphysician practitioners may directly supervise services that they could furnish themselves in accordance with State law and within their scope of practice and hospital-granted privileges, as long as all requirements for coverage, including the physician supervision or collaboration for these nonphysician practitioners, are met in accordance with §§ 410.71, 410.74, 410.75, 410.76, and 410.77, respectively. We also are proposing to define ''in the hospital'' in new paragraph § 410.27(g) to mean areas in the main building(s) of the hospital that are under the ownership, financial, and administrative control of the hospital; that are operated as part of the hospital; and for which the hospital bills the services furnished under the hospital's CCN. Finally, we are proposing to make a technical correction to the title of § 410.27 to read, ''Outpatient hospital or CAH services and supplies incident to a physician service: Conditions'' to clarify in the title that the requirements for payment of hospital outpatient therapeutic services incident to a physician or nonphysician practitioner service in that section apply to both hospitals and CAHs. Similarly, we are proposing to include the phrase ''hospital or CAH'' throughout the text of § 410.27 wherever the text currently refers just to ''hospital.'' The omission of the term ''CAH'' from § 410.27 was a drafting oversight. However, we have applied the requirements of § 410.27, including ''incident to'' requirements such as the site-of-service requirement and physician supervision as well as other hospital policies, such as the bundling rules, to CAHs, just as we have in 42 CFR Part 409 (Subparts A through D and F through H) and § 410.28 and § 413.65 of the regulations where CAHs are explicitly mentioned.

4. Proposed Policies for Direct Supervision of Hospital and CAH Outpatient Diagnostic Services

As we discussed in detail in section XII.D.1. of this proposed rule, with respect to the physician supervision requirements for individual diagnostic tests, we have continued since the April 2000 OPPS final rule discussion (65 FR 18526) to instruct hospitals that, for diagnostic services furnished in PBDs of hospitals, hospitals should follow the supervision requirements for individual diagnostic tests as listed in the MPFS Relative Value File. For diagnostic services not listed in the MPFS file, Medicare contractors, in consultation with their medical directors, define appropriate supervision levels in order to determine whether claims for these services are reasonable and necessary. To further specify the supervision policy across service settings and to provide consistency for all hospital outpatient diagnostic services, for CY 2010 we are proposing to require that all hospital outpatient diagnostic services that are provided directly or under arrangement, whether provided in the main buildings of the hospital, in a PBD, or at a nonhospital location, follow the physician supervision requirements for individual tests as listed in the MPFS Relative Value File. We also are proposing that the definitions of general, direct, and personal supervision as defined in §§ 410.32(b)(3)(i) through (b)(3)(iii) would also apply. In the case of direct supervision of diagnostic services furnished directly by the hospital or under arrangement in the main hospital buildings or on-campus in a PBD, we are proposing that the definition of direct supervision would be the same as the definition we are proposing for therapeutic services provided on-campus as discussed in section XII.D.3. of this proposed rule, meaning that the physician would be present on the same campus, in the hospital or the on-campus PBD of the hospital, as defined in § 413.65, and immediately available to furnish

assistance and direction throughout the performance of the procedure. In addition, the definition of ''in the hospital'' as defined in proposed § 410.27(g), discussed above, would apply. This means that the supervisory physician may not be located in any entity such as a physician's office, co-located hospital, IDTF, or hospital-operated provider or supplier such as a SNF, ESRD facility, or HHA, or any other nonhospital space that may be co-located on the hospital's campus, as campus is defined in § 413.65(a)(2).

Similarly, in the case of direct physician supervision of diagnostic services furnished directly or under arrangement in an off-campus PBD, we are proposing that the definition of direct supervision would be the same as the current definition for therapeutic services provided in an off-campus PBD as discussed in section XII.D.3. of this proposed rule, meaning the physician must be present in the off-campus PBD, as defined in § 413.65 and immediately available to furnish assistance and direction throughout the performance of the procedure. As we discussed in the April 2000 OPPS final rule (65 FR 18524 through 18525) and the CY 2009 OPPS/ASC final rule with comment period (73 FR 68702 through 68704), we have long made the analogy of the PBD to the physician's office suite, as described in the definition of direct supervision in § 410.32(b)(3)(ii).

In addition to providing diagnostic services directly or under arrangement in the hospital, including provider-based departments of the hospital, a hospital may also send its outpatients to another entity, such as an IDTF, to furnish these services under arrangement for the hospital. For example, in the April 2000 OPPS final rule (65 FR 185440 through 185441), in a discussion of the hospital bundling rules, we discussed that an entity, like an IDTF, may be located in the main buildings of a hospital or on the hospital campus but operated independently of the hospital. In addition, these suppliers, providers, or other entities may be located elsewhere, not on hospital's main campus or other hospital property. These entities, like IDTFs and physicians' offices, may provide services to their own patients (not hospital outpatients) and to hospital outpatients under arrangements with the hospital. They follow the physician supervision requirements of the MPFS and § 410.32 when providing services to Medicare beneficiaries who are not hospital outpatients. For consistency, we are proposing for CY 2010 that all diagnostic services provided to hospital outpatients under arrangement in nonhospital entities, whether those entities are located on the main campus of the hospital or elsewhere, would also follow the requirements as described in § 410.32(b)(3)(i) through (iii). When hospitals contract with other entities to provide services under arrangement, the hospital must exercise professional responsibility over the arrangement for services, in accordance with the guidance provided in the section 10.3 of chapter 5 of the Medicare General Information, Eligibility and Entitlement Manual (Pub 100–1). This means that for the hospital to receive payment, it is responsible for ensuring that all applicable requirements in §§ 410.28 and 410.32 are met. In the case of hospital outpatient diagnostic services provided under arrangement at nonhospital locations, such as IDTFs, we believe that the term ''office suite'' used in § 410.32(b)(3)(ii) is directly applicable because these facilities usually also provide diagnostic services to their own patients and, therefore, would be able to apply the direct supervision requirement in § 410.32(b)(3)(ii) without further definition.

Physician assistants, nurse practitioners, clinical nurse specialists, and certified nurse-midwives who operate within the scope practice under State law may order and perform diagnostic tests, as discussed in § 410.32(a)(3) and corresponding manual guidance in section 80 of chapter 15 of the Medicare Benefit Policy Manual. However, this manual guidance and the regulation at § 410.32(b)(1) also state that diagnostic x-ray and other diagnostic tests must be furnished under the appropriate level of supervision by a physician as defined in section 1861(r) of the Act. Thus, physician assistants, nurse practitioners, clinical nurse specialists, and certified nurse-midwives may not function as supervisory physicians for the purposes of diagnostic tests. In keeping with these existing requirements, we are not proposing to allow physician assistants, nurse practitioners, clinical nurse specialists, and certified nurse-midwives to provide the supervision of diagnostic tests provided to hospital outpatients. Clinical psychologists may supervise only diagnostic psychological and neuropsychological testing services as described in an exception to the basic rule at § 410.32(b)(2)(iii) for diagnostic psychological and neuropsychological testing services, when these services are personally furnished by a clinical psychologist or an independently practicing psychologist or when they are furnished under the general supervision of a physician or clinical psychologist.

To reflect these proposed changes for the provision of direct supervision of diagnostic services provided to hospital outpatients in the regulations, we are proposing to revise existing § 410.28(e). First, we are proposing to specify that the provisions of proposed revised paragraph (e) apply to diagnostic services furnished by the hospital, directly or under arrangement, consistent with our proposal to apply the existing diagnostic services supervision requirement for PBDs to diagnostic services provided directly by the hospital or under arrangement. We would continue to specify that the definitions of general and personal physician supervision included in § 410.32(b)(3)(i) and (b)(3)(iii) apply to these levels of supervision of hospital outpatient diagnostic services. Furthermore, we are proposing to add new paragraph (e)(1) to § 410.28 to indicate that, for services furnished directly or under arrangement, in the hospital or in an on-campus department of a provider, as defined in § 413.65, direct supervision means that the physician must be present on the same campus, in the hospital or PBD of the hospital as defined in § 413.65, and immediately available to furnish assistance and direction throughout the performance of the procedure. We also would continue to provide that direct supervision does not mean that the physician must be in the room when the procedure is performed. As discussed above, we would apply the definition of ''in the hospital'' as proposed in § 410.27(g) of the regulations. In addition, we are proposing to add new paragraph (e)(2) to § 410.28 to reflect that, for the direct physician supervision of diagnostic services furnished directly or under arrangement in off-campus PBDs of hospitals, the physician must present in the off-campus PBD, as defined in § 413.65, and immediately available to furnish assistance and direction throughout the performance of the procedure. We would continue to provide that direct supervision does not mean that the physician must be in the room when the procedure is performed. Finally, we are proposing to add new paragraph (e)(3) to specify that for the direct supervision of hospital outpatient services provided under arrangement in physicians' offices and other nonhospital locations, the definition of direct supervision in § 410.32(b)(3)(ii) applies.

5. Summary of CY 2010 Physician Supervision Proposals

In summary, for CY 2010, we are proposing that nonphysician practitioners, defined for the purpose of § 410.27 of the regulations as clinical psychologists, physician assistants, nurse practitioners, clinical nurse specialists, and certified nurse-midwives, may directly supervise all hospital outpatient therapeutic services that they may perform themselves within their State scope of practice and hospital-granted privileges, provided that they meet all additional requirements, including any collaboration or supervision requirements as specified in §§ 410.71, 410.74, 410.75, 410.76, and 410.77. However, nonphysician practitioners may not provide the direct supervision of CR, ICR, and PR services, since we have also proposed in the CY 2010 MPFS proposed rule that the direct supervision of CR, ICR, and PR services must be furnished by a doctor of medicine or osteopathy, as specified in proposed §§ 410.47 and 410.49, respectively. We also are proposing to refine the definition of the direct supervision of hospital outpatient therapeutic services for those services provided in the hospital and in an on-campus PBD of the hospital. For services provided in the hospital and in an on-campus PBD of the hospital, direct supervision would mean that the physician or nonphysician practitioner must be present on the same campus, in the hospital or the on-campus PBD of the hospital or CAH, as defined in § 413.65, and immediately available to furnish assistance and direction throughout the performance of the procedure. We also are proposing to define ''in the hospital'' in new paragraph § 410.27(g) to mean areas in the main building(s) of a hospital or CAH that are under the ownership, financial, and administrative control of the hospital or CAH; that are operated as part of the hospital or CAH; and for which the hospital or CAH bills the services furnished under the hospital's or CAH's CCN. We are proposing no significant change to the definition or requirements for direct supervision of hospital outpatient therapeutic services provided in off-campus PBDs of a hospital or CAH other than to allow nonphysician practitioners to provide direct supervision for the services that they may perform in those locations.

For CY 2010, we are proposing to require that all hospital outpatient diagnostic services provided directly or under arrangement, whether provided in the hospital, in a PBD, or at a nonhospital location, follow the physician supervision requirements for individual tests as listed in the MPFS Relative Value File. The existing definitions of general and personal supervision as defined in § 410.32(b)(3)(i) and (iii) would also apply. For services furnished directly or under arrangement in the hospital or on-campus PBD, direct supervision would mean that the physician must be present on the same campus, in the hospital or on-campus PBD of the hospital, and immediately available to furnish assistance and direction throughout the performance of the procedure. For this purpose, the definition of ''in the hospital'', as proposed in § 410.27(g), would apply. For diagnostic services furnished directly or under arrangement off-campus in a PBD of the hospital, direct supervision would mean that the physician must be present in the off-campus PBD and immediately available to furnish assistance and direction throughout the performance of the procedures. For all hospital outpatient diagnostic services provided under arrangement in nonhospital locations, such as IDTFs and physicians' offices, the existing definition of direct supervision § 410.32(b)(3)(ii) would apply. We are proposing to revise §§ 410.27 and 410.28 of the regulations to reflect these changes as discussed under sections XII.D.3. and 4. of this proposed rule.

E. Direct Referral for Observation Services

Since CY 2003, hospitals have reported a Level II HCPCS code for Medicare billing purposes for a ''direct admission'' to a hospital for outpatient observation services. In section 290 of Chapter 4 of the Medicare Claims Processing Manual (Publication 100–4), we define a ''direct admission'' as the direct referral of a patient by a community physician to a hospital for observation services without an associated emergency room visit, hospital outpatient clinic visit, critical care service, or hospital outpatient surgical procedure (that is, a status indicator ''T'' procedure) on the day of the initiation of observation services. Since CY 2006, we have instructed hospitals to report a ''direct admission'' referred for observation services using HCPCS code G0379 (Direct admission of patient for hospital observation care) (70 FR 68688 through 68691).

Observation care is a hospital outpatient service that is reported using HCPCS code G0378 (Hospital observation services, per hour). Hospitals report outpatient observation services, which are commonly provided in association with a hospital clinic visit, emergency department visit, or other major service, on hospital outpatient claims, just like other outpatient services. Physicians order observation care, defined as clinically appropriate services, including ongoing short-term treatment, assessment, and reassessment furnished in order for the physician to determine whether the beneficiary will require further treatment as an inpatient or whether the beneficiary may be safely discharged from the hospital.

We have become aware that, because the word ''admission'' is generally used in reference to inpatient hospital care, our historical use of the phrase ''direct admission'' in the code descriptor for HCPCS code G0379 and the use of the phrase ''observation status'' in the Medicare Claims Processing Manual (Chapter 4, section 290) and the Medicare Benefit Policy Manual (Chapter 6, section 20) may be contributing to confusion for hospitals and beneficiaries related to a beneficiary's status as an inpatient or an outpatient when he or she is receiving observation services. For Medicare payment purposes, there is no patient status termed ''observation status.'' Hospitals may only bill for items and services furnished to inpatients, outpatients, or nonpatients. We believe that using terminology such as ''observation status'' or ''admission to observation'' may be confusing for physicians, hospitals, and beneficiaries. Therefore, for CY 2010, we are proposing to modify the code descriptor for HCPCS code G0379 to remove the reference to the word ''admission'' and to replace it with ''referral.'' The proposed long code descriptor for HCPCS code G0379 would be ''Direct referral for hospital observation care.'' We are proposing this change to more accurately reflect that the physician in the community has referred the beneficiary to the hospital for observation services as a hospital outpatient. In addition to the proposed CY 2010 change to the code descriptor for HCPCS code G0379 in this proposed rule, we plan to modify the Medicare Claims Processing Manual and the Medicare Benefit Policy Manual to remove references related to ''admission'' for observation services or ''observation status.'' We are not proposing to change the status indicator or payment methodology for HCPCS code G0379 for CY 2010. Instead, we are proposing to continue the payment policy that was finalized for the CY 2009 OPPS (73 FR 68554). HCPCS code G0379 is assigned status indicator ''Q3,''

indicating that it is eligible for payment through APC 8002 (Level I Extended Assessment & Management Composite) when certain criteria are met or through APC 0604 (Level I Hospital Clinic Visits) when other criteria are met; otherwise, its payment is packaged into payment for other separately payable services in the same encounter. The criteria for payment of HCPCS code G0379 under either composite APC 8002, as part of the extended assessment and management composite service, or APC 0604, as a separately payable individual service are: (1) both HCPCS codes G0378 and G0379 are reported with the same date of service; and (2) no service with a status indicator of ''T'' or ''V'' or Critical Care (APC 0617) is provided on the same date of service as HCPCS code G0379. If either of the above criteria is not met, HCPCS code G0379 is assigned status indicator ''N'' and its payment is packaged into the payment for other separately payable services provided in the same encounter.

XIII. Proposed OPPS Payment Status and Comment Indicators

A. Proposed OPPS Payment Status Indicator Definitions

The OPPS payment status indicators (SIs) that we assign to HCPCS codes and APCs play an important role in determining payment for services under the OPPS. They indicate whether a service represented by a HCPCS code is payable under the OPPS or another payment system and also whether particular OPPS policies apply to the code. Our CY 2010 proposed status indicator assignments for APCs and HCPCS codes are shown in Addendum A and Addendum B, respectively, to this proposed rule. For CY2010, we are only proposing to change the definitions of status indicators ''H'' and ''K.'' We are not proposing any changes to the other status indicators that were listed in Addendum D1 of the CY 2009 OPPS/ASC final rule with comment period. These status indicators are listed in the tables under sections XIII.A.1., 2., 3., and 4. of this proposed rule.

1. Proposed Payment Status Indicators To Designate Services That Are Paid Under the OPPS

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Indicator	Item/Code/Service	OPPS Payment Status
G	Pass-Through Drugs and Biologicals	Paid under OPPS; separate APC payment.
H	Pass-Through Device Categories	Separate cost-based pass-through payment; not subject to copayment.
K	Nonpass-Through Drugs and Nonimplantable Biologicals, including Therapeutic Radiopharmaceuticals	Paid under OPPS; separate APC payment.
N	Items and Services Packaged into APC Rates	Paid under OPPS; payment is packaged into payment for other services. Therefore, there is no separate APC payment.
P	Partial Hospitalization	Paid under OPPS; per diem APC payment.
Q1	STVX-Packaged Codes	Paid under OPPS; Addendum B displays APC assignments when services are separately payable. (1) Packaged APC payment if billed on the same date of service as a HCPCS code assigned status indicator "S," "T," "V," or "X." (2) In all other circumstances, payment is made through a separate APC payment.
Q2	T-Packaged Codes	Paid under OPPS; Addendum B displays APC assignments when services are separately payable. (1) Packaged APC payment if billed on the same date of service as a HCPCS code assigned status indicator "T." (2) In all other circumstances, payment is made through a separate APC payment.

Indicator	Item/Code/Service	OPPS Payment Status
Q3	Codes that may be paid through a composite APC	Paid under OPPS; Addendum B displays APC assignments when services are separately payable. Addendum M displays composite APC assignments when codes are paid through a composite APC. (1) Composite APC payment based on OPPS composite-specific payment criteria. Payment is packaged into a single payment for specific combinations of service. (2) In all other circumstances, payment is made through a separate APC payment or packaged into payment for other services.
R	Blood and Blood Products	Paid under OPPS; separate APC payment.
S	Significant Procedure, Not Discounted When Multiple	Paid under OPPS; separate APC payment.
T	Significant Procedure, Multiple Reduction Applies	Paid under OPPS; separate APC payment.
U	Brachytherapy Sources	Paid under OPPS; separate APC payment.
V	Clinic or Emergency Department Visit	Paid under OPPS; separate APC payment.
X	Ancillary Services	Paid under OPPS; separate APC payment.

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Section 142 of Public Law 110–275 (MIPPA) required CMS to pay for therapeutic radiopharmaceuticals for the period of July 1, 2008, through December 31, 2009, at hospitals' charges adjusted to the costs. The status indicator "H" was assigned to therapeutic radiopharmaceuticals to indicate that an item was paid at charges adjusted to cost during CY 2009. For CY 2010, we are proposing to pay prospectively and separately for therapeutic radiopharmaceuticals with average per day costs greater than the proposed CY 2010 drug packaging threshold of $65 under the OPPS. Therefore, we are proposing to change the status indicator for HCPCS codes used to report separately payable therapeutic radiopharmaceuticals from "H" to "K," which indicates that an item is separately paid under the OPPS at the APC payment rate established for the item. We refer readers to section V.B.4. of this proposed rule for the discussion of the proposed CY 2010 change to our payment policy for therapeutic radiopharmaceuticals.

As discussed in detail in section V.A.4. of this proposed rule, we are proposing to consider implantable biologicals that are not on pass-through status as a biological before January 1, 2010, as devices beginning in CY 2010. Therefore, as devices, pass-through implantable biologicals would be assigned a status indicator of "H," while nonpass-through implantable biologicals would be assigned a status indicator of "N" beginning in CY 2010. Those implantable biologicals that have been granted pass-through status under the drug and biological criteria prior to January 1, 2010, would continue to be assigned a status indicator of "G" until they are proposed for expiration from pass-through status during our annual rulemaking cycle. We are proposing to assign status indicator "K" to nonimplantable biologicals and to adjust the definition of status indicator "K" accordingly.

2. Proposed Payment Status Indicators To Designate Services That Are Paid Under a Payment System Other Than the OPPS

Indicator	Item/code/service	OPPS payment status
A	Services furnished to a hospital outpatient that are paid under a fee schedule or payment system other than OPPS, for example:	Not paid under OPPS. Paid by fiscal intermediaries/MACs under a fee schedule or payment system other than OPPS.

Indicator	Item/code/service	OPPS payment status
	• Ambulance Services. • Clinical Diagnostic Laboratory Services • Non-Implantable Prosthetic and Orthotic Devices. • EPO for ESRD Patients. • Physical, Occupational, and Speech Therapy. • Routine Dialysis Services for ESRD Patients Provided in a Certified Dialysis Unit of a Hospital.	Not subject to deductible or coinsurance.
	• Diagnostic Mammography. • Screening Mammography	Not subject to deductible.
C	Inpatient Procedures	Not paid under OPPS. Admit patient. Bill as inpatient.
F	Corneal Tissue Acquisition; Certain CRNA Services; and Hepatitis B Vaccines.	Not paid under OPPS. Paid at reasonable cost.
L	Influenza Vaccine; Pneumococcal Pneumonia Vaccine	Not paid under OPPS. Paid at reasonable cost; not subject to deductible or coinsurance.
M	Items and Services Not Billable to the Fiscal Intermediary/MAC.	Not paid under OPPS.
Y	Non-Implantable Durable Medical Equipment	Not paid under OPPS. All institutional providers other than home health agencies bill to DMERC.

3. Proposed Payment Status Indicators To Designate Services That Are Not Recognized under the OPPS But That May Be Recognized by Other Institutional Providers

Indicator	Item/code/service	OPPS payment status
B	Codes that are not recognized by OPPS when submitted on an outpatient hospital Part B bill type (12x and 13x).	Not paid under OPPS. May be paid by fiscal intermediaries/MACs when submitted on a different bill type, for example, 75x (CORF), but not paid under OPPS. An alternate code that is recognized by OPPS when submitted on an outpatient hospital Part B bill type (12x and 13x) may be available.

4. Proposed Payment Status Indicators To Designate Services That Are Not Payable by Medicare on Outpatient Claims

Indicator	Item/code/service	OPPS payment status
D	Discontinued Codes	Not paid under OPPS or any other Medicare payment system.
E	Items, Codes, and Services: • That are not covered by any Medicare outpatient benefit based on statutory exclusion. • That are not covered by any Medicare outpatient benefit for reasons other than statutory exclusion. • That are not recognized by Medicare for outpatient claims; alternate code for the same item or service may be available. • For which separate payment is not provided on outpatient claims.	Not paid by Medicare when submitted on outpatient claims (any outpatient bill type).

Addendum B, with a complete listing of HCPCS codes that includes their proposed payment status indicators and proposed APC assignments for CY 2010, is available electronically on the CMS Web site under supporting documentation for this proposed rule at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/HORD/list.asp#TopOfPage.*

B. Proposed Comment Indicator Definitions

For the CY 2010 OPPS, we are proposing to use the two comment indicators that are in effect for the CY 2009 OPPS.

• ''CH''—Active HCPCS codes in current and next calendar year; status indicator and/or APC assignment have changed or active HCPCS code that will be discontinued at the end of the current calendar year.

• ''NI''—New code, interim APC assignment; comments will be accepted

on the interim APC assignment for the new code.

We are proposing to use the ''CH'' comment indicator in the CY 2010 OPPS/ASC final rule with comment period to indicate HCPCS codes for which the status indicator or APC assignment, or both, would change in CY 2010 compared to their assignment as of December 31, 2009.

We are using the ''CH'' indicator in this proposed rule to call attention to proposed changes in the payment status indicator and/or APC assignment for HCPCS codes for CY 2010 compared to their assignment as of June 30, 2009. We believe that using the ''CH'' indicator in this proposed rule would help facilitate the public's review of the changes that we are proposing for CY 2010. The use of the comment indicator ''CH'' in association with a composite APC indicates that the configuration of the composite APC is proposed for change in this proposed rule.

For the CY 2010 OPPS, we are proposing to continue our policy of using comment indicator ''NI'' in the CY 2010 OPPS/ASC final rule with comment period. Only HCPCS codes with comment indicator ''NI'' in the CY 2010 OPPS/ASC final rule with comment period would be subject to comment. We are proposing that HCPCS codes that do not appear with comment indicator ''NI'' in the CY 2010 OPPS/ASC final rule with comment period would not be open to public comment, unless we specifically request additional comments elsewhere in the CY 2010 OPPS/ASC final rule with comment period. The CY 2010 treatment of HCPCS codes that appear in the CY 2010 OPPS/ASC final rule with comment period to which comment indicator ''NI'' is not appended will have been open to public comment during the comment period for this proposed rule.

XIV. OPPS Policy and Payment Recommendations

A. MedPAC Recommendations

MedPAC was established under section 1805 of the Act to advise the U.S. Congress on issues affecting the Medicare program. As required under the statute, MedPAC submits reports to Congress not later than March and June of each year that present its Medicare payment policy recommendations. The following section describes recent recommendations relevant to the OPPS that have been made by MedPAC.

The March 2009 MedPAC ''Report to Congress: Medicare Payment Policy'' included the following recommendation relating specifically to the Medicare hospital OPPS:

Recommendation 2A–1: The Congress should increase payment rates for the acute inpatient and outpatient prospective payment systems in 2010 by the projected rate of increase in the hospital market basket index, concurrent with implementation of a quality incentive payment program.

CMS Response: We are proposing to increase payment rates for the CY 2010 OPPS by the projected rate of increase in the hospital market basket through adjustment of the full CY 2010 conversion factor. Simultaneously, we are proposing for CY 2010 to continue to reduce the annual update factor by 2.0 percentage points for hospitals that are defined under section 1886(d)(1)(B) of the Act and that do not meet the hospital outpatient quality data reporting required by section 1833(t)(17) of the Act. Specifically, we are proposing to calculate two conversion factors, a full conversion factor based on the full hospital market basket increase and a reduced conversion factor that reflects the 2.0 percentage point reduction to the market basket. We discuss our proposed update of the conversion factor and our proposed adoption and implementation of the reduced conversion factor that would apply to hospitals that fail their quality reporting requirements for the full CY 2010 OPPS update in section XVI of this proposed rule.

The full March 2009 MedPAC report can be downloaded from MedPAC's Web site at: *http://www.medpac.gov/documents/Mar09_EntireReport.pdf*.

B. APC Panel Recommendations

Recommendations made by the APC Panel at its February 2009 meeting are discussed in the sections of this proposed rule that correspond to topics addressed by the APC Panel. The report and recommendations from the APC Panel's February 18-19, 2009 meeting are available on the CMS Web site at: *http://www.cms.hhs.gov/FACA/05_AdvisoryPanelonAmbulatoryPaymentClassificationGroups.asp* .

C. OIG Recommendations

The mission of the Office of the Inspector General (OIG), as mandated by Public Law 95–452, as amended, is to protect the integrity of the U.S. Department of Health and Human Services (HHS) programs, as well as the health and welfare of beneficiaries served by those programs. This statutory mission is carried out through a nationwide network of audits, investigations, and inspections. In June 2007, the OIG released a report, entitled ''Impact of Not Retroactively Adjusting Outpatient Outlier Payments,'' that described the OIG's research into sources of errors in CMHC outlier payments. The OIG report included the following two recommendations relating specifically to the hospital OPPS under which payment is made for outpatient services provided by CMHCs.

Recommendation 1: The OIG recommended that CMS require adjustments of outpatient outlier payments at final cost report settlement, retroactive to the beginning of the cost report period.

Recommendation 2: The OIG recommended that CMS require retroactive adjustments of outpatient outlier payments when an error caused by the fiscal intermediary or provider is identified after a cost report is settled.

We addressed both of these recommendations in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68594). We noted in that final rule that the OIG's findings were based largely on information from the OPPS' early implementation period, between CY 2000 and CY 2003, and that we believed we had taken several steps since that time in order to improve the accuracy and frequency of the Medicare contractors' CCR calculations, including updating our instructions for calculating CCRs, increasing the frequency of CCR calculation, and conducting an annual review of CMHC CCRs.

However, taking into account these OIG recommendations, we proposed and finalized a policy to provide for reconciliation of outlier payments under the OPPS at final cost report settlement as recommended by the OIG, beginning in CY 2009. We discuss our rationale for this policy in detail in section II.F.4. of the CY 2009 OPPS/ASC final rule with comment period (73 FR 68594 through 68599).

There are no more recent OIG recommendations that pertain to the OPPS than the June 2007 recommendations.

XV. Proposed Updates to the Ambulatory Surgical Center (ASC) Payment System

A. Background

1. Legislative Authority for the ASC Payment System

Section 1832(a)(2)(F)(i) of the Act provides that benefits under Medicare Part B include payment for facility services furnished in connection with surgical procedures specified by the Secretary that are performed in an ASC. To participate in the Medicare program as an ASC, a facility must meet the standards specified in section

1832(a)(2)(F)(i) of the Act, which are set forth in 42 CFR Part 416, Subpart B and Subpart C of our regulations. The regulations at 42 CFR Part 416, Subpart B describe the general conditions and requirements for ASCs, and the regulations at Subpart C explain the specific conditions for coverage for ASCs.

Section 141(b) of the Social Security Act Amendments of 1994, Public Law 103–432, required establishment of a process for reviewing the appropriateness of the payment amount provided under section 1833(i)(2)(A)(iii) of the Act for intraocular lenses (IOLs) that belong to a class of new technology intraocular lenses (NTIOLs). That process was the subject of a final rule entitled ''Adjustment in Payment Amounts for New Technology Intraocular Lenses Furnished by Ambulatory Surgical Centers,'' published on June 16, 1999, in the **Federal Register** (64 FR 32198).

Section 626(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), Public Law 108–173, added subparagraph (D) to section 1833(i)(2) of the Act, which required the Secretary to implement a revised ASC payment system to be effective not later than January 1, 2008. Section 626(c) of the MMA amended section 1833(a)(1) of the Act by adding new subparagraph (G), which requires that, beginning with implementation of the revised ASC payment system, payment for surgical procedures furnished in ASCs shall be 80 percent of the lesser of the actual charge for the services or the amount determined by the Secretary under the revised payment system.

Section 5103 of the Deficit Reduction Act of 2005 (DRA), Public Law 109–171, amended section 1833(i)(2) of the Act by adding a new subparagraph (E) to place a limitation on payment amounts for surgical procedures furnished in ASCs on or after January 1, 2007, but before the effective date of the revised ASC payment system (that is, January 1, 2008). Section 1833(i)(2)(E) of the Act provides that if the standard overhead amount under section 1833(i)(2)(A) of the Act for an ASC facility service for such surgical procedures, without application of any geographic adjustment, exceeds the Medicare payment amount under the hospital OPPS for the service for that year, without application of any geographic adjustment, the Secretary shall substitute the OPPS payment amount for the ASC standard overhead amount.

Section 109(b) of the Medicare Improvements and Extension Act of 2006 of the Tax Relief and Health Care Act of 2006 (MIEA–TRHCA), Public Law 109–432, amended section 1833(i) of the Act, in part, by redesignating clause (iv) as clause (v) and adding a new clause (iv) to paragraph (2)(D) and adding paragraph (7)(A), which provide the Secretary the authority to require ASCs to submit data on quality measures and to reduce the annual update by 2 percentage points for an ASC that fails to submit data as required by the Secretary on selected quality measures. Section 109(b) of the MIEA–TRHCA also amended section 1833(i) of the Act by adding new paragraph (7)(B), which requires that, to the extent the Secretary establishes such an ASC quality reporting program, certain quality of care reporting requirements mandated for hospitals paid under the OPPS, under section 109(a) of the MIEA–TRHCA, be applied in a similar manner to ASCs unless otherwise specified by the Secretary.

For a detailed discussion of the legislative history related to ASCs, we refer readers to the June 12, 1998 proposed rule (63 FR 32291 through 32292).

2. Prior Rulemaking

On August 2, 2007, we published in the **Federal Register** (72 FR 42470) the final rule for the revised ASC payment system, effective January 1, 2008 (the ''August 2, 2007 final rule''). We revised our criteria for identifying surgical procedures that are eligible for Medicare payment when furnished in ASCs and adopted the method we would use to set payment rates for ASC covered surgical procedures and covered ancillary services furnished in association with those covered surgical procedures beginning in CY 2008. In that final rule, we also established a policy for updating on an annual calendar year basis the ASC conversion factor, the relative payment weights, the ASC payment rates, and the list of procedures for which Medicare would not make an ASC payment. We also established a policy for treating new and revised HCPCS and CPT codes under the ASC payment system. This policy is consistent with the OPPS to the extent possible (72 FR 42533).

In the CY 2008 OPPS/ASC final rule with comment period (72 FR 66827), we updated and finalized the CY 2008 ASC rates and lists of covered surgical procedures and covered ancillary services. We also made regulatory changes to 42 CFR Parts 411, 414, and 416 related to our final policies to provide payments to physicians who perform noncovered ASC procedures in ASCs based on the facility practice expense (PE) relative value units (RVUs), to exclude covered ancillary radiology services and covered ancillary drugs and biologicals from the categories of designated health services (DHS) that are subject to the physician self-referral prohibition, and to reduce ASC payments for surgical procedures when the ASC receives full or partial credit toward the cost of the implantable device. In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68722), we updated and finalized the CY 2009 ASC rates and lists of covered surgical procedures and covered ancillary services.

3. Policies Governing Changes to the Lists of Codes and Payment Rates for ASC Covered Surgical Procedures and Covered Ancillary Services

The August 2, 2007 final rule established our policies for determining which procedures are ASC covered surgical procedures and covered ancillary services. Under §§ 416.2 and 416.166 of the regulations, subject to certain exclusions, covered surgical procedures are surgical procedures that are separately paid under the OPPS, that would not be expected to pose a significant risk to beneficiary safety when performed in an ASC, and that would not be expected to require active medical monitoring and care at midnight following the procedure (''overnight stay''). We adopted this standard for defining which surgical procedures are covered surgical procedures under the ASC payment system as an indicator of the complexity of the procedure and its appropriateness for Medicare payment in ASCs. We use this standard only for purposes of evaluating procedures to determine whether or not they are appropriate for Medicare beneficiaries in ASCs. We define surgical procedures as those described by Category I CPT codes in the surgical range from 10000 through 69999, as well as those Category III CPT codes and Level II HCPCS codes that crosswalk or are clinically similar to ASC covered surgical procedures (72 FR 42478). We note that we added over 800 surgical procedures to the list of covered surgical procedures for ASC payment in CY 2008, the first year of the revised ASC payment system, based on the criteria for payment that we adopted in the August 2, 2007 final rule as described above in this section. Patient safety and health outcomes continue to be important to us as more health care moves to the ambulatory care setting. Therefore, as we gain additional experience with the ASC payment system, we are interested in any information the public may have regarding the comparative patient

outcomes of surgical care provided in ambulatory settings, including HOPDs, ASCs, and physicians' offices, particularly with regard to the Medicare population.

In the August 2, 2007 final rule, we also established our policy to make separate ASC payments for the following ancillary items and services when they are provided integral to ASC covered surgical *procedures:* brachytherapy sources; certain implantable items that have pass-through status under the OPPS; certain items and services that we designate as contractor-priced, including, but not limited to, procurement of corneal tissue; certain drugs and biologicals for which separate payment is allowed under the OPPS; and certain radiology services for which separate payment is allowed under the OPPS. These covered ancillary services are specified in § 416.164(b) and, as stated previously, are eligible for separate ASC payment (72 FR 42495). Payment for ancillary items and services that are not paid separately under the ASC payment system is packaged into the ASC payment for the covered surgical procedure.

The full CY 2009 lists of ASC covered surgical procedures and covered ancillary services are included in Addenda AA and BB, respectively, to the CY 2009 OPPS/ASC final rule with comment period (73 FR 68840 through 68933 and 69270 through 69308).

We update the lists of, and payment rates for, covered surgical procedures and covered ancillary services, in conjunction with the annual proposed and final rulemaking process to update the OPPS and ASC payment systems (§ 416.173; 72 FR 42535). In addition, because we base ASC payment policies for covered surgical procedures, drugs, biologicals, and certain other covered ancillary services on the OPPS payment policies, we also provide quarterly updates for ASC services throughout the year (January, April, July, and October), just as we do for the OPPS. The updates are to implement newly created Level II HCPCS codes and Category III CPT codes for ASC payment and to update the payment rates for separately paid drugs and biologicals based on the most recently submitted ASP data. New Category I CPT codes, except vaccine codes, are released only once a year and, therefore, are implemented through the January quarterly update. New Category I CPT vaccine codes are released twice a year and thus are implemented through the January and July quarterly updates.

In our annual updates to the ASC list of, and payment rates for, covered surgical procedures and covered ancillary services, we undertake a review of excluded surgical procedures (including all procedures newly proposed for removal from the OPPS inpatient list), new procedures, and procedures for which there is revised coding, to identify any that we believe meet the criteria for designation as ASC covered surgical procedures or covered ancillary services. Updating the lists of covered surgical procedures and covered ancillary services, as well as their payment rates, in association with the annual OPPS rulemaking cycle is particularly important because the OPPS relative payment weights and, in some cases, payment rates, are used as the basis for the payment of covered surgical procedures and covered ancillary services under the revised ASC payment system. This joint update process ensures that the ASC updates occur in a regular, predictable, and timely manner.

B. Proposed Treatment of New Codes

1. Proposed Treatment of New Category I and III CPT Codes and Level II HCPCS Codes

We finalized a policy in the August 2, 2007 final rule to evaluate each year all new Category I and Category III CPT codes and Level II HCPCS codes that describe surgical procedures, and to make preliminary determinations in the annual OPPS/ASC final rule with comment period regarding whether or not they meet the criteria for payment in the ASC setting and, if so, whether they are office-based procedures (72 FR 42533). In addition, we identify new codes as ASC covered ancillary services based upon the final payment policies of the revised ASC payment system. New HCPCS codes that are released in the summer through the fall of each year, to be effective January 1, are included in the final rule with comment period updating the ASC payment system for the following calendar year. These new codes are flagged with comment indicator ''NI'' in Addenda AA and BB to the OPPS/ASC final rule with comment period to indicate that we are assigning a payment indicator to the codes on an interim basis. The interim payment indicators assigned to the new codes under the revised ASC payment system are subject to public comment in that final rule with comment period. These interim determinations must be made in the OPPS/ASC final rule with comment period because, in general, the new HCPCS codes and their descriptors for the upcoming calendar year are not available at the time of development of the OPPS/ASC proposed rule. We will respond to those comments in the OPPS/ASC final rule with comment period for the following calendar year. We are proposing to continue this identification and recognition process for CY 2010.

In addition, we are proposing to continue our policy of implementing through the ASC quarterly update process new mid-year CPT codes, generally Category III CPT codes, that the AMA releases in January to become effective the following July, and released in July to become effective the following January. We are proposing to include in Addenda AA or BB, as appropriate, to the CY 2010 OPPS/ASC final rule with comment period the new Category III CPT codes released in January 2009 for implementation on July 1, 2009 (through the ASC quarterly update process) that we identify as ASC covered services. Similarly, we are proposing to include in Addenda AA and BB to that final rule with comment period any new Category III CPT codes that the AMA releases in July 2009 to be effective on January 1, 2010, that we identify as ASC covered services. However, only those new Category III CPT codes implemented effective January 1, 2010, will be designated by comment indicator ''NI'' in the Addenda to the CY 2010 OPPS/ASC final rule with comment period to indicate that we have assigned them an interim payment status that is subject to public comment. The two Category III CPT codes implemented in July 2009 for ASC payment, which appear in Table 38 below, are subject to comment through this proposed rule, and we are proposing to finalize their payment indicators in the CY 2010 OPPS/ASC final rule with comment period.

We are proposing to assign payment indicator ''G2'' (Non office-based surgical procedure added in CY2008 or later; payment based on OPPS relative payment weight) to both of these two new codes. Because new Category III CPT codes that become effective for July are not available to CMS in time for incorporation into the Addenda to the OPPS/ASC proposed rule, our policy is to include the codes, their proposed payment indicators, and proposed payment rates in the preamble to the proposed rule but not in the Addenda to the proposed rule. These codes and their final payment indicators and rates will be included in the Addenda to the OPPS/ASC final rule with comment period.

The new mid-year codes for the covered surgical procedures implemented in July 2009 are displayed in Table 38 below, along with their

proposed payment indicators and proposed payment rates. These codes and their final payment indicators and rates will be included in Addendum AA to the CY 2010 OPPS/ASC final rule with comment period.

TABLE 38—NEW CATEGORY III CPT CODES IMPLEMENTED IN JULY 2009 AS ASC COVERED SURGICAL PROCEDURES

CY 2009 HCPCS code	CY 2009 long descriptor	Proposed CY 2010 ASC payment indicator	Proposed CY 2010 ASC payment rate
0200T	Percutaneous sacral augmentation (sacroplasty), unilateral injection(s), including the use of a balloon or mechanical device (if utilized), one or more needles.	G2	$879.13
0201T	Percutaneous sacral augmentation (sacroplasty), bilateral injections, including the use of a balloon or mechanical device (if utilized), two or more needles.	G2	1,206.09

2. Proposed Treatment of New Level II HCPCS Codes Implemented in April and July 2009

New Level II HCPCS codes may describe covered surgical procedures or covered ancillary services. All new Level II HCPCS codes implemented in April and July 2009 for ASCs describe covered ancillary services. During the second quarter of CY 2009, we added to the list of covered ancillary services two new Level II HCPCS codes because they are drugs or biologicals for which separate payment was newly allowed under the OPPS in the same calendar quarter. The two Level II HCPCS codes added effective April 1, 2009, are HCPCS code C9247 (Iobenguane, I–123, diagnostic, per study dose, up to 10 millicuries) and HCPCS code C9249 (Injection, certolizumab pegol, 1 mg). Although HCPCS code C9247 was created for use beginning on January 1, 2009, it was initially not paid separately under the hospital OPPS and, therefore, its payment was packaged under the ASC payment system until April 1, 2009.

For the third quarter of CY 2009, we are adding a total of 11 new Level II drug and biological HCPCS codes to the list of ASC covered ancillary services because they are newly eligible for separate payment under the OPPS. These HCPCS codes are: C9250 (Human plasma fibrin sealant, vapor-heated, solvent-detergent (Artiss), 2 ml); C9251 (Injection, C1 esterase inhibitor (human) 10 units); C9252 (Injection, plerixafor, 1 mg); C9253 (Injection, temozolomide, 1 mg); C9360 (Dermal substitute, native, non-denatured collagen, neonatal bovine origin (SurgiMend Collagen Matrix), per 0.5 square centimeters); C9361 (Collagen matrix nerve wrap (NeuroMend Collagen Nerve Wrap), per 0.5 centimeter length); C9362 (Porous purified collagen matrix bone void filler (Integra Mozaik Osteoconductive Scaffold Strip), per 0.5 cc); C9363 (Skin substitute, Integra Meshed Bilayer Wound Matrix, per square centimeter); C9364 (Porcine implant, Permacol, per square centimeter); Q2023 (Injection, factor viii (antihemophilic factor, recombinant) (Xyntha), per i.u.); and Q4116 (Skin substitute, Alloderm, per square centimeter).

We assigned payment indicator ''K2'' (Drugs and biologicals paid separately when provided integral to a surgical procedure on ASC list; payment based on OPPS rate) to all of these new Level II HCPCS codes and added the codes to the list of covered ancillary services through either the April update (Transmittal 1698, Change Request 6424, dated March 13, 2009) or the July update (Transmittal 1740, Change Request 6496, dated May 22, 2009) to the CY 2009 ASC payment system. While we also initially assigned payment indicator ''K2'' to new HCPCS code Q4115 (Skin substitute, Alloskin, per square centimeter) for July 2009, we are correcting that assignment retroactive to July 2009 to signify that this HCPCS code is not a covered ancillary service because it is not recognized for payment under the OPPS during that same time period. In this CY 2010 OPPS/ASC proposed rule, we are soliciting public comment on the proposed CY 2010 ASC payment indicators and payment rates for the drugs and biologicals, as listed in Tables 39 and 40 below. Those HCPCS codes became payable in ASCs, beginning in April or July 2009, respectively, and are paid at the ASC rates posted for the appropriate calendar quarter on the CMS Web site at: *http://www.cms.hhs.gov/ASCPayment/*.

The codes listed in Table 39 are included in Addendum BB to this proposed rule. However, because HCPCS codes that become effective for July are not available to CMS in time for incorporation into the Addenda to the OPPS/ASC proposed rule, our policy is to include these HCPCS codes and their CY 2010 proposed payment indicators and payment rates in the preamble to the proposed rule but not in the Addenda to the proposed rule. These codes and their final payment indicators and rates will be included in the appropriate Addendum to the CY 2010 OPPS/ASC final rule with comment period. Thus, the codes implemented by the July 2009 ASC quarterly update and their proposed CY 2010 payment rates (based on July 2009 ASP data) that are displayed in Table 40 are not included in Addendum BB to this proposed rule. We are proposing to include the services reported using the new HCPCS codes displayed in Tables 39 and 40 as covered ancillary services for payment to ASCs for CY 2010. The final list of covered ancillary services and the associated payment weights and payment indicators will be included in the CY 2010 OPPS/ASC final rule with comment period, consistent with our annual update policy.

TABLE 39—NEW LEVEL II HCPCS CODES FOR COVERED ANCILLARY SERVICES IMPLEMENTED IN APRIL 2009

CY 2009 HCPCS code	CY 2009 long descriptor	Proposed CY 2010 ASC payment indicator
C9247	Iobenguane, I–123, diagnostic, per study dose, up to 10 millicuries	K2
C9249	Injection, certolizumab pegol, 1 mg	K2

TABLE 40—NEW LEVEL II HCPCS CODES FOR COVERED ANCILLARY SERVICES IMPLEMENTED IN JULY 2009

CY 2009 HCPCS code	CY 2009 long descriptor	Proposed CY 2010 ASC payment indicator	Proposed CY 2010 ASC payment rate *
C9250	Human plasma fibrin sealant, vapor-heated, solvent-detergent (Artiss), 2 ml.	K2	$155.00
C9251	Injection, C1 esterase inhibitor (human), 10 units	K2	41.34
C9252	Injection, plerixafor, 1 mg	K2	276.04
C9253	Injection, temozolomide, 1 mg	K2	5.00
C9360	Dermal substitute, native, non-denatured collagen, neonatal bovine origin (SurgiMend Collagen Matrix), per 0.5 square centimeters.	K2	14.31
C9361	Collagen matrix nerve wrap (NeuroMend Collagen Nerve Wrap), per 0.5 centimeter length.	K2	124.55
C9362	Porous purified collagen matrix bone void filler (Integra Mozaik Osteoconductive Scaffold Strip), per 0.5 cc.	K2	56.71
C9363	Skin substitute, Integra Meshed Bilayer Wound Matrix, per square centimeter.	K2	11.13
C9364	Porcine implant, Permacol, per square centimeter	K2	18.57
Q2023	Injection, factor viii (antihemophilic factor, recombinant) (Xyntha), per i.u..	K2	1.15
Q4116	Skin substitute, Alloderm, per square centimeter	K2	32.42

Based on July 2009 ASP information.

C. Proposed Update to the Lists of ASC Covered Surgical Procedures and Covered Ancillary Services

1. Covered Surgical Procedures

a. Proposed Additions to the List of ASC Covered Surgical Procedures

We are proposing to update the ASC list of covered surgical procedures by adding 28 procedures to the list. Twenty-six of these procedures were among those excluded from the ASC list for CY 2009 because we believed they did not meet the definition of a covered surgical procedure based on our expectation that they would pose a significant safety risk to Medicare beneficiaries or would require an overnight stay if performed in ASCs. The other two procedures, specifically those described by CPT code 0200T (Percutaneous sacral augmentation (sacroplasty), unilateral injection(s), including the use of a balloon or mechanical device (if utilized), one or more needles) and CPT code 0201T (Percutaneous sacral augmentation (sacroplasty), bilateral injections, including the use of a balloon or mechanical device (if utilized), two or more needles), are new Category III CPT codes that became effective July 1, 2009, and were implemented in the July 2009 ASC update (Table 38 above). As a result of our clinical evaluation of the procedures described by the new Category III codes, we determined that these two new procedures may be appropriately provided to Medicare beneficiaries in ASCs.

In response to comments on the CY 2009 proposed rule, we stated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68724) that, as we developed the CY 2010 proposed rule, we would perform a comprehensive review of the APCs in order to identify potentially inconsistent ASC treatment of procedures assigned to a single APC under the OPPS. Thus, we examined surgical procedures that are excluded from the current ASC list of covered surgical procedures and the APCs to which they are assigned under the OPPS. We identified for review 223 excluded surgical procedures that were assigned to the same APCs in CY 2009 as one or more ASC covered surgical procedures. Based upon our clinical review of those procedures, we determined that 26 surgical procedures may be appropriate for performance in ASCs and are proposing to add them to the CY 2010 ASC list of covered surgical procedures and to assign payment indicator ''G2'' (Non office-based surgical procedure added in CY 2008 or later; payment based on OPPS relative payment weight) to each of them. We found that the remaining 197 excluded procedures would pose significant safety risks to beneficiaries or would be expected to require an overnight stay if provided in ASCs. Therefore, we are not proposing to add those 197 procedures to the CY 2010 ASC list of covered surgical procedures.

The 28 procedures that we are proposing to add to the ASC list of covered surgical procedures, including their HCPCS code short descriptors and proposed CY 2010 payment indicators, are displayed in Table 41 below.

TABLE 41—PROPOSED NEW ASC COVERED SURGICAL PROCEDURES FOR CY 2010

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 ASC payment indicator
26037	Decompress fingers/hand	G2
27475	Surgery to stop leg growth	G2
27479	Surgery to stop leg growth	G2
27720	Repair of tibia	G2
35460	Repair venous blockage	G2
35475	Repair arterial blockage	G2
41512	Tongue suspension	G2
42225	Reconstruct cleft palate	G2
42227	Lengthening of palate	G2

TABLE 41—PROPOSED NEW ASC COVERED SURGICAL PROCEDURES FOR CY 2010—Continued

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 ASC payment indicator
43130	Removal of esophagus pouch	G2
43752	Nasal/orogastric w/stent	G2
45541	Correct rectal prolapse	G2
49435	Insert subq exten to ip cath	G2
49436	Embedded ip cath exit-site	G2
49442	Place cecostomy tube perc	G2
50080	Removal of kidney stone	G2
50081	Removal of kidney stone	G2
50727	Revise ureter	G2
51535	Repair of ureter lesion	G2
57295	Revise vag graft via vagina	G2
60210	Partial thyroid excision	G2
60212	Partial thyroid excision	G2
60220	Partial removal of thyroid	G2
60225	Partial removal of thyroid	G2
61770	Incise skull for treatment	G2
0193T	Rf bladder neck microremodel	G2
0200T *	Perq sacral augmt unilat inj	G2
0201T *	Perq sacral augmt bilat inj	G2

* Indicates codes are new, effective July 2009.

Among the procedures we identified as meeting the criteria for designation as a covered surgical procedure was CPT code 35475 (Transluminal balloon angioplasty, percutaneous; brachiocephalic trunk or branches, each vessel). The volume and utilization data for this procedure indicate that it is most frequently performed in outpatient settings. After review, our CMS medical advisors found that it would be appropriate to propose designation of CPT code 35475 as an ASC covered surgical procedure for CY 2010. Related to our proposal to add CPT code 35475 to the list of covered surgical procedures is our concurrent proposal to delete two Level II HCPCS codes we created effective for CY 2007, HCPCS codes G0392 (Transluminal balloon angioplasty, percutaneous; for maintenance of hemodialysis access, arteriovenous fistula or graft; arterial) and G0393 (Transluminal balloon angioplasty, percutaneous; for maintenance of hemodialysis access, arteriovenous fistula or graft; venous) to enable ASCs to receive Medicare payment for providing the angioplasty services required to maintain the arteriovenous fistulae that are important to individuals who undergo routine dialysis. We are proposing to delete HCPCS codes G0392 and G0393 concurrently with the designation of CPT code 35475 as a covered surgical procedure because there no longer would be a need for the two Level II HCPCS G-codes. ASCs would be able to use CPT 35475 and CPT code 35476 (Transluminal balloon angioplasty, percutaneous; venous), which was included on the list of ASC covered surgical procedures beginning in CY 2008, to report the same procedures currently reported by HCPCS codes G0392 and G0393.

Thus, we are proposing to add the 28 surgical procedures listed in Table 41 above to the list of covered ASC surgical procedures and to delete the HCPCS codes displayed in Table 42 below.

TABLE 42—HCPCS CODES PROPOSED FOR DELETION EFFECTIVE CY 2010

CY 2009 HCPCS code	CY 2009 short descriptor	CY 2009 ASC payment indicator
G0392	AV fistula or graft arterial	A2
G0393	AV fistula or graft venous	A2

b. Proposed Covered Surgical Procedures Designated as Office-Based

(1) Background

In the August 2, 2007 ASC final rule, we finalized our policy to designate as ''office-based'' those procedures that are added to the ASC list of covered surgical procedures in CY 2008 or later years that we determine are performed predominantly (more than 50 percent of the time) in physicians offices based on consideration of the most recent available volume and utilization data for each individual procedure code and/or, if appropriate, the clinical characteristics, utilization, and volume of related codes. In that rule, we also finalized our policy to exempt all procedures on the CY 2007 ASC list from application of the office-based classification (72 FR 42512). The procedures that were added to the ASC list of covered surgical procedures beginning in CY 2008 that we determined were office-based were identified in Addendum AA to that rule by payment indicator ''P2'' (Office-based surgical procedure added to ASC list in CY 2008 or later with MPFS nonfacility PE RVUs; payment based on OPPS relative payment weight); ''P3'' (Office-based surgical procedure added to ASC list in CY 2008 or later with MPFS nonfacility PE RVUs; payment based on MPFS nonfacility PE RVUs); or ''R2'' (Office-based surgical procedure added to ASC list in CY 2008 or later without MPFS nonfacility PE RVUs; payment based on OPPS relative payment weight), depending on whether we estimated it would be paid according

to the standard ASC payment methodology based on its OPPS relative payment weight or at the MPFS nonfacility PE RVU amount.

Consistent with our final policy to annually review and update the list of surgical procedures eligible for payment in ASCs, each year we identify surgical procedures as either temporarily or permanently office-based after taking into account updated volume and utilization data.

(2) Proposed Changes to Covered Surgical Procedures Designated as Office-Based for CY 2010

In developing this proposed rule, we followed our policy to annually review and update the surgical procedures for which ASC payment is made and to identify new procedures that may be appropriate for ASC payment, including their potential designation as office-based. We reviewed CY 2008 volume and utilization data and the clinical characteristics for all surgical procedures that are assigned payment indicator ''G2'' in CY 2009, as well as for those procedures assigned to one of the temporary office-based payment indicators, specifically ''P2*,'' ''P3*,'' or ''R2*'' in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68730 through 68733). As a result of that review, we are proposing to newly designate 6 procedures as office-based for CY 2010. We also are proposing to make permanent the office-based designations of 4 surgical procedures that have temporary office-based designations in CY 2009.

Our review of CY 2008 volume and utilization data resulted in our identification of 6 surgical procedures with payment indicators ''G2'' that now meet the criteria for designation as office-based. The data indicate the procedures are performed more than 50 percent of the time in physicians' offices. Our medical advisors believe the services are of a level of complexity consistent with other procedures that are performed routinely in physicians' offices. The 6 procedures we are proposing to permanently designate as office-based are: CPT code 15852 (Dressing change (for other than burns) under anesthesia (other than local)); CPT code 19105 (Ablation, cryosurgical, of fibroadenoma, including ultrasound guidance, each fibroadenoma); CPT code 20555 (Placement of needles or catheters into muscle and/or soft tissue for subsequent interstitial radioelement application (at the time of or subsequent to the procedure)); CPT code 36420 (Venipuncture, cutdown; younger than age 1 year); CPT code 50386 (Removal (via snare/capture) of internally dwelling ureteral stent via transurethral approach, without use of cystoscopy, including radiological supervision and interpretation); and CPT code 57022 (Incision and drainage of vaginal hematoma; obstetrical/postpartum). These procedures and their HCPCS code short descriptors and proposed CY 2010 payment indicators are displayed in Table 43 below.

TABLE 43—ASC COVERED SURGICAL PROCEDURES PROPOSED FOR OFFICE-BASED DESIGNATION FOR CY2010

CY 2009 HCPCS code	CY 2009 short descriptor	CY 2009 ASC payment indicator	Proposed CY 2010 ASC payment indicator *
15852	Dressing change not for burn	G2	R2
19105	Cryosurg ablate fa, each	G2	P3
20555	Place ndl musc/tis for rt	G2	R2
36420	Vein access cutdown <1 yr	G2	R2
50386	Remove stent via transureth	G2	P2
57022	I & d vaginal hematoma, pp	G2	R2

* Proposed payment indicators are based on a comparison of the proposed rates according to the ASC standard ratesetting methodology and the MPFS proposed rates. Under current law, the MPFS payment rates will have a negative update for CY 2010. For a discussion of those rates, we refer readers to the June 2009 CY 2010 MPFS proposed rule.

We also reviewed CY 2008 volume and utilization data and other information for the 10 procedures with temporary office-based designations for CY 2009. Among these 10 procedures, there were no claims data for the 3 procedures with CPT codes that were new in CY 2009. Those 3 new procedure codes are: CPT code 46930 (Destruction of internal hemorrhoid(s) by thermal energy (eg, infrared coagulation, cautery, radiofrequency)); CPT code 64455 (Injection(s), anesthetic agent and/or steroid, plantar common digital nerve(s) (eg, Morton's neuroma)); and CPT code 64632 (Destruction by neurolytic agent; plantar common digital nerve). Consequently, we are proposing to maintain their temporary office-based designations for CY 2010.

As a result of our review of the remaining 7 procedures that have temporary office-based designations for CY 2009, we are proposing to make permanent the office-based designations for 4 procedures for CY 2010. The 4 surgical procedure codes are: CPT code 0084T (Insertion of a temporary prostatic urethral stent); CPT code 21073 (Manipulation of temporomandibular joint(s) (TMJ), therapeutic, requiring an anesthesia service (ie, general or monitored anesthesia care)); CPT code 55876 (Placement of interstitial device(s) for radiation therapy guidance (eg, fiducial markers, dosimeter), prostate (via needle, any approach), single or multiple); and HCPCS code C9728 (Placement of interstitial device(s) for radiation therapy/surgery guidance (eg, fiducial markers, dosimeter), other than prostate (any approach), single or multiple). Although we have no Medicare volume and utilization data in physicians' offices for HCPCS code C9728 because this code is not recognized for payment under the MPFS, we noted in the CY 2009 OPPS/ASC proposed rule (73 FR41528) that because HCPCS code C9728 is analogous to CPT code 55876, we believe they should be paid according to the same ASC payment methodology under the ASC payment system. The volume and utilization data for CPT code 0084T, 21073, and 55876 are sufficient to support our determination that these procedures are most commonly provided in physicians' offices. Therefore, we are proposing to make permanent the office-based designations for the four procedures (including HCPCS code C9728) for CY 2010.

We are not proposing to make permanent the office-based designations for the 3 other procedures for which the CY 2009 office-based designations are temporary because we do not believe that the currently available volume and utilization data provide an adequate

basis for proposing permanent office-based designations. Rather, available data support our determination that maintaining the temporary office-based designation is appropriate for CY 2010 for CPT code 0099T (Implantation of intrastromal corneal ring segments); CPT code 0124T (Conjunctival incision with posterior extrascleral placement of pharmacological agent (does not include supply of medication)); and CPT code 67229 (Treatment of extensive or progressive retinopathy, 1 or more sessions; preterm infant (less than 37 weeks gestation at birth), performed from birth up to 1 year of age (eg, retinopathy of prematurity), photocoagulation or cryotherapy). Thus, we are proposing to maintain the temporary office-based designation for those procedures for CY 2010.

The procedures that we are proposing to permanently designate as office-based for CY 2010 are displayed in Table 44 below. The procedures that we are proposing to continue to temporarily designate as office-based for CY 2010 are displayed in Table 45 below. The procedures for which the proposed office-based designation for CY 2010 is temporary also are indicated by an asterisk in Addendum AA to this proposed rule.

TABLE 44—CY 2009 TEMPORARILY DESIGNATED OFFICE-BASED ASC COVERED SURGICAL PROCEDURES PROPOSED FOR PERMANENT OFFICE-BASED DESIGNATION FOR CY 2010

CY 2009 HCPCS code	CY 2009 short descriptor	CY 2009 ASC payment indicator	Proposed CY 2010 ASC payment indicator**
0084T	Temp prostate urethral stent	R2*	R2
21073	Mnpj of tmj w/anesth	P3*	P3
55876	Place rt device/marker, pros	P3*	P3
C9728	Place device/marker, non pro	R2*	R2

* If designation is temporary.
** Proposed payment indicators are based on a comparison of the proposed rates according to the ASC standard ratesetting methodology and the MPFS proposed rates. Under current law, the MPFS payment rates will have a negative update for CY 2010. For a discussion of those rates, we refer readers to the June 2009 CY 2010 MPFS proposed rule.

TABLE 45—CY 2009 TEMPORARILY DESIGNATED OFFICE-BASED ASC COVERED SURGICAL PROCEDURES PROPOSED FOR TEMPORARY OFFICE-BASED DESIGNATION IN CY 2010

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 ASC payment indicator**
0099T	Implant corneal ring	R2*
0124T	Conjunctival drug placement	R2*
46930	Destroy internal hemorrhoids	P3*
64455	N block inj, plantar digit	P3*
64632	N block inj, common digit	P3*
67229	Tr retinal les preterm inf	R2*

* If designation is temporary.
** Proposed payment indicators are based on a comparison the proposed rates according to the ASC standard ratesetting methodology and the MPFS proposed rates. Under current law, the MPFS payment rates will have a negative update for CY 2010. For a discussion of those rates, we refer 010 MPFS proposed rule.

c. ASC-Covered Surgical Procedures Designated as Device-Intensive

(1) Background

As discussed in the August 2, 2007 ASC final rule (72 FR 42503 through 42508), we adopted a modified payment methodology for calculating the ASC payment rates for covered surgical procedures that are assigned to the subset of OPPS device-dependent APCs with a device offset percentage greater than 50 percent of the APC cost under the OPPS, in order to ensure that payment for the procedure is adequate to provide packaged payment for the high-cost implantable devices used in those procedures. We assigned payment indicators ''H8'' (Device-intensive procedure on ASC list in CY 2007; paid at adjusted rate) and ''J8'' (Device-intensive procedure added to ASC list in CY2008 or later; paid at adjusted rate) to identify the procedures that were eligible for ASC payment calculated according to the modified methodology, depending on whether the procedure was included on the ASC list of covered surgical procedures prior to CY 2008 and, therefore, subject to transitional payment as discussed in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68739 through 68742). The 52 device-intensive procedures for which the modified rate calculation methodology applies in CY 2009 were displayed in Table 47 and in Addendum AA to the CY 2009 OPPS/ASC final rule with comment period (73 FR 68736 through 68738 and 68840 through 68933).

(2) Proposed Changes to List of Covered Surgical Procedures Designated as Device-Intensive for CY 2010

We are proposing to update the ASC list of covered surgical procedures that are eligible for payment according to the device-intensive procedure payment methodology for CY 2010, consistent with the proposed OPPS device-dependent APC update, reflecting the proposed APC assignments of procedures, designation of APCs as device-dependent, and APC device offset percentages based on CY 2008 OPPS claims data. The OPPS device-dependent APCs are discussed further in section II.A.2.d.(1) of this proposed rule. The ASC covered surgical procedures that we are proposing to designate as device-intensive and that would be subject to the device-intensive

procedure payment methodology for CY2010 are listed in Table 46 below. The HCPCS code, the HCPCS code short descriptor, the proposed CY2010 ASC payment indicator, the proposed CY 2010 OPPS APC assignment, and the proposed CY 2010 OPPS APC device offset percentage are also listed in Table 46 below. Each proposed device-intensive procedure is assigned payment indicator ''H8'' or ''J8,'' depending on whether it is subject to transitional payment, and all of these procedures are included in Addendum AA to this proposed rule.

TABLE 46—ASC COVERED SURGICAL PROCEDURES PROPOSED FOR DEVICE-INTENSIVE DESIGNATION FOR CY 2010

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 ASC payment indicator	Proposed CY 2010 OPPS APC	OPPS APC title	Proposed CY 2010 device-dependent APC offset percentage
24361	Reconstruct elbow joint	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
24363	Replace elbow joint	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
24366	Reconstruct head of radius	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
25441	Reconstruct wrist joint	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
25442	Reconstruct wrist joint	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
25446	Wrist replacement	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
27446	Revision of knee joint	J8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
33206	Insertion of heart pacemaker	J8	0089	Insertion/Replacement of Permanent Pacemaker and Electrodes.	71
33207	Insertion of heart pacemaker	J8	0089	Insertion/Replacement of Permanent Pacemaker and Electrodes.	71
33208	Insertion of heart pacemaker	J8	0655	Insertion/Replacement/Conversion of a permanent dual chamber pacemaker.	75
33212	Insertion of pulse generator	H8	0090	Insertion/Replacement of Pacemaker Pulse Generator.	73
33213	Insertion of pulse generator	H8	0654	Insertion/Replacement of a permanent dual chamber pacemaker.	74
33214	Upgrade of pacemaker system	J8	0655	Insertion/Replacement/Conversion of a permanent dual chamber pacemaker.	75
33224	Insert pacing lead & connect	J8	0418	Insertion of Left Ventricular Pacing Elect.	81
33225	Lventric pacing lead add-on	J8	0418	Insertion of Left Ventricular Pacing Elect.	81
33240	Insert pulse generator	J8	0107	Insertion of Cardioverter-Defibrillator	88
33249	Eltrd/insert pace-defib	J8	0108	Insertion/Replacement/Repair of Cardioverter-Defibrillator Leads.	88
33282	Implant pat-active ht record	J8	0680	Insertion of Patient Activated Event Recorders.	73
53440	Male sling procedure	H8	0385	Level I Prosthetic Urological Procedures	58
53444	Insert tandem cuff	H8	0385	Level I Prosthetic Urological Procedures	58
53445	Insert uro/ves nck sphincter	H8	0386	Level II Prosthetic Urological Procedures	70
53447	Remove/replace ur sphincter	H8	0386	Level II Prosthetic Urological Procedures	70
54400	Insert semi-rigid prosthesis	H8	0385	Level I Prosthetic Urological Procedures	58
54401	Insert self-contd prosthesis	H8	0386	Level II Prosthetic Urological Procedures	70
54405	Insert multi-comp penis pros	H8	0386	Level II Prosthetic Urological Procedures	70
54410	Remove/replace penis prosth	H8	0386	Level II Prosthetic Urological Procedures	70
54416	Remv/repl penis contain pros	H8	0386	Level II Prosthetic Urological Procedures	70
55873	Cryoablate prostate	H8	0674	Prostate Cryoablation	56
61885	Insrt/redo neurostim 1 array	H8	0039	Level I Implantation of Neurostimulator Generator.	85
61886	Implant neurostim arrays	H8	0315	Level II Implantation of Neurostimulator Generator.	88
62361	Implant spine infusion pump	H8	0227	Implantation of Drug Infusion Device	82
62362	Implant spine infusion pump	H8	0227	Implantation of Drug Infusion Device	82
63650	Implant neuroelectrodes	H8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58
63655	Implant neuroelectrodes	J8	0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr.	63
63685	Insrt/redo spine n generator	H8	0039	Level I Implantation of Neurostimulator Generator.	85
64553	Implant neuroelectrodes	H8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58
64555	Implant neuroelectrodes	J8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58

TABLE 46—ASC COVERED SURGICAL PROCEDURES PROPOSED FOR DEVICE-INTENSIVE DESIGNATION FOR CY 2010—Continued

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 ASC payment indicator	Proposed CY 2010 OPPS APC	OPPS APC title	Proposed CY 2010 device-dependent APC offset percentage
64560	Implant neuroelectrodes	J8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58
64561	Implant neuroelectrodes	H8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58
64565	Implant neuroelectrodes	J8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58
64573	Implant neuroelectrodes	H8	0225	Implantation of Neurostimulator Electrodes, Cranial Nerve.	73
64575	Implant neuroelectrodes	H8	0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr.	63
64577	Implant neuroelectrodes	H8	0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr.	63
64580	Implant neuroelectrodes	H8	0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr.	63
64581	Implant neuroelectrodes	H8	0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr.	63
64590	Insrt/redo pn/gastr stimul	H8	0039	Level I Implantation of Neurostimulator Generator.	85
65770	Revise cornea with implant	H8	0293	Level V Anterior Segment Eye Procedures.	59
69714	Implant temple bone w/stimul	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
69715	Temple bne implnt w/stimulat	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
69717	Temple bone implant revision	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
69718	Revise temple bone implant	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57
69930	Implant cochlear device	H8	0259	Level VII ENT Procedures	85

d. ASC Treatment of Surgical Procedures Proposed for Removal From the OPPS Inpatient List for CY 2010

As we discussed in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68724), we adopted a policy to include in our annual evaluation procedures proposed for removal from the OPPS inpatient list for possible inclusion on the ASC list of covered surgical procedures. We evaluated each of the 3 procedures we are proposing to remove from the OPPS inpatient list for CY 2010 according to the criteria for exclusion from the list of covered ASC surgical procedures. We believe that all of these procedures should continue to be excluded from the ASC list of covered surgical procedures for CY 2010 because they would be expected to pose a significant risk to beneficiary safety in ASCs or would be expected to require an overnight stay.

A full discussion about the APC Panel's recommendations regarding the removal of procedures from the OPPS inpatient list for CY 2010 and the procedures we are proposing to remove from the OPPS inpatient list for CY 2010 may be found in section XI.B. of this proposed rule. The HCPCS codes for these procedures and their long descriptors are listed in Table 47 below.

TABLE 47—PROCEDURES PROPOSED FOR EXCLUSION FROM THE ASC LIST OF COVERED PROCEDURES FOR CY 2010 THAT ARE PROPOSED FOR REMOVAL FROM THE OPPS INPATIENT LIST

CY 2009 HCPCS code	CY 2009 long descriptor
21256	Reconstruction of orbit with osteotomies (extracranial) and with bone grafts (includes obtaining autografts) (eg, micro-ophthalmia).
27179	Open treatment of slipped femoral epiphysis; osteoplasty of femoral neck (Heyman type procedure).
51060	Transvesical ureterolithotomy.

2. Covered Ancillary Services

Consistent with the established ASC payment system policy, we are proposing to update the ASC list of covered ancillary services to reflect the proposed payment status for the services under the CY 2010 OPPS. Maintaining consistency with the OPPS may result in proposed changes to ASC payment indicators for some covered ancillary items and services because of changes that are being proposed under the OPPS for CY 2010. For example, a covered ancillary service that was separately paid under the revised ASC payment system in CY 2009 may be proposed for packaged status under the CY 2010 OPPS and, therefore, also under the ASC payment system for CY 2010. Comment indicator ''CH,'' discussed in section XV.F. of this proposed rule, is used in Addendum BB to this proposed rule to indicate covered ancillary services for which we are proposing a change in the ASC payment indicator to reflect a proposed change in

the OPPS treatment of the service for CY 2010.

Except for the Level II HCPCS codes listed in Table 40 of this proposed rule, all ASC covered ancillary services and their proposed payment indicators for CY 2010 are included in Addendum BB to this proposed rule.

D. Proposed ASC Payment for Covered Surgical Procedures and Covered Ancillary Services

1. Proposed Payment for Covered Surgical Procedures

a. Background

Our ASC payment policies for covered surgical procedures under the revised ASC payment system are fully described in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66828 through 66831). Under our established policy for the revised ASC payment system, the ASC standard ratesetting methodology of multiplying the ASC relative payment weight for the procedure by the ASC conversion factor for that same year is used to calculate the national unadjusted payment rates for procedures with payment indicator ''G2.'' For procedures assigned payment indicator ''A2,'' our final policy established blended rates to be used during the transitional period and, beginning in CY 2011, ASC rates calculated according to the ASC standard ratesetting methodology. The rate calculation established for device-intensive procedures (payment indicators ''H8''and ''J8'') is structured so that the packaged device payment amount is the same as under the OPPS, and only the service portion of the rate is subject to the ASC standard ratesetting methodology. In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68722 through 68759), we updated the CY 2008 ASC payment rates for ASC covered surgical procedures with payment indicators of ''A2,'' ''G2,'' ''H8,''and ''J8'' using CY 2007 data, consistent with the CY 2009 OPPS update. Payment rates for device-intensive procedures also were updated to incorporate the CY 2009 OPPS device offset percentages.

Payment rates for office-based procedures (payment indicators ''P2,'' ''P3,'' and ''R2'') are the lower of the MPFS nonfacility PE RVU amount (we refer readers to the June 2009 CY 2010 MPFS proposed rule) or the amount calculated using the ASC standard ratesetting methodology for the procedure. In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68722 through 68759), we updated the payment amounts for office-based procedures (payment indicators ''P2,'' ''P3,'' and ''R2'') using the most recent available MPFS and OPPS data. We compared the estimated CY 2009 rate for each of the office-based procedures, calculated according to the ASC standard ratesetting methodology, to the MPFS nonfacility PE RVU amount to determine which was lower and, therefore, would be the CY 2009 payment rate for the procedure according to the final policy of the revised ASC payment system (see § 416.171(d)).

b. Proposed Update to ASC-Covered Surgical Procedure Payment Rates for CY 2010

We are proposing to update ASC payment rates for CY 2010 using the established rate calculation methodologies under § 416.171. Thus, we are proposing to calculate CY 2010 payments for procedures subject to the transitional payment methodology (payment indicators ''A2'' and ''H8'') using a blend of 75 percent of the proposed CY 2010 ASC rate calculated according to the ASC standard ratesetting methodology and 25 percent of the CY 2007 ASC payment rate, incorporating the device-intensive procedure methodology, as appropriate, for procedures assigned ASC payment indicator ''H8.'' We are proposing to use the amount calculated under the ASC standard ratesetting methodology for procedures assigned payment indicator ''G2'' because these procedures are not subject to the transitional payment methodology.

We are proposing payment rates for office-based procedures (payment indicators ''P2,'' ''P3,'' and ''R2'') and device-intensive procedures not subject to transitional payment (payment indicator ''J8'') calculated according to our established policies. Thus, we are proposing to update the payment amounts for device-intensive procedures based on the CY 2010 OPPS proposal that reflects updated OPPS device offset percentages, and to make payment for office-based procedures at the lesser of the CY 2010 proposed MPFS nonfacility PE RVU amount or the proposed CY 2010 ASC payment amount calculated according to the ASC standard ratesetting methodology.

c. Proposed Adjustment to ASC Payments for No Cost/Full Credit and Partial Credit Devices

Our ASC policy with regard to payment for costly devices implanted in ASCs at no cost or with full or partial credit as set forth in § 416.179 is consistent with the OPPS policy. The proposed CY 2010 OPPS APCs and devices subject to the adjustment policy are discussed in section IV.B.2. of this proposed rule. The established ASC policy includes adoption of the OPPS policy for reduced payment to providers when a specified device is furnished without cost or with full or partial credit for the cost of the device for those ASC covered surgical procedures that are assigned to APCs under the OPPS to which this policy applies. We refer readers to the CY 2009 OPPS/ASC final rule with comment period for a full discussion of the ASC payment adjustment policy for no cost/full credit and partial credit devices (73 FR 68742 through 68745).

Consistent with the OPPS, we are proposing to update the list of ASC covered device-intensive procedures and devices that would be subject to the no cost/full credit and partial credit device adjustment policy for CY 2010. Table 48 below displays the ASC covered device-intensive procedures that we are proposing would be subject to the no cost/full credit and partial credit device adjustment policy for CY 2010. When a procedure that is listed in Table 48 is performed to implant a device that is listed in Table 49, where that device is furnished at no cost or with full credit from the manufacturer, the ASC must append the HCPCS ''FB'' modifier on the line with the procedure to implant the device. The contractor would reduce payment to the ASC by the device offset amount that we estimate represents the cost of the device when the necessary device is furnished without cost to the ASC or with full credit. We would provide the same amount of payment reduction based on the device offset amount in ASCs that would apply under the OPPS under the same circumstances. We continue to believe that the reduction of ASC payment in these circumstances is necessary to pay appropriately for the covered surgical procedure being furnished by the ASC.

We also are proposing to reduce the payment for implantation procedures listed in Table 48 by one-half of the device offset amount that would be applied if a device was provided at no cost or with full credit, if the credit to the ASC is 50 percent or more of the cost of the new device. The ASC must append the HCPCS ''FC'' modifier to the HCPCS code for a surgical procedure listed in Table 48 when the facility receives a partial credit of 50 percent or more of the cost of a device listed in Table 49 below. In order to report that they received a partial credit of 50 percent or more of the cost of a new device, ASCs have the option of either: (1) submitting the claim for the device replacement procedure to their

Medicare contractor after the procedure's performance but prior to manufacturer acknowledgment of credit for the device, and subsequently contacting the contractor regarding a claim adjustment once the credit determination is made; or (2) holding the claim for the device implantation procedure until a determination is made by the manufacturer on the partial credit and submitting the claim with the ''FC'' modifier appended to the implantation procedure HCPCS code if the partial credit is 50 percent or more of the cost of the replacement device. Beneficiary coinsurance would continue to be based on the reduced payment amount.

TABLE 48—PROPOSED PROCEDURES TO WHICH THE NO COST/FULL CREDIT AND PARTIAL CREDIT DEVICE ADJUSTMENT POLICY WOULD APPLY IN CY 2010

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 ASC payment indicator	Proposed CY 2010 OPPS APC	OPPS APC title	Proposed CY 2010 OPPS full APC offset percentage	Proposed CY 2010 OPPS partial APC offset percentage
24361 ...	Reconstruct elbow joint	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
24363 ...	Replace elbow joint	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
24366 ...	Reconstruct head of radius.	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
25441 ...	Reconstruct wrist joint ..	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
25442 ...	Reconstruct wrist joint ..	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
25446 ...	Wrist replacement	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
27446 ...	Revision of knee joint ..	J8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
33206 ...	Insertion of heart pacemaker.	J8	0089	Insertion/Replacement of Permanent Pacemaker and Electrodes.	71	35
33207 ...	Insertion of heart pacemaker.	J8	0089	Insertion/Replacement of Permanent Pacemaker and Electrodes.	71	35
33208 ...	Insertion of heart pacemaker.	J8	0655	Insertion/Replacement/Conversion of a permanent dual chamber pacemaker.	75	37
33212 ...	Insertion of pulse generator.	H8	0090	Insertion/Replacement of Pacemaker Pulse Generator.	73	37
33213 ...	Insertion of pulse generator.	H8	0654	Insertion/Replacement of a permanent dual chamber pacemaker.	74	37
33214 ...	Upgrade of pacemaker system.	J8	0655	Insertion/Replacement/Conversion of a permanent dual chamber pacemaker.	75	37
33224 ...	Insert pacing lead & connect.	J8	0418	Insertion of Left Ventricular Pacing Elect	81	40
33225 ...	Lventric pacing lead add-on.	J8	0418	Insertion of Left Ventricular Pacing Elect	81	40
33240 ...	Insert pulse generator ..	J8	0107	Insertion of Cardioverter-Defibrillator	88	44
33249 ...	Eltrd/insert pace-defib ..	J8	0108	Insertion/Replacement/Repair of Cardioverter-Defibrillator Leads.	88	44
33282 ...	Implant pat-active ht record.	J8	0680	Insertion of Patient Activated Event Recorders	73	36
53440 ...	Male sling procedure ...	H8	0385	Level I Prosthetic Urological Procedures	58	29
53444 ...	Insert tandem cuff	H8	0385	Level I Prosthetic Urological Procedures	58	29
53445 ...	Insert uro/ves nck sphincter.	H8	0386	Level II Prosthetic Urological Procedures	70	35
53447 ...	Remove/replace ur sphincter.	H8	0386	Level II Prosthetic Urological Procedures	70	35
54400 ...	Insert semi-rigid prosthesis.	H8	0385	Level I Prosthetic Urological Procedures	58	29
54401 ...	Insert self-contd prosthesis.	H8	0386	Level II Prosthetic Urological Procedures	70	35
54405 ...	Insert multi-comp penis pros.	H8	0386	Level II Prosthetic Urological Procedures	70	35
54410 ...	Remove/replace penis prosth.	H8	0386	Level II Prosthetic Urological Procedures	70	35
54416 ...	Remv/repl penis contain pros.	H8	0386	Level II Prosthetic Urological Procedures	70	35
61885 ...	Insrt/redo neurostim 1 array.	H8	0039	Level I Implantation of Neurostimulator Generator.	85	43
61886 ...	Implant neurostim arrays.	H8	0315	Level II Implantation of Neurostimulator Generator.	88	44
62361 ...	Implant spine infusion pump.	H8	0227	Implantation of Drug Infusion Device	82	41
62362 ...	Implant spine infusion pump.	H8	0227	Implantation of Drug Infusion Device	82	41

TABLE 48—PROPOSED PROCEDURES TO WHICH THE NO COST/FULL CREDIT AND PARTIAL CREDIT DEVICE ADJUSTMENT POLICY WOULD APPLY IN CY 2010—Continued

CY 2009 HCPCS code	CY 2009 short descriptor	Proposed CY 2010 ASC payment indicator	Proposed CY 2010 OPPS APC	OPPS APC title	Proposed CY 2010 OPPS full APC offset percentage	Proposed CY 2010 OPPS partial APC offset percentage
63650 ...	Implant neuroelectrodes	H8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58	29
63655 ...	Implant neuroelectrodes	J8	0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr.	63	31
63685 ...	Insrt/redo spine n generator.	H8	0039	Level I Implantation of Neurostimulator Generator.	85	43
64553 ...	Implant neuroelectrodes	H8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58	29
64555 ...	Implant neuroelectrodes	J8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58	29
64560 ...	Implant neuroelectrodes	J8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58	29
64561 ...	Implant neuroelectrodes	H8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58	29
64565 ...	Implant neuroelectrodes	J8	0040	Percutaneous Implantation of Neurostimulator Electrodes.	58	29
64573 ...	Implant neuroelectrodes	H8	0225	Implantation of Neurostimulator Electrodes, Cranial Nerve.	73	37
64575 ...	Implant neuroelectrodes	H8	0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr.	63	31
64577 ...	Implant neuroelectrodes	H8	0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr.	63	31
64580 ...	Implant neuroelectrodes	H8	0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr.	63	31
64581 ...	Implant neuroelectrodes	H8	0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr.	63	31
64590 ...	Insrt/redo pn/gastr stimul.	H8	0039	Level I Implantation of Neurostimulator Generator.	85	43
69714 ...	Implant temple bone w/ stimul.	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
69715 ...	Temple bne implnt w/ stimulat.	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
69717 ...	Temple bone implant revision.	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
69718 ...	Revise temple bone implant.	H8	0425	Level II Arthroplasty or Implantation with Prosthesis.	57	28
69930 ...	Implant cochlear device	H8	0259	Level VII ENT Procedures	85	42

TABLE 49—PROPOSED DEVICES FOR WHICH THE "FB" OR "FC" MODIFIER MUST BE REPORTED WITH THE PROCEDURE CODE IN CY 2010 WHEN FURNISHED AT NO COST OR WITH FULL OR PARTIAL CREDIT

CY 2009 device HCPCS code	CY 2009 short descriptor
C1721 ..	AICD, dual chamber.
C1722 ..	AICD, single chamber.
C1764 ..	Event recorder, cardiac.
C1767 ..	Generator, neurostim, imp.
C1771 ..	Rep dev, urinary, w/sling.
C1772 ..	Infusion pump, programmable.
C1776 ..	Joint device (implantable).
C1778 ..	Lead, neurostimulator.
C1779 ..	Lead, pmkr, transvenous VDD.
C1785 ..	Pmkr, dual, rate-resp.
C1786 ..	Pmkr, single, rate-resp.
C1813 ..	Prosthesis, penile, inflatab.
C1815 ..	Pros, urinary sph, imp.
C1820 ..	Generator, neuro rechg bat sys.

TABLE 49—PROPOSED DEVICES FOR WHICH THE "FB" OR "FC" MODIFIER MUST BE REPORTED WITH THE PROCEDURE CODE IN CY 2010 WHEN FURNISHED AT NO COST OR WITH FULL OR PARTIAL CREDIT—Continued

CY 2009 device HCPCS code	CY 2009 short descriptor
C1881 ..	Dialysis access system.
C1882 ..	AICD, other than sing/dual.
C1891 ..	Infusion pump, non-prog, perm.
C1897 ..	Lead, neurostim, test kit.
C1898 ..	Lead, pmkr, other than trans.
C1900 ..	Lead coronary venous.
C2619 ..	Pmkr, dual, non rate-resp.
C2620 ..	Pmkr, single, non rate-resp.
C2621 ..	Pmkr, other than sing/dual.
C2622 ..	Prosthesis, penile, non-inf.
C2626 ..	Infusion pump, non-prog, temp.
C2631 ..	Rep dev, urinary, w/o sling.
L8614 ...	Cochlear device/system.

TABLE 49—PROPOSED DEVICES FOR WHICH THE "FB" OR "FC" MODIFIER MUST BE REPORTED WITH THE PROCEDURE CODE IN CY 2010 WHEN FURNISHED AT NO COST OR WITH FULL OR PARTIAL CREDIT—Continued

CY 2009 device HCPCS code	CY 2009 short descriptor
L8685 ...	Implt nrostm pls gen sng rec.
L8686 ...	Implt nrostm pls gen sng non.
L8687 ...	Implt nrostm pls gen dua rec.
L8688 ...	Implt nrostm pls gen dua non.
L8690 ...	Aud osseo dev, int/ext comp.

2. Proposed Payment for Covered Ancillary Services

a. Background

Our final payment policies under the revised ASC payment system for

covered ancillary services vary according to the particular type of service and its payment policy under the OPPS. Our overall policy provides separate ASC payment for certain ancillary items and services integrally related to the provision of ASC covered surgical procedures that are paid separately under the OPPS and provides packaged ASC payment for other ancillary items and services that are packaged under the OPPS. Thus, we established a final policy to align ASC payment bundles with those under the OPPS (72 FR 42495).

Our ASC payment policies provide separate payment for drugs and biologicals that are separately paid under the OPPS at the OPPS rates, while we pay for separately payable radiology services at the lower of the MPFS nonfacility PE RVU (or technical component) amount or the rate calculated according to the ASC standard ratesetting methodology (72 FR 42497). In all cases, ancillary items and services must be provided integral to the performance of ASC covered surgical procedures for which the ASC bills Medicare, in order for those ancillary services also to be paid.

ASC payment policy for brachytherapy sources generally mirrors the payment policy under the OPPS. We finalized our policy in the CY 2008 OPPS/ASC final rule with comment period (72 FR 42499) to pay for brachytherapy sources applied in ASCs at the same prospective rates that were adopted under the OPPS or, if OPPS rates were unavailable, at contractor-priced rates. Subsequent to publication of that rule, section 106 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Pub. L. 110–173) mandated that, for the period January 1, 2008 through June 30, 2008, brachytherapy sources be paid under the OPPS at charges adjusted to cost. Therefore, consistent with our final overall ASC payment policy, we paid ASCs at contractor-priced rates for brachytherapy sources provided in ASCs during that period of time. Beginning July 1, 2008, brachytherapy sources applied in ASCs were to be paid at the same prospectively set rates that were finalized in the CY 2008 OPPS/ASC final rule with comment period (72 FR 67165 through 67188). Immediately prior to the publication of the CY 2009 OPPS/ASC proposed rule, section 142 of the Medicare Improvements for Patients and Providers Act of 2008 (Pub. L. 110–275) amended section 1833(t)(16)(C) of the Act (as amended by section 106 of the Medicare, Medicaid, and SCHIP Extension Act of 2007) to extend the requirement that brachytherapy sources be paid under the OPPS at charges adjusted to cost through December 31, 2009. Therefore, consistent with final ASC payment policy, ASCs continued to be paid at contractor-priced rates for brachytherapy sources provided integral to ASC covered surgical procedures during that period of time.

Other separately paid covered ancillary services in ASCs, specifically corneal tissue acquisition and device categories with OPPS pass-through status, do not have prospectively established ASC payment rates according to the final policies of the revised ASC payment system (72 FR 42502 and 42509). Under the revised ASC payment system, corneal tissue acquisition is paid based on the invoiced costs for acquiring the corneal tissue for transplantation. As discussed in section IV.A.1. of this proposed rule, new pass-through device categories may be established on a quarterly basis, but currently there are no OPPS device pass-through categories that would continue for OPPS pass-through payment (and, correspondingly, separate ASC payment) in CY 2010.

b. Proposed Payment for Covered Ancillary Services for CY 2010

For CY 2010, we are proposing to update the ASC payment rates and make changes to ASC payment indicators as necessary to maintain consistency between the OPPS and ASC payment system regarding the packaged or separately payable status of services and the proposed CY 2010 OPPS and ASC payment rates. The proposed CY 2010 OPPS payment methodologies for separately payable drugs and biologicals and brachytherapy sources are discussed in sections V. and VII. of this proposed rule, respectively, and we are proposing to set the CY 2010 ASC payment rates for those services equal to the proposed CY 2010 OPPS rates.

Consistent with established ASC payment policy (72 FR 42497), the proposed CY 2010 payment for separately payable covered radiology services is based on a comparison of the CY 2010 proposed MPFS nonfacility PE RVU amounts (we refer readers to the June 2009 CY 2010 MPFS proposed rule) and the proposed CY 2010 ASC payment rates calculated according to the ASC standard ratesetting methodology and then set at the lower of the two amounts. Alternatively, payment for a radiology service may be packaged into the payment for the ASC covered surgical procedure if the radiology service is packaged under the OPPS. The payment indicators in Addendum BB indicate whether the proposed payment rates for radiology services are based on the MPFS nonfacility PE RVU amount or the ASC standard ratesetting methodology, or whether payment for a radiology service is packaged into the payment for the covered surgical procedure (payment indicator ''N1''). Radiology services that we are proposing to pay based on the ASC standard ratesetting methodology are assigned payment indicator ''Z2'' (Radiology service paid separately when provided integral to a surgical procedure on ASC list; payment based on OPPS relative payment weight) and those for which the proposed payment is based on the MPFS nonfacility PE RVU amount are assigned payment indicator ''Z3'' (Radiology service paid separately when provided integral to a surgical procedure on ASC list; payment based on MPFS nonfacility PE RVUs).

All covered ancillary services and their proposed payment indicators are listed in Addendum BB to this proposed rule.

E. New Technology Intraocular Lenses

1. Background

In the CY 2007 OPPS/ASC final rule with comment period (71 FR 68176), we finalized our current process for reviewing applications to establish new active classes of new technology intraocular lenses (NTIOLs) and for recognizing new candidate intraocular lenses (IOLs) inserted during or subsequent to cataract extraction as belonging to a NTIOL class that is qualified for a payment adjustment. Specifically, we established the following process:

- We announce annually in the **Federal Register** a document that proposes the update of ASC payment rates for the following calendar year, a list of all requests to establish new NTIOL classes accepted for review during the calendar year in which the proposal is published and the deadline for submission of public comments regarding those requests. Pursuant to Section 141(b)(3) of Public Law 103–432 and our regulations at § 416.185(b), the deadline for receipt of public comments is 30 days following publication of the list of requests.
- In the **Federal Register** document that finalizes the update of ASC payment rates for the following calendar year, we—
  - ○ Provide a list of determinations made as a result of our review of all new class requests and public comments; and
  - ○ Announce the deadline for submitting requests for review of an application for a new NTIOL class for the following calendar year.

In determining whether a lens belongs to a new class of NTIOLs and whether the ASC payment amount for insertion of that lens in conjunction with cataract surgery is appropriate, we expect that the insertion of the candidate IOL would result in significantly improved clinical outcomes compared to currently available IOLs. In addition, to establish a new NTIOL class, the candidate lens must be distinguishable from lenses already approved as members of active or expired classes of NTIOLs that share a predominant characteristic associated with improved clinical outcomes that was identified for each class. Furthermore, in the CY 2007 OPPS/ASC final rule with comment period (71 FR 68227), we finalized our proposal to base our determinations on consideration of the following factors set out at § 416.195:

- The IOL must have been approved by the FDA and claims of specific clinical benefits and/or lens characteristics with established clinical relevance in comparison with currently available IOLs must have been approved by the FDA for use in labeling and advertising;
- The IOL is not described by an active or expired NTIOL class; that is, it does not share the predominant, class-defining characteristic associated with improved clinical outcomes with designated members of an active or expired NTIOL class; and
- Evidence demonstrates that use of the IOL results in measurable, clinically meaningful, improved outcomes in comparison with use of currently available IOLs. According to the statute, and consistent with previous examples provided by CMS, superior outcomes that we consider include the following:
  - ○ Reduced risk of intraoperative or postoperative complication or trauma;
  - ○ Accelerated postoperative recovery;
  - ○ Reduced induced astigmatism;
  - ○ Improved postoperative visual acuity;
  - ○ More stable postoperative vision; and/or
  - ○ Other comparable clinical advantages, such as—
    - □ Reduced dependence on other eyewear (for example, spectacles, contact lenses, and reading glasses);
    - □ Decreased rate of subsequent diagnostic or therapeutic interventions, such as the need for YAG laser treatment;
    - □ Decreased incidence of subsequent IOL exchange; and
    - □ Decreased blurred vision, glare, other quantifiable symptom or vision deficiency.

For a request to be considered complete, we require submission of the information that is found in the guidance document entitled ''Application Process and Information Requirements for Requests for a New Class of New Technology Intraocular Lens (NTIOL)'' posted on the CMS Web site at: *http://www.cms.hhs.gov/ASCPayment/08_NTIOLs.asp#TopOfPage*.

As we stated in the CY 2007 OPPS/ASC final rule with comment period (71 FR 68180), there are three possible outcomes from our review of a request for establishment of a new NTIOL class. As appropriate, for each completed request for consideration of a candidate IOL into a new class that is received by the established deadline, one of the following determinations is announced annually in the final rule updating the ASC payment rates for the next calendar year:

- The request for a payment adjustment is approved for the candidate IOL for 5 full years as a member of a new NTIOL class described by a new HCPCS code;
- The request for a payment adjustment is approved for the candidate IOL for the balance of time remaining as a member of an active NTIOL class; or
- The request for a payment adjustment is not approved.

We also discussed our plan to summarize briefly in the final rule with comment period the evidence that we reviewed, the public comments, and the basis for our determinations in consideration of applications for establishment of a new NTIOL class. We established that when a new NTIOL class is created, we identify the predominant characteristic of NTIOLs in that class that sets them apart from other IOLs (including those previously approved as members of other expired or active NTIOL classes) and that is associated with improved clinical outcomes. The date of implementation of a payment adjustment in the case of approval of an IOL as a member of a new NTIOL class would be set prospectively as of 30 days after publication of the ASC payment update final rule, consistent with the statutory requirement.

2. NTIOL Application Process for Payment Adjustment

In CY 2007, we posted an updated guidance document to the CMS Web site to provide process and information requirements for applications requesting a review of the appropriateness of the payment amount for insertion of an IOL to ensure that the ASC payment for covered surgical procedures includes payment that is reasonable and related to the cost of acquiring a lens that is approved as belonging to a new class of NTIOLs. This guidance document can be accessed on the CMS Web site at: *http://www.cms.hhs.gov/ASCPayment/08_NTIOLs.asp#TopOfPage*.

We note that we have also issued a guidance document entitled ''Revised Process for Recognizing Intraocular Lenses Furnished by Ambulatory Surgery Centers (ASCs) as Belonging to an Active Subset of New Technology Intraocular Lenses (NTIOLs).'' This guidance document can be accessed on the CMS Web site at: *http://www.cms.hhs.gov/ASCPayment/Downloads/Request_for_inclusion_in_current_NTIOL_subset.pdf*.

This second guidance document provides specific details regarding requests for recognition of IOLs as belonging to an existing, active NTIOL class, the review process, and information required for a request to review. Currently, there is one active NTIOL class whose defining characteristic is the reduction of spherical aberration. CMS accepts requests throughout the year to review the appropriateness of recognizing an IOL as a member of an active class of NTIOLs. That is, review of candidate lenses for membership in an existing, active NTIOL class is ongoing and not limited to the annual review process that applies to the establishment of new NTIOL classes. We ordinarily complete the review of such a request within 90 days of receipt of all information that we consider pertinent to our review, and upon completion of our review, we notify the requestor of our determination and post on the CMS Web site notification of a lens newly approved for a payment adjustment as an NTIOL belonging to an active NTIOL class when furnished in an ASC.

3. Classes of NTIOLs Approved and New Requests for Payment Adjustment

a. Background

Since implementation of the process for adjustment of payment amounts for NTIOLs that was established in the June 16, 1999 **Federal Register**, we have approved three classes of NTIOLs, as shown in the following table, with the associated qualifying IOLs to date:

NTIOL class	HCPCS code	$50 Approved for services furnished on or after	NTIOL characteristic	IOLs eligible for adjustment
1	Q1001	May 18, 2000, through May 18, 2005.	Multifocal	Allergan AMO Array Multifocal lens, model SA40N
2	Q1002	May 18, 2000, through May 18, 2005.	Reduction in Preexisting Astigmatism.	STAAR Surgical Elastic Ultraviolet-Absorbing Silicone Posterior Chamber IOL with Toric Optic, models AA4203T, AA4203TF, and AA4203TL
3	Q1003	February 27, 2006, through February 26, 2011.	Reduced Spherical Aberration	Advanced Medical Optics (AMO) Tecnis® IOL models Z9000, Z9001, Z9002, ZA9003, and AR40xEM and Tecnis® 1-Piece model ZCB00; Alcon Acrysof® IQ Model SN60WF and Acrysert Delivery System model SN60WS; Bausch & Lomb Sofport AO models LI61AO and LI61AOV and Akreos AO models AO60 and MI60; STAAR Affinity Collamer model CQ2015A and CC4204A and Elastimide model AQ2015A; Hoya model FY–60AD

b. Request To Establish New NTIOL Class for CY 2010 and Deadline for Public Comment

As explained in the guidance document on the CMS Web site, the deadline for each year's requests for review of the appropriateness of the ASC payment amount for insertion of a candidate IOL as a member of a new class of NTIOLs is announced in the final rule updating the ASC and OPPS payment rates for that calendar year. Therefore, a request for review for a new class of NTIOLs for CY 2010 must have been submitted to CMS by March 2, 2009, the due date published in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68752). We did not receive any requests for review to establish a new NTIOL class for CY 2010 by the March 2, 2009 due date.

4. Proposed Payment Adjustment

The current payment adjustment for a 5-year period from the implementation date of a new NTIOL class is $50. In the CY 2007 OPPS/ASC final rule with comment period, we revised § 416.200(a) through (c) to clarify how the IOL payment adjustment is made and how an NTIOL is paid after expiration of the payment adjustment, and made minor editorial changes to § 416.200(d). For CY 2008 and CY 2009, we did not revise the payment adjustment amount, and we are not proposing to revise the payment adjustment amount for CY 2010 in light of our limited experience with the revised ASC payment system, implemented initially on January 1, 2008.

5. Proposed ASC Payment for Insertion of IOLs

In accordance with the final policies of the revised ASC payment system, for CY 2010, payment for IOL insertion procedures is established according to the standard payment methodology of the revised payment system, which multiplies the ASC conversion factor by the ASC payment weight for the surgical procedure to implant the IOL. CY 2010 ASC payment for the cost of a conventional lens will be packaged into the payment for the associated covered surgical procedures performed by the ASC. The HCPCS codes for IOL insertion procedures are included in Table 50 below, and their proposed CY 2010 payment rates may be found in Addendum AA to this proposed rule.

TABLE 50—INSERTION OF IOL PROCEDURES

CY 2009 HCPCS code	CY 2009 Long descriptor
66983	Intracapsular cataract extraction with insertion of intraocular lens prosthesis (one stage procedure).
66984	Extracapsular cataract removal with insertion of intraocular lens prosthesis (one stage procedure), manual or mechanical technique (e.g., irrigation and aspiration or phacoemulsification).
66985	Insertion of intraocular lens prosthesis (secondary implant), not associated with concurrent cataract removal.
66986	Exchange of intraocular lens.

F. Proposed ASC Payment and Comment Indicators

1. Background

In addition to the payment indicators that we introduced in the August 2, 2007 final rule for the revised ASC payment system, we also created final comment indicators for the ASC payment system in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66855). We created Addendum DD1 to define ASC payment indicators that we use in Addenda AA and BB to provide payment information regarding covered surgical procedures and covered ancillary services, respectively, under the revised ASC payment system. The ASC payment indicators in Addendum DD1 are intended to capture policy-relevant characteristics of HCPCS codes that may receive packaged or separate payment in ASCs, including their ASC payment status prior to CY 2008; their designation as device-intensive or office-based and the corresponding ASC payment methodology; and their classification as separately payable radiology services, brachytherapy sources, OPPS pass-through devices, corneal tissue acquisition services, drugs or biologicals, or NTIOLs.

We also created Addendum DD2 that lists the ASC comment indicators. The ASC comment indicators used in Addenda AA and BB to the proposed rules and final rules with comment period serve to identify, for the revised ASC payment system, the status of a specific HCPCS code and its payment indicator with respect to the timeframe when comments will be accepted. The comment indicator ''NI'' is used in the OPPS/ASC final rule with comment period to indicate new HCPCS codes for which the interim payment indicator assigned is subject to comment. The ''CH'' comment indicator is used in Addenda AA and BB to this CY 2010

proposed rule to indicate that a new payment indicator (in comparison with the indicator for the CY 2009 ASC April quarterly update) is proposed for assignment to an active HCPCS code for the next calendar year; an active HCPCS code is proposed for addition to the list of procedures or services payable in ASCs; or an active HCPCS code is proposed for deletion at the end of the current calendar year. The ''CH'' comment indicators that are published in the final rule with comment period are provided to alert readers that a change has been made from one calendar year to the next, but do not indicate that the change is subject to comment. The full definitions of the payment indicators and comment indicators are provided in Addendum DD2 to this proposed rule.

2. Proposed ASC Payment and Comment Indicators

We are not proposing any changes to the definitions of the ASC payment indicators or comment indicators for CY 2010.

G. ASC Policy and Payment Recommendations

MedPAC was established under section 1805 of the Social Security Act to advise the U.S. Congress on issues affecting the Medicare program. Sections 1805(b)(1)(B) and (b)(1)(C) of the Act require MedPAC to submit reports to Congress not later than March 1 and June 15 of each year that present its Medicare payment policy reviews and recommendations. The following section describes a recent MedPAC recommendation that is relevant to the ASC payment system.

The March 2009 MedPAC ''Report to the Congress: Medicare Payment Policy'' included the following recommendation relating specifically to the ASC payment system for CY 2010:

Recommendation 2B–4: The Congress should increase payments for ambulatory surgery center (ASC) services in calendar year 2010 by 0.6 percent. In addition, the Congress should require ASCs to submit to the Secretary cost data and quality data that will allow for an effective evaluation of the adequacy of ASC payment rates.

Response: In the August 2, 2007 final rule (72 FR 42518 through 42519), we adopted a policy to update the ASC conversion factor for consistency with section 1833(i)(2)(C) of the Act, which requires that, if the Secretary has not updated the ASC payment amounts in a calendar year, the payment amounts shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers (CPI–U) as estimated by the Secretary for the 12-month period ending with the midpoint of the year involved. The statute set the update at zero for CYs 2008 and 2009. We indicated that we plan to implement the annual updates through an adjustment to the conversion factor under the ASC payment system beginning in CY 2010 when the statutory requirement for a zero update no longer applies. We are proposing to update the conversion factor for the CY 2010 ASC payment system by the percentage increase in the CPI–U, consistent with our policy as codified under § 416.171(a)(2).

We are not proposing to require ASCs to submit cost data to the Secretary for CY 2010. We have never required ASCs to routinely submit cost data. The previous ASC payment system payment rates were initially based on ASC cost data collected almost 30 years ago. The 2006 GAO report, ''Medicare: Payment for Ambulatory Surgical Centers Should Be Based on the Hospital Outpatient Payment System'' (GAO–07–86), concluded that the APC groups in the OPPS reflect the relative costs of surgical procedures performed in ASCs in the same way that they reflect the relative costs of the same procedures when they are performed in HOPDs. Using the OPPS as the basis for an ASC payment system provides for an annual revision of the ASC payment rates under the budget neutral ASC payment system. However, MedPAC noted the lack of information available to assess whether ASC payment rates are appropriate and recommended that ASCs be required to submit cost and quality data to the Secretary as soon as feasible. At present under the methodology of the revised ASC payment system, we do not utilize ASC cost information to set and revise the payment rates for ASCs but, instead, rely on the relativity of hospital outpatient costs developed for the OPPS, consistent with the recommendation of the GAO. Furthermore, we are concerned that a new Medicare requirement for ASCs to submit cost data to the Secretary could be administratively burdensome for ASCs. However, in light of the MedPAC recommendation, we are soliciting public comment on the feasibility of ASCs submitting cost information to CMS, including whether costs should be collected from a sample or the universe of ASCs, the administrative burden associated with such an activity, the form that such a submission could take considering existing Medicare requirements for other types of facilities and the scope of ASC services, the expected accuracy of such cost information, and any other issues or concerns of interest to the public on this topic.

Finally, we appreciate MedPAC's recommendation that Congress require ASCs to submit quality data. Section 109(b) of the MIEA–TRHCA (Pub. L. 109–432) gives the Secretary the authority to implement ASC quality measure reporting and to reduce the payment update for ASCs that fail to report those required measures. As we stated most recently in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68779), we believe that promoting high quality care in the ASC setting through quality reporting is highly desirable and fully in line with our efforts under other payment systems. For the reasons discussed in section XVI.H. of this proposed rule, we are not proposing to require ASC quality data reporting for CY 2010, but our clear intention is to implement ASC quality reporting in the future.

H. Proposed Revision to Terms of Agreements for Hospital-Operated ASCs

1. Background

The August 5, 1982 ASC final rule (47 FR 34082) established the initial Medicare ASC payment system and implementing Federal regulations under 42 CFR Part 416. Under § 416.26 of our regulations, ASCs operated by hospitals, like other ASCs, must meet the applicable conditions for coverage and enter into an agreement with CMS in which CMS accepts the ASC as qualified to furnish ambulatory surgical services. Sections 416.30(a) through (g) of our regulations specify terms of agreement for ASCs. Section 416.30(f) specifies the following additional terms of agreement for an ASC operated by a hospital—

- The agreement is made effective on the first day of the next Medicare cost reporting period of the hospital that operates the ASC;
- The ASC participates and is paid only as an ASC, without the option of converting to or being paid as a hospital outpatient department, unless CMS determines there is good cause to do otherwise; and
- Costs incurred by the ASC are treated as a nonreimbursable cost center on the hospital's Medicare cost report.

In addition, § 416.35 provides guidance regarding the termination of ASC agreements with CMS. Voluntary terminations are those initiated by an ASC and as specified in § 416.35, an ASC may terminate its agreement either by sending written notice to CMS or by

ceasing to furnish services to the community.

Although some sections of Part 416 of the regulations governing ASCs have been revised since they were established in 1982, most recently for CY 2008 with the adoption of the revised ASC payment system, §§ 416.30(a) through 416.30(g) have not been changed or updated. At the time §§ 416.30 and 416.35 were promulgated, Medicare paid for hospital outpatient services on a reasonable cost basis. In contrast, Medicare initially paid ASCs for a small number of surgical procedures at one of only four prospective rates that were developed for the ASC payment system using cost data obtained from surveys of ASCs. Since then, Medicare has adopted a prospective payment system for HOPDs (the OPPS), the ASC list of covered surgical procedures and payment rates have been updated a number of times, and, beginning in CY 2008, the revised ASC payment system was introduced.

Under the revised ASC payment system, Medicare greatly increased the number and types of surgical procedures that are eligible for payment in ASCs. As a result, many more of the same surgical procedures may be paid under the OPPS and ASC payment system, with the specific payment determined by whether the service is provided by a hospital or an ASC. Further, under the current, revised payment methodology, ASC payment rates have a direct relationship to the relative payment weights under the OPPS for the same services. Today, hospital outpatient and ASC surgical procedures are paid based on the relative weights adopted for the OPPS, and the difference between payments under the two systems is largely a reflection of the differences in capital and operating costs attributable to being an ASC or being an HOPD.

Another change that has taken place since the establishment of the Medicare ASC payment system and the implementing regulations at § 416.30 has been our effort to simplify the Medicare regulations to reduce the burden on providers and suppliers. As discussed in the August 1, 2002 IPPS final rule (67 FR 50084 through 50090), as part of that effort, we revised the provider-based status regulations at § 413.65 that outline the requirements for a determination that a facility or an organization has provider-based status as a department or entity of a hospital (main provider). The provider-based status rules generally apply to situations where there is a financial incentive for a facility or organization to claim affiliation with a main provider. The provider-based status rules establish criteria for a facility or organization to demonstrate that it is integrated with the main provider for payment purposes. We do not make provider-based status determinations for certain facilities, listed under § 413.65(a)(1)(ii) of the regulations, because the outcome of the determination (that is, whether a facility, unit, or department is found to be freestanding or provider-based) would not affect the methodology used to make Medicare or Medicaid payment, the scope of benefits available to a Medicare beneficiary in or at the facility, or the deductible or coinsurance liability of a Medicare beneficiary in or at the facility. According to § 413.65(a)(1)(ii), we do not make provider-based determinations for ASCs or other suppliers that have active supplier agreements with Medicare because services provided in such entities are paid under other fee schedules, specifically in the case of ASCs regardless of whether the ASC is operated by a hospital.

In the August 1, 2002 IPPS final rule (67 FR 50084 through 50090), we revised the provider-based status rules where the main providers were no longer required to submit an attestation to CMS to demonstrate that their provider-based departments or entities met the provider-based status rules. However, the provider-based department or entity of a main provider must still meet the provider-based status rules in § 413.65 in order for the main provider to bill for services performed in the provider-based department or entity.

2. Proposed Change to the Terms of Agreements for ASCs Operated by Hospitals

In order to further streamline our regulations to reduce the administrative burden on providers and suppliers, we are proposing to revise existing § 416.30(f)(2) to remove the language requiring a hospital-operated ASC to satisfy CMS that there is good cause for its request to become a provider-based department of a hospital prior to being recognized as such. Specifically, we would remove the language, ''without the option of converting to or being paid as a hospital outpatient department, unless CMS determines there is good cause to do otherwise.'' We believe that this proposed revision to the requirements that apply to hospital-operated ASCs is consistent with our earlier regulation simplification activities related to the provider-based status rules under § 413.65. We believe that we would reduce the administrative burden on hospitals and ASCs that terminate their supplier agreements with Medicare and bring the requirements into closer alignment with the provider-based status rules for other facilities or organizations that wish to be integrated with the main provider for payment purposes. While an ASC participating in Medicare would continue to be paid only as an ASC, an ASC would also continue to be able to voluntarily terminate its agreements in accordance with § 416.35. Thus, if an ASC chooses to voluntarily terminate its agreement as an ASC and a main provider wants to consider the surgical facility a provider-based department of that main provider, the facility must meet the provider-based status rules under § 413.65.

I. Calculation of the ASC Conversion Factor and ASC Payment Rates

1. Background

In the August 2, 2007 final rule (72 FR 42493), we established our policy to base ASC relative payment weights and payment rates under the revised ASC payment system on APC groups and relative payment weights. Consistent with that policy and the requirement at section 1833(i)(2)(D)(ii) of the Act that the revised payment system be implemented so that it would be budget neutral, the initial ASC conversion factor (CY 2008) was calculated so that estimated total Medicare payments under the revised ASC payment system in the first year would be budget neutral to estimated total Medicare payments under the prior (CY 2007) ASC payment system. That is, application of the ASC conversion factor was designed to result in aggregate Medicare expenditures under the revised ASC payment system in CY 2008 equal to aggregate Medicare expenditures that would have occurred in CY 2008 in the absence of the revised system, taking into consideration the cap on ASC payments in CY 2007 as required under section 1833(i)(2)(E) of the Act (72 FR 42521 through 42522).

We note that we consider the term ''expenditures'' in the context of the budget neutrality requirement under section 1833(i)(2)(D)(ii) of the Act to mean expenditures from the Medicare Part B Trust Fund. We do not consider expenditures to include beneficiary coinsurance and copayments. This distinction was important for the CY 2008 ASC budget neutrality model that considered payments across hospital outpatient, ASC, and MPFS payment systems. However, because coinsurance is almost always 20 percent for ASC services, this interpretation of expenditures has minimal impact for subsequent budget neutrality

adjustments calculated within the revised ASC payment system.

In the CY 2008 OPPS/ASC final rule with comment period (72 FR 66857 through 66858), we set out a step-by-step illustration of the final budget neutrality adjustment calculation based on the methodology finalized in the August 2, 2007 final rule (72 FR 42521 through 42531) and as applied to updated data available for the CY 2008 OPPS/ASC final rule with comment period. The application of that methodology to the data available for the CY 2008 OPPS/ASC final rule with comment period resulted in a budget neutrality adjustment of 0.65.

For CY 2008, we adopted the OPPS relative payment weights as the ASC relative payment weights for most services and, consistent with the final policy, we calculated the CY 2008 ASC payment rates by multiplying the ASC relative payment weights by the final CY 2008 ASC conversion factor of $41.401. For covered office-based surgical procedures and covered ancillary radiology services, the established policy is to set the relative payment weights so that the national unadjusted ASC payment rate does not exceed the MPFS unadjusted nonfacility PE RVU amount. Further, as discussed in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66841 through 66847), we also adopted alternative ratesetting methodologies for specific types of services (for example, device-intensive procedures).

As discussed in the August 2, 2007 final rule (72 FR 42518) and as codified under § 416.172(c) of the regulations, the revised ASC payment system accounts for geographic wage variation when calculating individual ASC payments by applying the pre-floor and pre-reclassified hospital wage index to the labor-related share, which is 50 percent of the ASC payment amount. Beginning in CY2008, CMS accounted for geographic wage variation in labor cost when calculating individual ASC payments by applying the pre-floor and pre-reclassified hospital wage index values that CMS calculates for payment, using updated Core Based Statistical Areas (CBSAs) issued by the Office of Management and Budget in June 2003. The reclassification provision provided at section 1886(d)(10) of the Act is specific to hospitals. We believe the use of the most recent available raw pre-floor and pre-reclassified hospital wage index results in the most appropriate adjustment to the labor portion of ASC costs. In addition, use of the unadjusted hospital wage data avoids further reductions in certain rural statewide wage index values that result from reclassification. We continue to believe that the unadjusted hospital wage index, which is updated yearly and is used by many other Medicare payment systems, appropriately accounts for geographic variation in labor costs for ASCs.

2. Proposed Calculation of the ASC Payment Rates

a. Updating the ASC Relative Payment Weights for CY 2010 and Future Years

We update the ASC relative payment weights each year using the national OPPS relative payment weights (and MPFS nonfacility PE RVU amounts, as applicable) for that same calendar year and uniformly scale the ASC relative payment weights for each update year to make them budget neutral (72 FR 42531 through 42532). Consistent with our established policy, we are proposing to scale the CY2010 relative payment weights for ASCs according to the following method. Holding ASC utilization and the mix of services constant from CY 2008, for CY 2010, we would compare the total payment weight using the CY 2009 ASC relative payment weights under the 50/50 blend (of the CY 2007 payment rate and the ASC payment rate calculated under the ASC standard ratesetting methodology) with the total payment weight using the CY 2010 ASC relative payment weights under the 25/75 blend (of the CY 2007 ASC payment rate and the ASC payment rate calculated under the ASC standard ratesetting methodology) to take into account the changes in the OPPS relative payment weights between CY 2009 and CY 2010. We would use the ratio of CY 2009 to CY 2010 total payment weight (the weight scaler) to scale the ASC relative payment weights for CY 2010. The proposed CY 2010 ASC scaler is 0.9514 and scaling would apply to the ASC relative payment weights of the covered surgical procedures and covered ancillary radiology services for which the ASC payment rates are based on OPPS relative payment weights.

Scaling would not apply in the case of ASC payment for separately payable covered ancillary services that have a predetermined national payment amount (that is, their national ASC payment amounts are not based on OPPS relative payment weights), such as drugs and biologicals that are separately paid or services that are contractor-priced or paid at reasonable cost in ASCs. Any service with a predetermined national payment amount would be included in the ASC budget neutrality comparison, but scaling of the ASC relative payment weights would not apply to those services. The ASC payment weights for those services without predetermined national payment amounts (that is, those services with national payment amounts that would be based on OPPS relative payment weights if a payment limitation did not apply) would be scaled to eliminate any difference in the total payment weight between the current year and the update year.

The proposed weight scaler that we use only to model our estimate of payment rates if there was no transition for CY 2010 is equal to 0.9329. We apply this scaler to the payment weights subject to scaling, in order to estimate the ASC payment rates for CY 2010 without the transition, for purposes of the ASC impact analysis discussed in section XXI.C. of this proposed rule.

For any given year's ratesetting, we typically use the most recent full calendar year of claims data to model budget neutrality adjustments. We currently have available 95 percent of CY 2008 ASC claims data. To create an analytic file to support calculation of the weight scaler and budget neutrality adjustment for the wage index (discussed below), we summarized available CY 2008 ASC claims by provider and by HCPCS code. We created a unique supplier identifier solely for the purpose of identifying unique providers within the CY 2008 claims data. We used the provider zip code reported on the claim to associate state, county, and CBSA with each ASC. This file, available to the public as a supporting data file for this proposed rule, is posted on the CMS Web site at: *http://www.cms.hhs.gov/ASCPayment/01_Overview.asp#TopOfPage*.

b. Updating the ASC Conversion Factor

Under the OPPS, we typically apply a budget neutrality adjustment for provider-level changes, most notably a change in the wage index for the upcoming year, to the conversion factor. Consistent with our final ASC payment policy, for the CY 2010 ASC payment system, we are proposing to calculate and apply the pre-floor and pre-reclassified hospital wage index that is used for ASC payment adjustment to the ASC conversion factor, just as the OPPS wage index adjustment is calculated and applied to the OPPS conversion factor (73 FR 41539). For CY 2010, we calculated the proposed adjustment for the ASC payment system by using the most recent CY 2008 claims data available and estimating the difference in total payment that would be created by introducing the CY 2010 pre-floor and pre-reclassified hospital wage index. Specifically, holding CY 2008 ASC utilization and service-mix and CY

2009 national payment rates after application of the weight scaler constant, we calculated the total adjusted payment using the CY 2009 pre-floor and pre-reclassified hospital wage index and a total adjusted payment using the proposed CY 2010 pre-floor and pre-reclassified hospital wage index. We used the 50-percent labor-related share for both total adjusted payment calculations. We then compared the total adjusted payment calculated with the CY 2009 pre-floor and pre-reclassified hospital wage index to the total adjusted payment calculated with the proposed CY 2010 pre-floor and pre-reclassified hospital wage index and applied the resulting ratio of 0.9996 (the proposed CY 2010 ASC wage index budget neutrality adjustment) to the CY 2009 ASC conversion factor to calculate the proposed CY 2010 ASC conversion factor.

Section 1833(i)(2)(C) of the Act requires that, if the Secretary has not updated the ASC payment amounts in a calendar year, the payment amounts shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumer (CPI–U) as estimated by the Secretary for the 12-month period ending with the midpoint of the year involved. However, section 1833(i)(2)(C)(iv) of the Act required that the increase of ASC payment amounts for CYs 2008 and 2009 equal zero percent. As discussed in the August 2, 2007 final rule, we adopted a final policy to update the ASC conversion factor using the CPI–U in order to adjust ASC payment rates for CY 2010 and subsequent years (72 FR 42518 through 42519 and § 416.171(a)(2)). We are proposing to implement the annual updates through an adjustment to the ASC conversion factor beginning in CY 2010 when the statutory requirement for a zero update no longer applies.

For the 12-month period ending with the midpoint of CY 2010, the Secretary estimates that the CPI–U is 0.6 percent. Therefore, we are proposing to apply to the ASC conversion factor a 0.6 percent increase for CY 2010.

Thus, for CY 2010, we are proposing to adjust the CY 2009 ASC conversion factor ($41.393) by the wage adjustment for budget neutrality of 0.9996 and the update of 0.6 percent, which results in a proposed CY 2010 ASC conversion factor of $41.625.

3. Display of Proposed ASC Payment Rates

Addenda AA and BB to this proposed rule display the proposed updated ASC payment rates for CY2010 for covered surgical procedures and covered ancillary services, respectively. These addenda contain several types of information related to the proposed CY 2010 payment rates. Specifically, in Addendum AA, a ''Y'' in the column titled ''Subject to Multiple Procedure Discounting'' indicates that the surgical procedure would be subject to the multiple procedure payment reduction policy. As discussed in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66829 through 66830), most covered surgical procedures are subject to a 50-percent reduction in the ASC payment for the lower-paying procedure when more than one procedure is performed in a single operative session. Display of the comment indicator ''CH'' in the column titled ''Comment Indicator'' indicates a proposed change in payment policy for the item or service, including identifying new or discontinued HCPCS codes, designating items or services new for payment under the ASC payment system, and identifying items or services with proposed changes in the ASC payment indicator for CY 2010.

The values displayed in the column titled ''CY 2010 Third Year Transition Payment Weight'' are the proposed relative payment weights for each of the listed services for CY 2010, the third year of the 4-year transition period. The CY 2010 ASC payment rates for the covered surgical procedures subject to transitional payment (payment indicators ''A2'' and ''H8'' in Addendum AA) are based on a blend of 25 percent of the CY 2007 ASC payment rate for the procedure and 75 percent of the proposed CY2010 ASC rate calculated under the ASC standard ratesetting methodology before scaling for budget neutrality, calculated according to the standard methodology. The payment weights for all covered surgical procedures and covered ancillary services whose ASC payment rates are based on OPPS relative payment weights are scaled for budget neutrality. Thus, scaling was not applied to the device portion of the device-intensive procedures, services that are paid at the MPFS nonfacility PE RVU amount, separately payable covered ancillary services that have a predetermined national payment amount, such as drugs and biologicals that are separately paid under the OPPS, or services that are contractor-priced or paid at reasonable cost in ASCs.

To derive the proposed CY 2010 payment rate displayed in the ''CY 2010 Third Year Transition Payment'' column, each ASC payment weight in the ''CY 2010 Third Year Transition Payment Weight'' column is multiplied by the proposed CY 2010 ASC conversion factor of $41.625. The conversion factor includes a budget neutrality adjustment for changes in the wage index and the CPI–U percentage increase.

In Addendum BB, there are no relative payment weights displayed in the ''CY 2010 Third Year Transition Payment Weight'' column for items and services with predetermined national payment amounts, such as separately payable drugs and biologicals. The ''CY 2010 Third Year Transition Payment'' column displays the proposed CY 2010 national unadjusted ASC payment rates for all items and services. The proposed CY 2010 ASC payment rates for separately payable drugs and biologicals are based on ASP data used for payment in physicians' offices in April 2009.

XVI. Reporting Quality Data for Annual Payment Rate Updates

A. Background

1. Overview

CMS has implemented quality measure reporting programs for multiple settings of care. These programs promote higher quality, more efficient health care for Medicare beneficiaries. The quality data reporting program for hospital outpatient care, known as the Hospital Outpatient Quality Data Reporting Program (HOP QDRP), has been generally modeled after the program for hospital inpatient services, the Reporting Hospital Quality Data for Annual Payment Update (RHQDAPU) program. Both of these quality reporting programs for hospital services, as well as the program for physicians and other eligible professionals, known as the Physician Quality Reporting Initiative (PQRI), have financial incentives for reporting of quality data to CMS. CMS has also implemented quality reporting programs for home health agencies and skilled nursing facilities that are based on conditions of participation, and an end-stage renal disease quality reporting program that is based on conditions for coverage.

2. Hospital Outpatient Quality Data Reporting Under Section 109(a) of Public Law 109–432

Section 109(a) of the MIEA–TRHCA (Pub. L. 109–432) amended section 1833(t) of the Act by adding a new subsection (17) that affects the payment rate update applicable to OPPS payments for services furnished by hospitals in outpatient settings on or after January 1, 2009. Section 1833(t)(17)(A) of the Act, which applies to hospitals as defined under section 1886(d)(1)(B) of the Act, states that subsection (d) hospitals that fail to report data required for the quality

measures selected by the Secretary in the form and manner required by the Secretary under section 1833(t)(17)(B) of the Act will receive a 2.0 percentage point reduction to their annual payment update factor. Section 1833(t)(17)(B) of the Act requires that hospitals submit quality data in a form and manner, and at a time, that the Secretary specifies. Section 1833(t)(17)(C)(i) of the Act requires the Secretary to develop measures appropriate for the measurement of the quality of care (including medication errors) furnished by hospitals in outpatient settings, that these measures reflect consensus among affected parties and, to the extent feasible and practicable, that these measures include measures set forth by one or more national consensus building entities.

The National Quality Forum (NQF) is a voluntary consensus standard-setting organization that is composed of a diverse representation of consumer, purchaser, provider, academic, clinical, and other health care stakeholder organizations. NQF was established to standardize health care quality measurement and reporting through its consensus development process. We generally prefer to adopt NQF-endorsed measures for CMS quality reporting programs. However, we believe that consensus among affected parties also can be reflected by other means, including: consensus achieved during the measure development process; consensus shown through broad acceptance and use of measures; and consensus through public comment. We also note that section 1833(t)(17) does not require that each measure we adopt for the HOP QDRP be endorsed by a national consensus building entity, or by the NQF specifically.

Section 1833(t)(17)(C)(ii) of the Act authorizes the Secretary to select measures for the HOP QDRP that are the same as (or a subset of) the measures for which data are required to be submitted under section 1886(b)(3)(B)(viii) of the Act (the RHQDAPU program). Section 1833(t)(17)(D) of the Act gives the Secretary the authority to replace measures or indicators as appropriate, such as when all hospitals are effectively in compliance or when the measures or indicators have been subsequently shown not to represent the best clinical practice. Section 1833(t)(17)(E) of the Act requires the Secretary to establish procedures for making data submitted under the HOP QDRP available to the public. Such procedures must include giving hospitals the opportunity to review their data before these data are released to the public.

As we stated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68758 through 68759), we continue to believe that it is most appropriate and desirable to adopt measures that specifically apply to the hospital outpatient setting for the HOP QDRP. In other words, we do not believe that we should simply, without further analysis, adopt the RHQDAPU program measures as the measures for the HOP QDRP. Nonetheless, we note that section 1833(t)(17)(C)(ii) of the Act allows the Secretary to ''[select] measures that are the same as (or a subset of) the measures for which data are required to be submitted'' under the RHQDAPU program.

3. Reporting ASC Quality Data for Annual Payment Update

Section 109(b) of the MIEA–TRHCA amended section 1833(i) of the Act by redesignating clause (iv) as clause (v) and adding new clause (iv) to paragraph (2)(D) and adding paragraph (7). These amendments may affect ASC payments for services furnished in ASC settings on or after January 1, 2009. Section 1833(i)(2)(D)(iv) of the Act authorizes the Secretary to implement the revised payment system for services furnished in ASCs (established under section 1833(i)(2)(D) of the Act), ''so as to provide for a reduction in any annual update for failure to report on quality measures.''

Section 1833(i)(7)(A) of the Act states that the Secretary may provide that any ASC that fails to report data required for the quality measures selected by the Secretary in the form and manner required by the Secretary under section 1833(i)(7) of the Act will incur a reduction in any annual payment update of 2.0 percentage points. Section 1833(i)(7)(A) of the Act also specifies that a reduction for one year cannot be taken into account in computing the ASC update for a subsequent calendar year.

Section 1833(i)(7)(B) of the Act provides that, ''[e]xcept as the Secretary may otherwise provide,'' the hospital outpatient quality data provisions of sections 1833(t)(17)(B) through (E) of the Act, summarized above, shall apply to ASCs. We did not implement an ASC quality reporting program for CY 2008 (72 FR66875) or for CY 2009 (73 FR 68779).

We refer readers to section XVI.H. of this proposed rule for a discussion of our intention to implement ASC quality data reporting in a later rulemaking.

4. HOP QDRP Quality Measures for the CY 2009 Payment Determination

For the CY 2009 annual payment update, we required HOP QDRP reporting using seven quality measures—five Emergency Department (ED) AMI measures and two Perioperative Care measures. These measures address care provided to a large number of adult patients in hospital outpatient settings, across a diverse set of conditions, and were selected for the initial set of HOP QDRP measures based on their relevance as a set to all hospital outpatient departments.

Specifically, in order for hospitals to receive the full OPPS payment update for services furnished in CY 2009, in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66860), we required that subsection (d) hospitals paid under the OPPS submit data on the following seven measures for hospital outpatient services furnished on or after April 1, 2008: (1) ED–AMI–1—Aspirin at Arrival; (2) ED–AMI–2—Median Time to Fibrinolysis; (3) ED–AMI–3—Fibrinolytic Therapy Received within 30 Minutes of Arrival; (4) ED–AMI–4—Median Time to Electrocardiogram (ECG); (5) ED–AMI–5—Median Time to Transfer for Primary PCI; (6) PQRI #20: Perioperative Care—Timing of Antibiotic Prophylaxis; and (7) PQRI #21: Perioperative Care—Selection of Perioperative Antibiotic.

5. HOP QDRP Quality Measures for the CY 2010 Payment Determination

a. Background

In the CY 2009 OPPS/ASC final rule with comment period, for the CY 2010 payment update, we required continued submission of data on the existing seven measures discussed above (73 FR 68761), and adopted four imaging measures (73 FR 68766). For CY 2010, we changed the measure designations for the existing seven measures to an ''OP–X'' format in order to maintain a consistent sequential designation system that we could expand as we add additional measures.

The four imaging measures that we adopted beginning with the CY 2010 payment determination (OP–8: MRI Lumbar Spine for Low Back Pain, OP–9: Mammography Follow-up rates, OP–10: Abdomen CT—Use of Contrast Material, and OP11: Thorax CT—Use of Contrast Material) are claims-based measures that CMS will calculate using Medicare Part B claims data without imposing upon hospitals the burden of additional chart abstraction. For purposes of the CY 2010 payment determination, we will calculate these

measures using CY 2008 Medicare administrative claims data.

In the CY 2009 OPPS/ASC proposed rule, OP–10 had 2 submeasures listed: OP–10a: CT Abdomen—Use of contrast material excluding calculi of the kidneys, ureter, and/or urinary tract, and OP–10b: CT Abdomen—Use of contrast material for diagnosis of calculi in the kidneys, ureter, and or urinary tract. In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68766), we finalized OP–10: Abdomen CT—Use of Contrast Material. To clarify, we are calculating OP–10 excluding patients with renal disease. This exclusion is described in greater detail in the *Specifications Manual for Hospital Outpatient Department Quality Measures* (HOPD Specifications Manual) located at the QualityNet Web site.

The complete set of measures to be used for the CY 2010 payment determination is set out below, and is shown with the new measure designations as well as their former designations:

HOP QDRP Measurement Set To Be Used for CY 2010 Payment Determination	CY 2009 designation
OP–1: Median Time to Fibrinolysis	ED–AMI–2
OP–2: Fibrinolytic Therapy Received Within 30 Minutes	ED–AMI–3
OP–3: Median Time to Transfer to Another Facility for Acute Coronary Intervention	ED–AMI–5
OP–4: Aspirin at Arrival	ED–AMI–1
OP–5: Median Time to ECG	ED–AMI–4
OP–6: Timing of Antibiotic Prophylaxis	PQRI #20
OP–7: Prophylactic Antibiotic Selection for Surgical Patients	PQRI #21
OP–8: MRI Lumbar Spine for Low Back Pain	NA
OP–9: Mammography Follow-up Rates	NA
OP–10: Abdomen CT—Use of Contrast Material	NA
OP–11: Thorax CT—Use of Contrast Material	NA

b. Maintenance of Technical Specifications for Quality Measures

Technical specifications for each HOP QDRP measure are listed in the HOPD Specifications Manual, which is posted on the CMS QualityNet Web site at *https://www.QualityNet.org*. We maintain the technical specifications for the measures by updating this HOPD Specification Manual and include detailed instructions and calculation algorithms for hospitals to use when collecting and submitting data on required measures.

In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68766), we established a subregulatory process for updates to the technical specifications that we use to calculate HOP QDRP measures. This process is used when changes to the measure specifications are necessary due to changes in scientific evidence or in the measure as endorsed by the consensus entity. Changes of this nature may not coincide with the timing of our regulatory actions, but nevertheless require inclusion in the measure specifications so that the HOP QDRP measures are calculated based on the most up-to-date scientific and consensus standards. We indicated that notification of changes to the measure specifications on the QualityNet Web site, *http://www.QualityNet.org*, and in the HOPD Specifications Manual that occurred as a result of changes in scientific evidence or national consensus would occur no less than 3 months before any changes become effective for purposes of reporting under the HOP QDRP.

The HOPD Specification Manual is released every 6 months and addenda are released as necessary providing at least 3 months of advance notice for non-substantive changes such as changes to ICD–9, CPT, NUBC and HCPCS codes, and at least 6 months notice for substantive changes to data elements that would require significant systems changes.

c. Publication of HOP QDRP Data

Section 1833(t)(17)(E) of the Act requires that the Secretary establish procedures to make data collected under the HOP QDRP program available to the public. CMS also requires hospitals to complete and submit a registration form (''participation form''), in order to participate in the HOP QDRP. In submitting this form, participating hospitals agree that they will allow CMS to publicly report the quality measures, including those that CMS calculates using Medicare claims, as required by the HOP QDRP.

In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68778), we established that for CY 2010, hospitals sharing the same CMS Certification Number (CCN, previously known as the Medicare Provider Number (MPN)) must combine data collection and submission across their multiple campuses for the clinical measures for public reporting purposes. We finalized that we will publish quality data by CCN under the HOP QDRP. This approach is consistent with the approach taken under the RHQDAPU program. In that final rule with comment period, we also stated that we intend to indicate instances where data from two or more hospitals are combined to form the publicly reported measures on the Web site.

We discuss our proposal for publication for 2010 of HOP QDRP data in section XVI.F. of this proposed rule.

B. Proposals Regarding Quality Measures

1. Considerations in Expanding and Updating Quality Measures Under the HOP QDRP

In general when selecting measures for the HOP QDRP program, we take into account several considerations and goals. These include: (a) Expanding the types of measures beyond process of care measures to include an increased number of outcome measures, efficiency measures, and patients' experience-of-care measures; (b) expanding the scope of hospital services to which the measures apply; (c) considering the burden on hospitals in collecting chart-abstracted data; (d) harmonizing the measures used in the HOP QDRP program with other CMS quality programs to align incentives and promote coordinated efforts to improve quality; (e) seeking to use measures based on alternative sources of data that do not require chart abstraction or that utilize data already being reported by many hospitals, such as data that hospitals report to clinical data registries, or all-payer claims databases; and (f) weighing the relevance and utility of the measures compared to the burden on hospitals in submitting data under the HOP QDRP program. Specifically, we give priority to quality measures that assess performance on: (a) Conditions that result in the greatest

mortality and morbidity in the Medicare population; (b) conditions that are high volume and high cost for the Medicare program; and (c) conditions for which wide cost and treatment variations have been reported, despite established clinical guidelines. We have used and continue to use these criteria to guide our decisions regarding what measures to add to the HOP QDRP measure set.

In the CY 2009 OPPS/ASC final rule with comment period, we adopted four claims-based quality measures that do not require a hospital to submit chart-abstracted clinical data. This supports our stated goal to expand the measures for the HOP QDRP while minimizing the burden upon hospitals and, in particular, without significantly increasing the chart abstraction burden. In addition to claims-based measures, we are considering registries [1] and electronic health records (EHRs) as alternative ways to collect data from hospitals. Many hospitals submit data to and participate in existing registries. In addition, registries often capture outcome information and provide ongoing quality improvement feedback to registry participants. Instead of requiring hospitals to submit the same data to CMS that they are already submitting to registries, we could collect the data directly from the registries with the permission of the hospital, thereby enabling us to expand the HOP QDRP measure set without increasing the burden of data collection for those hospitals participating in the registries. The data that we would receive from registries would be used to calculate quality measures required under HOP QDRP, and would be publicly reported like other HOP QDRP quality measures, encouraging improvements in the quality of care. We invite comment on such an approach.

In the CY 2009 OPPS/ASC final rule with comment period, we also stated our intention to explore mechanisms for data submission using EHRs (73 FR 68769). Establishing such a system will require interoperability between EHRs and CMS data collection systems, additional infrastructure development on the part of hospitals and CMS, and the adoption of standards for the capturing, formatting, and transmission of data elements that make up the measures. However, once these activities are accomplished, the adoption of measures that rely on data obtained directly from EHRs will enable us to expand the HOP QDRP measure set with less cost and burden to hospitals.

2. Retirement of HOP QDRP Quality Measures

In the FY 2010 IPPS proposed rule, we proposed a process for immediate retirement of RHQDAPU program measures based on evidence that the continued use of the measure as specified raises patient safety concerns (74 FR 24168). As we explained in that proposed rule, in situations such as the one prompting immediate retirement of the AMI–6 measure from the RHQDAPU program in December 2008, we do not believe that it would be appropriate to wait for the annual rulemaking cycle to retire a measure. We are proposing to adopt this same immediate retirement policy for the HOP QDRP. Specifically, we are proposing that if we receive evidence that continued collection of a measure that has been adopted for the HOP QDRP raises patient safety concerns, we would promptly retire the measure and notify hospitals and the public of the retirement of the measure and the reasons for its retirement through the usual means by which we communicate with hospitals, including but not limited to hospital e-mail blasts and the QualityNet Web site. We also are proposing to confirm the retirement of the measure in the next OPPS rulemaking. In other circumstances where we do not believe that continued use of a measure raises specific patient safety concerns, we intend to use the regular rulemaking process to retire a measure.

We invite public comment on this proposal allowing for immediate retirement of a HOP QDRP measure following evidence of a patient safety concern followed by confirmation in the next rulemaking cycle.

3. Proposed HOP QDRP Quality Measures for the CY 2011 Payment Determination

For the CY 2011 payment determination, we are proposing to continue requiring that hospitals submit data on the existing 11 HOP QDRP measures. These measures continue to address areas of topical importance regarding the quality of care provided in hospital outpatient departments, and reflect consensus among affected parties. Seven of these 11 measures are chart-abstracted measures in two areas of importance which are also measured for the Inpatient setting: AMI care and surgical care. The remaining four measures address imaging efficiency in hospital outpatient departments.

For the CY 2011 payment determination, we are proposing not to add any new HOP QDRP measures. Although we considered adding a number of chart-abstracted measures, we are sensitive to the burden upon hospital outpatient departments associated with chart abstraction, and believe that adopting such measures at this time would not be consistent with our stated goal to minimize the collection burden associated with quality measurement. We will continue to assess whether we can collect data on additional quality measures through mechanisms other than chart abstraction, such as from Medicare administrative claims data and EHRs.

In summary, we are proposing to use the following measures for the CY 2011 payment determination:

Proposed HOP QDRP measurement set to be used for the CY 2011 payment determination
OP–1: Median Time to Fibrinolysis.
OP–2: Fibrinolytic Therapy Received Within 30 Minutes.
OP–3: Median Time To Transfer to Another Facility for Acute Coronary Intervention.
OP–4: Aspirin at Arrival.
OP–5: Median Time to ECG.
OP–6: Timing of Antibiotic Prophylaxis.
OP–7: Prophylactic Antibiotic Selection for Surgical Patients.
OP–8: MRI Lumbar Spine for Low Back Pain.
OP–9: Mammography Follow-Up Rates.
OP–10: Abdomen CT—Use of Contrast Material.
OP–11: Thorax CT—Use of Contrast Material.

We invite public comment on our proposal to retain the existing 11 HOP QDRP measures and to not adopt additional measures for the CY 2011 payment determination.

C. Possible Quality Measures Under Consideration for CY 2012 and Subsequent Years

In previous years' rulemakings, we have provided lists of quality measures that are under consideration for future adoption into the HOP QDRP measurement set. Below is a list of measures under consideration for the CY 2012 payment determination and subsequent years.

[1] A registry is a collection of clinical data for purposes of assessing clinical performance, quality of care, and opportunities for quality improvement.

QUALITY MEASURES UNDER CONSIDERATION FOR CY 2012 AND SUBSEQUENT YEARS' PAYMENT DETERMINATIONS

Topic		Measure	Potential data sources
Cancer	1	Adjuvant Chemotherapy is Considered or Administered within 4 Months of Surgery to Patients Under Age 80 with AJCC III Colon Cancer. This measure specifications are similar to PQRI #72 found at the PQRI manual Web site: *http://www.cms.hhs.gov/apps/ama/license.asp?file=/PQRI/downloads/2009PQRIQualityMeasureSpecificationsManualandReleaseNotes.zip*.	Registry.
	2	Adjuvant Hormonal Therapy for Patients with Breast Cancer The measure specifications are similar to PQRI #71 found at the PQRI manual Web site: *http://www.cms.hhs.gov/apps/ama/license.asp?file=/PQRI/downloads/2009PQRIQualityMeasureSpecificationsManualandReleaseNotes.zip*.	Claims, Registry.
	3	Needle Biopsy to Establish Diagnosis of Cancer Precedes Surgical Excision/Resection. Measure specifications can be found at *http://www.qualityforum.org/pdf/reports/Cancer_Nonmember_Report.pdf*.	Claims, Registry.
ED Throughput	4	Median Time from ED Arrival to ED Departure for Discharged ED Patients Measure specifications can be found at *http://qualitynet.org/* under Hospital—Outpatient.	Chart, EHR.
Diabetes	5	Low Density Lipoprotein Control in Type 1 or 2 Diabetes Mellitus The measure specifications are similar to PQRI #2 found at the PQRI manual Web site: *http://www.cms.hhs.gov/apps/ama/license.asp?file=/PQRI/downloads/2009PQRIQualityMeasureSpecificationsManualandReleaseNotes.zip*.	Claims, EHR.
	6	Urine protein screening or medical attention for nephrology during at least one office visit within last year for patient with diabetes mellitus. The measure specifications are similar to PQRI #119 found at the PQRI manual Web site: *http://www.cms.hhs.gov/apps/ama/license.asp?file=/PQRI/downloads/2009PQRIQualityMeasureSpecificationsManualandReleaseNotes.zip*.	Claims, EHR.
	7	Eligible diabetes patients with documentation of an eye exam or referral for an eye exam within the last 24 months. The measure specifications are similar to PQRI #117 found at the PQRI manual Web site: *http://www.cms.hhs.gov/apps/ama/license.asp?file=/PQRI/downloads/2009PQRIQualityMeasureSpecificationsManualandReleaseNotes.zip*.	Claims, EHR.
	8	Patients who received at least one complete foot exam (visual inspection, sensory exam with monofilament and pulse exam within the last 12 months). The measure specifications are similar to PQRI #126 found at the PQRI manual Web site: *http://www.cms.hhs.gov/apps/ama/license.asp?file=/PQRI/downloads/2009PQRIQualityMeasureSpecificationsManualandReleaseNotes.zip*.	Claims, EHR.
Medication Reconciliation	9	Medication Reconciliation The measure specifications are similar to PQRI #46 found at the PQRI manual Web site: *http://www.cms.hhs.gov/apps/ama/license.asp?file=/PQRI/downloads/2009PQRIQualityMeasureSpecificationsManualandReleaseNotes.zip*.	Claims, EHR.
Immunization	10	Pneumococcal Vaccination Status—Overall Rate Measure specifications are available at *http://www.qualityforum.org/pdf/reports/Immunization/4%2029%20Immunizations_Nonmembers.pdf*.	Chart. EHR.
	11	Influenza Vaccination Status—Overall Rate Measure specifications are available at *http://www.qualityforum.org/pdf/reports/Immunization/4%2029%20Immunizations_Nonmembers.pdf*.	Chart. EHR.
Imaging Efficiency	12	SPECT MPI AND Stress Echocardiography for Preoperative Evaluation for Low-Risk Non-Cardiac Surgery Risk Assessment. The measure specifications can be found at *http://www.imagingmeasures.com/*.	Claims.
	13	Use of Stress Echocardiography or SPECT MPI Post-Revascularization Coronary Artery Bypass Graft. The measure specifications can be found at *http://www.imagingmeasures.com/*.	Claims.
	14	Use of Computed Tomography in Emergency Department for Headache The measure specifications can be found at *http://www.imagingmeasures.com/*.	Claims.
	15	Simultaneous Use of Brain Computed Tomography and Sinus Computed Tomography. The measure specifications can be found at *http://www.imagingmeasures.com/*.	Claims.
Surgery	16	Appropriate surgical site hair removal The measure specifications are similar to Surgical Care Improvement Project Infection (SCIP)–6 which can be found at *http://qualitynet.org/* under Hospital—Inpatient.	Chart, EHR.

We invite public comment on these quality measures and topics that we might consider proposing to adopt beginning with the CY 2012 payment determination. We also are seeking suggestions and rationales to support the adoption of measures and topics for the HOP QDRP which do not appear in the table above.

D. Proposed Payment Reduction for Hospitals That Fail To Meet the HOP QDRP Requirements for the CY 2010 Payment Update

1. Background

Section 1833(t)(17)(A) of the Act, which applies to hospitals as defined under section 1886(d)(1)(B) of the Act, requires that hospitals that fail to report data required for the quality measures selected by the Secretary, in the form and manner required by the Secretary under section 1833(t)(17)(B) of the Act, incur a 2.0 percentage point reduction to their OPD fee schedule increase factor, that is, the annual payment update factor. Section 1833(t)(17)(A)(ii) of the Act specifies that any reduction would apply only to the payment year involved and would not be taken into account in computing the applicable OPD fee schedule increase factor for a subsequent payment year.

In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68769 through 68772), we discussed how the payment reduction for failure to meet the administrative, data collection, and data submission requirements of the HOP QDRP affected the CY 2009 payment update applicable to OPPS payments for HOPD services furnished by the hospitals defined under section 1886(d)(1)(B) of the Act to which the program applies. The application of a reduced OPD fee schedule increase factor results in reduced national unadjusted payment rates that apply to certain outpatient items and services provided by hospitals that are required to report outpatient quality data and that fail to meet the HOP QDRP requirements. All other hospitals paid under the OPPS receive the full OPPS payment update without the reduction.

The national unadjusted payment rates for many services paid under the OPPS equal the product of the OPPS conversion factor and the scaled relative weight for the APC to which the service is assigned. The OPPS conversion factor, which is updated annually by the OPD fee schedule increase factor, is used to calculate the OPPS payment rate for services with the following status indicators (listed in Addendum B to this proposed rule): ''P,'' ''Q1,'' ''Q2,'' ''Q3,'' ''R,'' ''S,'' ''T,'' ''V,'' ''U,'' or ''X.'' In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68770), we adopted a policy that payment for all services assigned these status indicators would be subject to the reduction of the national unadjusted payment rates for applicable hospitals, with the exception of services assigned to New Technology APCs, assigned status indicator ''S'' or ''T,'' and brachytherapy sources, assigned status indicator ''U,'' which were paid at charges adjusted to cost in CY 2009. We excluded services assigned to New Technology APCs from the list of services subject to the reduced national unadjusted payment rates because the OPD fee schedule increase factor is not used to update the payment rates for these APCs.

In addition, section 1833(t)(16)(C) of the Act, as amended by section 142 of Public Law 110–275, specifically required that brachytherapy sources be paid during CY 2009 on the basis of charges adjusted to cost, rather than under the standard OPPS methodology. Therefore, the reduced conversion factor also was not applicable to CY 2009 payment for brachytherapy sources because payment would not be based on the OPPS conversion factor and, consequently, the payment rates for these services were not updated by the OPD fee schedule increase factor. However, in accordance with section 1833(t)(16)(C) of the Act, as amended by section 142 of Public Law 110–275, payment for brachytherapy sources at charges adjusted to cost is set to expire on January 1, 2010. For CY 2010, we are proposing to pay prospectively for brachytherapy sources, as described in section VII. of this proposed rule. Therefore, we are proposing that the CY 2010 payment for brachytherapy sources would be based on the conversion factor and the quality reporting reduction policy would be applicable to brachytherapy sources, which are assigned status indicator ''U.''

The OPD fee schedule increase factor, or market basket update, is an input into the OPPS conversion factor, which is used to calculate OPPS payment rates. To implement the requirement to reduce the market basket update for hospitals that fail to meet reporting requirements, in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68770 through 68771), we calculated two conversion factors: a full market basket conversion factor (that is, the full conversion factor), and a reduced market basket conversion factor (that is, the reduced conversion factor). We then calculated a reduction ratio by dividing the reduced conversion factor by the full conversion factor. We refer to this reduction ratio as the ''reporting ratio'' to indicate that it applies to payment for hospitals that fail to meet their reporting requirements. Applying this reporting ratio to the OPPS payment amounts results in reduced national unadjusted payment rates that are mathematically equivalent to the reduced national unadjusted payment rates that would result if we multiplied the scaled OPPS relative weights by the reduced conversion factor. To determine the reduced national unadjusted payment rates that applied to hospitals that failed to meet their quality reporting requirements for the CY 2009 OPPS, we multiplied the final full national unadjusted payment rate in Addendum B to the CY 2009 OPPS/ASC final rule with comment period by the CY 2009 OPPS final reporting ratio of 0.981 (73 FR 68771).

In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68771 through 68772), we established a policy that the Medicare beneficiary's minimum unadjusted copayment and national unadjusted copayment for a service to which a reduced national unadjusted payment rate applies would each equal the product of the reporting ratio and the national unadjusted copayment or the minimum unadjusted copayment, as applicable, for the service. We applied the reporting ratio to both the minimum unadjusted copayment and national unadjusted copayment for those hospitals that received the payment reduction for failure to meet the HOP QDRP reporting requirements. This application of the reporting ratio to the national unadjusted and minimum unadjusted copayments was calculated according to § 419.41 of the regulations, prior to any adjustment for hospitals' failure to meet the quality reporting standards according to § 419.43(h). Beneficiaries and secondary payers thereby share in the reduction of payments to these hospitals.

In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68772), we established the policy that all other applicable adjustments to the OPPS national unadjusted payment rates apply in those cases when the OPD fee schedule increase factor is reduced for hospitals that fail to meet the requirements of the HOP QDRP. For example, the following standard adjustments now apply to the reduced national unadjusted payment rates: the wage index adjustment; the multiple procedure adjustment; the interrupted procedure adjustment; the rural sole community hospital adjustment; and the adjustment for devices furnished with full or partial credit or without cost. We believe that these adjustments continue

to be equally applicable to payments for hospitals that do not meet the HOP QDRP requirements. Similarly, outlier payments will continue to be made when the criteria are met. For hospitals that fail to meet the quality data reporting requirements, the hospitals' costs are compared to the reduced payments for purposes of outlier eligibility and payment calculation. This policy conforms to current practice under the IPPS. For a complete discussion of the OPPS outlier calculation and eligibility criteria, we refer readers to section II.F. of this CY 2010 OPPS/ASC proposed rule.

2. Proposed Reporting Ratio Application and Associated Adjustment Policy for CY 2010

We are proposing to continue our established policy of applying the reduction of the OPD fee schedule increase factor through the use of a reporting ratio for those hospitals that fail to meet the HOP QDRP requirements for the full CY 2010 annual payment update factor. For the CY 2010 OPPS, the proposed reporting ratio is 0.980, calculated by dividing the reduced conversion factor of $66.118 by the full conversion factor of $67.439. We are proposing to continue to apply this reporting ratio to all services calculated using the OPPS conversion factor. For the CY 2010 OPPS, we are proposing to apply the reporting ratio, when applicable, to all HCPCS codes to which we have assigned status indicators ''P,'' ''Q1,'' ''Q2,'' ''Q3,'' ''R,'' ''S,'' ''T,'' ''V,'' or ''X'' and, effective for services furnished on or after January 1, 2010, to also apply it to the HCPCS codes for brachytherapy sources, to which we have assigned status indicator ''U.'' Under our established policy, we would continue to exclude services paid under New Technology APCs. We are proposing to continue to apply this proposed reporting ratio to the national unadjusted payment rates and the minimum unadjusted and national unadjusted copayment rates of all applicable services for those hospitals that fail to meet the HOP QDRP reporting requirements. We also are proposing to continue to apply all other applicable standard adjustments to the OPPS national unadjusted payment rates for hospitals that fail to meet the requirements of the HOP QDRP. Similarly, we are proposing to continue to calculate OPPS outlier eligibility and outlier payment based on the reduced payment rates for those hospitals that fail to meet the reporting requirements.

E. Proposed Requirements for HOPD Quality Data Reporting for CY 2011 and Subsequent Years

In order to participate in the HOP QDRP, hospitals must meet administrative, data collection and submission, and data validation requirements (if applicable). Hospitals that do not meet the requirements of the HOP QDRP, as well as hospitals not participating in the program and hospitals that withdraw from the program, will not receive the full OPPS payment rate update. Instead, in accordance with section 1833(t)(17)(A) of the Act, those hospitals will receive a reduction of 2.0 percentage points in their updates for the applicable payment year. For payment determinations affecting the CY 2011 payment update, we are proposing to implement the requirements listed below. Most of these requirements are the same as the requirements we implemented for the CY 2010 payment determination, with some proposed modifications.

1. Administrative Requirements

To participate in the HOP QDRP, several administrative steps must be completed. These steps require the hospital to:

- Identify a QualityNet administrator who follows the registration process located on the QualityNet Web site (*http://www.QualityNet.org*) and submits the information to the appropriate CMS-designated contractor. All CMS-designated contractors will be identified on the QualityNet Web site. The same person may be the QualityNet administrator for both the RHQDAPU program and the HOP QDRP. From our experience, we believe that the QualityNet administrator typically fulfills a variety of tasks related to the hospital's ability to participate in the HOP QDRP, such as: creating, approving, editing and/or terminating QualityNet user accounts within the organization; monitoring QualityNet usage to maintain proper security and confidentiality measures; and serving as a point of contact for information regarding QualityNet and the HOP QDRP.

In the past, we have required not only that the hospital designate a QualityNet administrator for purposes of registering the hospital to participate in the HOP QDRP, but also that the hospital continually maintain a QualityNet administrator for as long as the hospital participates in the program. We have become aware that the required maintenance of the QualityNet administrator is creating an undue technical burden for some hospitals and that, in some cases, is preventing the hospital from meeting all HOP QDRP requirements. Therefore, we are proposing to no longer require that a hospital maintain current designation of a QualityNet administrator. We invite public comment on this proposed change. Nevertheless, we strongly urge hospitals to maintain current designation of a QualityNet administrator, regardless of whether the hospital submits data directly to the CMS-designated contractor or uses a vendor for transmission of data.

- Register with QualityNet regardless of the method used for data submission.
- Complete and submit an online participation form if one (or a paper Notice of Participation form) has not been previously completed, if a hospital has previously withdrawn, or if the hospital acquires a new CCN. For HOP QDRP decisions affecting the CY 2011 payment determination, hospitals that share the same CCN must complete a single online participation form. In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68772), we implemented an online registration form and eliminated the paper form. At this time, the participation form for the HOP QDRP is separate from the RHQDAPU program and completing a form for each program is required. Agreeing to participate includes acknowledging that the data submitted to the CMS-designated contractor will be submitted to CMS and may also be shared with one or more other CMS contractors that support the implementation of the HOP QDRP and be publicly reported.

Under our current requirements, the deadline for submitting the participation form is 30 days following receipt of a CCN form from CMS (73 FR 68772). We are proposing to change this requirement as follows:

Hospitals with Medicare acceptance dates on or after January 1, 2010: For the CY 2011 payment update, we are proposing that any hospital that has a Medicare acceptance date on or after January 1, 2010 (including a new hospital and hospitals that have merged) must submit a completed participation form no later than 180 days from the date identified as its Medicare acceptance date on the CMS Online System Certification and Reporting (OSCAR) system. Hospitals typically receive a package notifying them of their new CCN after they receive their Medicare acceptance date. The Medicare acceptance date is the earliest date that a hospital can receive Medicare payment for the services that it furnishes. Completing the participation form includes supplying

the name and address of each hospital campus that shares the same CCN.

The use of the Medicare acceptance date as beginning the timeline for HOP QDRP participation will allow CMS to monitor more effectively hospital compliance with the requirement to complete a participation form because a hospital's Medicare acceptance date is readily available to CMS through its data systems. In addition, providing an extended time period to register for the program will allow newly functioning hospitals sufficient time to get their operations up and running before having to collect and submit quality data. We invite public comment on these proposed changes.

Hospitals with Medicare acceptance dates before January 1, 2010 that want to participate or withdraw: For the CY 2011 payment update, we are proposing that any hospital that has a Medicare acceptance date on or before December 31, 2009 that wants to withdraw from participation in the CY2011 HOP QDRP or that is not currently participating in the HOP QDRP and wishes to participate in the CY 2011 HOP QDRP must submit a participation form by March 31, 2010. We are proposing a deadline of March 31, 2010, because we believe it will give hospitals sufficient time to decide whether they wish to participate in the HOP QDRP, as well as put into place the necessary staff and resources to timely report data for first quarter CY 2010 services. This requirement applies to all hospitals whether or not the hospital has billed for payment under the OPPS. We invite public comment on these proposed changes.

2. Data Collection and Submission Requirements

a. General Data Collection and Submission Requirements

We are proposing that, to be eligible for the full CY 2011 OPPS payment update, hospitals must:

- Submit data: Hospitals that are participating in the HOP QDRP must submit data for each applicable quarter by the deadline posted on the QualityNet Web site; there must be no lapse in data submission. For the CY 2011 annual payment update, the applicable quarters will be as follows: 3rd quarter CY 2009, 4th quarter CY 2009, 1st quarter CY 2010, and 2nd quarter CY 2010. Hospitals that did not participate in the CY 2010 HOP QDRP, but would like to participate in the CY 2011 HOP QDRP, and that have a Medicare acceptance date on the OSCAR system before January 1, 2010, must begin data submission for 1st quarter CY 2010 services using the CY 2011 measure set that will be finalized in the CY 2010 OPPS/ASC final rule with comment period. For those hospitals with Medicare acceptance dates on or after January 1, 2010, data submission must begin with the first full quarter following the submission of a completed online participation form. For the four claims-based measures, we will calculate the measures using the hospital's Medicare claims data. For the CY 2011 payment update, we will utilize paid Medicare fee-for-service (FFS) claims submitted prior to January 1, 2010, to calculate these four measures.

Sampling and Case Thresholds: It will not be necessary for a hospital to submit data for all eligible cases for some measures if sufficient eligible case thresholds are met. Instead, for those measures where a hospital has a sufficiently large number of cases, it can sample cases and submit data for these sampled cases rather than submitting data from all eligible cases. This sampling scheme which includes the minimum number of cases based upon case volume will be set out in the HOPD Specifications Manual at least 4 months in advance of the required data collection. Hospitals must meet the sampling requirements for required quality measures each reporting quarter.

In addition, in order to reduce the burden on hospitals that treat a low number of patients but otherwise meet the submission requirements for a particular quality measure, hospitals that have five or fewer claims (both Medicare and non-Medicare) for any measure included in a measure topic in a quarter will not be required to submit patient level data for the entire measure topic for that quarter. Even if hospitals are not required to submit patient level data because they have five or fewer claims (both Medicare and non-Medicare) for any measure included in a measure topic in a quarter, they may voluntarily do so.

Hospitals must submit all required data according to the data submission schedule that will be available on the QualityNet Web site (*https://www.QualityNet.org*). This Web site meets or exceeds all current Health Insurance Portability and Accountability Act requirements. Submission deadlines will, in general, be four months after the last day of each calendar quarter. Thus, for example, the submission deadline for data for services furnished during the first quarter of CY 2010 (January–March 2010) will be on or around August 1, 2010. The actual submission deadlines will be posted on the *http://www.QualityNet.org* Web site.

Hospitals must submit data to the OPPS Clinical Warehouse using either the CMS Abstraction and Reporting Tool for Outpatient Department (CART–OPD) measures or the tool of a third-party vendor that meets the measure specification requirements for data transmission to QualityNet.

Hospitals must submit quality data through My QualityNet, the secure portion of the QualityNet Web site, to the OPPS Clinical Warehouse. The OPPS Clinical Warehouse, which is maintained by a CMS-designated contractor, will submit the OPPS Clinical Warehouse data to CMS. OPPS Clinical Warehouse data are not currently considered to be QIO data; rather, we consider such data to be CMS data. However, it is possible that the information in the OPPS Clinical Warehouse may at some point become QIO information. If this occurs, these data would also become protected under the stringent QIO confidentiality regulations in 42 CFR part 480.

Hospitals must collect HOP QDRP data from outpatient episodes of care to which the required measures apply. For the purposes of the HOP QDRP, an outpatient ''episode of care'' is defined as care provided to a patient who has not been admitted as an inpatient, but who is registered on the hospital's medical records as an outpatient and receives services (rather than supplies alone) directly from the hospital. Every effort will be made to ensure that data elements common to both inpatient and outpatient settings are defined consistently for purposes of quality reporting (such as ''time of arrival'').

Hospitals are to submit required quality data using the CCN under which the care was furnished.

To be accepted into the OPPS Clinical Warehouse, data submissions, at a minimum, must be timely, complete, and accurate. Data submissions are considered to be ''timely'' when data are successfully accepted into the OPPS Clinical Warehouse on or before the reporting deadline. A ''complete'' submission is determined based on whether the data satisfy the sampling criteria that are published and maintained in the HOPD Specifications Manual, and must correspond to both the aggregate number of cases submitted by a hospital and the number of Medicare claims the hospital submits for payment. We are aware of ''data lags'' that occur due to when hospitals submit claims, then cancel and correct those claims; efforts will be made to take such events into account that can change the aggregate Medicare case

counts. To be considered ''accurate,'' submissions must pass validation, if applicable.

CMS strongly recommends that hospitals review OPPS Clinical Warehouse feedback reports and the HOP QDRP Provider Participation Reports that are accessible through their QualityNet accounts. These reports enable hospitals to verify whether the data they or their vendor submitted was accepted into the OPPS Clinical Warehouse and the date/time that such acceptance occurred. We also note that irrespective of whether a hospital submits data to the OPPS Clinical Warehouse itself or uses a vendor to complete the submissions, the hospital is responsible for ensuring that HOP QDRP requirements are met.

Finally, although not required, hospitals may submit, on a voluntary basis, the aggregate numbers of outpatient episodes of care which are eligible for submission under the HOP QDRP and sample size counts. These aggregated numbers of outpatient episodes represent the number of outpatient episodes of care in the universe of all possible cases eligible for data reporting under the HOP QDRP. We do not wish to require this submission at this time because we continue to see evidence that some hospitals would not be able to meet this requirement. However, as it is vital for quality data reporting for hospitals to be able to determine their population sizes, we believe it is highly beneficial for hospitals to develop systems that can determine whether or not they have furnished services or billed for five or fewer cases for a particular measure topic on a quarterly basis. CMS strongly recommends that all hospitals work to develop systems that can accurately determine their population and sample sizes for purposes of quality reporting.

In the future, we plan to use the aggregate population and sample size data to assess data submission completeness and adherence to sampling requirements for Medicare and non-Medicare patients.

For the reporting of aggregate numbers of outpatient episodes of care and sample size counts, we are proposing that the deadlines for this reporting will be the same as they are for the reporting of quality measures, and these deadlines will be posted on the data submission schedule that will be available on the QualityNet Web site.

We invite public comment on these proposed changes.

b. Extraordinary Circumstance Extension or Waiver for Reporting Quality Data

In our experience, there have been times when hospitals have been unable to submit required quality data due to extraordinary circumstances that are not within their control. It is our goal to not penalize hospitals for such circumstances and we do not want to unduly increase their burden during these times. Therefore, we are proposing a process for hospitals to follow so that we may consider granting extensions or waivers with respect to the reporting of required quality data when there are extraordinary circumstances beyond the control of the hospital.

In the event of extraordinary circumstances not within the control of the hospital, for the hospital to receive consideration for an extension or waiver of the requirement to submit quality data for one or more quarters, a hospital must—

(1) Submit to CMS a request form that will be made available on the QualityNet Web site. The following information should be noted on the form:

- Hospital CCN;
- Hospital Name;
- CEO and any other designated personnel contact information, including name, e-mail address, telephone number, and mailing address (must include a physical address, a post office box address is not acceptable);
- Identified reason for requesting an extension or waiver;
- Hospital's reason for requesting an extension or waiver;
- Evidence of the impact of the extraordinary circumstances, including but not limited to photographs, newspaper and other media articles; and
- A date when the hospital will again be able to submit HOP QDRP data, and a justification for the proposed date.

The request form must be signed by the hospital's CEO. A request form must be submitted within 30 days of the date that the extraordinary circumstance occurred.

Following receipt of such a request, CMS will—

(1) Provide a written acknowledgement using the contact information provided in the request, to the CEO and any additional designated hospital personnel, notifying them that the hospital's request has been received; and

(2) Provide a formal response to the CEO and any additional designated hospital personnel using the contact information provided in the request notifying them of our decision.

We invite public comment on these proposed procedures for requesting an extraordinary circumstance extension or waiver of the requirement to submit quality data for one or more quarters.

3. HOP QDRP Validation Requirements

In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68776), we announced a voluntary test validation program, the results of which would not affect the CY 2010 payment update for any hospital. Due to resource constraints, we were not able to implement this test validation plan.

a. Proposed Data Validation Requirements for CY 2011

Validation, as discussed in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66871), is intended to provide assurance of the accuracy of the hospital abstracted data. For the CY 2011 payment determination, we are proposing to implement a validation program that will require hospitals to supply requested medical documentation to a CMS contractor for purposes of being validated. However, the results of the validation will not affect the CY 2011 payment update for any hospital. We believe that it is important for hospitals to have some experience and knowledge of the HOP QDRP validation process before payment determinations are made based upon validation results. We are proposing to implement a validation program that will both limit burden upon hospitals, especially small hospitals, as well as provide feedback to all hospitals on validation performance.

Specifically, we are proposing to select a random sample of 7,300 cases from all cases successfully submitted to the OPPS Clinical Warehouse by all participating hospitals for the relevant time period described below and validate those data. Based upon the quality data submitted for the CY 2009 payment update and our methodology for drawing the sample, we estimate that the sample will include up to 20 cases per participating hospital; the same number of cases sampled on an annual basis for validation under the RHQDAPU program. A sample size of 7,300 was chosen because it will enable us to detect a relative difference of 10 percent in the measured overall accuracy rate with a 95 percent (two-tailed) confidence interval and should provide sufficient data to conduct post-hoc stratified analyses that provide meaningful feedback. These figures are based upon a power analysis assuming a population measure mismatch rate of 5 percent with the outcomes being either a match or a mismatch between

what the hospital submitted versus what was determined by validation. We intend to supply feedback on the validation results to all hospitals.

We are proposing to request medical documentation from hospitals for April 1, 2009 through March 31, 2010 episodes of care, which will allow us to gather one full year of submitted data for validation purposes.

Once we have completed the random selection, a designated CMS contractor will use certified mail to request that each selected hospital send to it supporting medical record documentation that corresponds to each selected episode of care. Each hospital must submit this documentation to the designated CMS contractor within 45 calendar days of the date of the request (as documented on the request letter). If the hospital fails to comply within 30 days of the initial medical documentation request, the designated CMS contractor will send a second certified letter to the hospital reminding it that the requested documentation must be received within 45 calendar days following the date of the initial request. If the hospital still fails to comply, a ''zero'' score will be assigned to each data element for each selected case and the case will fail for all measures in the same topic (for example, OP–6 and OP–7 measures for a surgical care case).

Once the CMS contractor receives the requested medical documentation, it will independently reabstract the same quality measure data elements that the hospital previously abstracted and submitted and compare the two sets of data to determine whether they match. Specifically, it will conduct a measures level validation by calculating each measure within a submitted record using the independently reabstracted data and then comparing this to the measure reported by the hospital; a percent agreement will then be calculated.

As we stated above, the results of the validation will not affect a hospital's CY 2011 annual payment update because we want to give hospitals time to gain experience with the medical documentation requests and the validation process before these results are used in payment determinations. However, hospitals must supply the medical documentation for each requested case; failure to provide this documentation may result in a 2.0 percentage point reduction in a hospital's CY 2011 annual payment update.

b. Proposed Data Validation Approach for CY 2012 and Subsequent Years

Similar to our proposal for the FY 2012 RHQDAPU program (74 FR 24178), we are proposing to validate data from 800 randomly selected hospitals (approximately 20 percent of all participating HOP QDRP hospitals) each year, beginning with the CY 2012 payment determination. We note that because the 800 hospitals will be selected randomly, every HOP QDRP-participating hospital will be eligible each year for validation selection. For each selected hospital, we are proposing to randomly validate per year up to 48 patient episodes of care (12 per quarter) from the total number of cases that the hospital successfully submitted to the OPPS Clinical Warehouse. However, if a selected hospital has submitted less than 12 cases in one or more quarters, only those cases available will be validated. For each selected episode of care, a designated CMS contractor will request that the hospital submit the supporting medical record documentation that corresponds to the episode. We will not be selecting cases stratified by measure or topic; our interest is whether the data submitted by hospitals accurately reflect the care delivered and documented in the medical record, not what the accuracy is by measure or whether there are differences by measure or topic. We are proposing to sample data for April 1, 2010 to March 31, 2011 services because this will provide a full year of the most recent data possible to use for purposes of completing the validation in time to make the CY 2012 payment determinations.

For the CY 2012 and subsequent years' payment determinations, we would use the validation methodology proposed for the CY 2011 payment update with validation being done for each selected hospital. Specifically, we would conduct a measures level validation by calculating each measure within a submitted record using the independently reabstracted data and then comparing this to the measure reported by the hospital; a percent agreement will then be calculated.

To receive the full OPPS payment update, we are proposing that hospitals must attain at least a 90 percent reliability score, based upon our validation process, for the designated time period. We will use the lower bound of a two-tailed 95 percent confidence interval to estimate the validation score. If the calculated upper limit is above the required 90 percent reliability threshold, we will consider a hospital's data to be ''validated'' for payment purposes. We believe that hospitals will be able to attain higher accuracy rates based on the proposed measure level match approach versus a data element level approach; therefore, we are proposing to implement a higher threshold for accuracy than we currently use (and are proposing to use) for validation purposes under the RHQDAPU program. We believe that a hospital will be able to achieve a higher accuracy rate under this validation process because we are not calculating whether each data element matches. Instead, we are determining whether or not the reabstracted measure result (for example, was aspirin given at arrival as part of an episode of care that was properly included in the reported data) matches the measure result that was submitted by the hospital. In other words, we are more interested in whether the measure as a whole has been accurately reported than we are in whether each data element that makes up the measure has been accurately reported. Thus, we are focusing on whether the quality measure as a whole that a hospital reports matches what is in the medical record as determined by our reabstraction. The reason we are proposing to implement a measure level match for the HOP QDRP, rather than a data element match, is that in our experience with the RHQDAPU program, hospitals sometimes receive low validation scores due to data element mismatching and not because the care administered did not match what was documented in the medical record.

We believe that validating a larger number of cases per hospital, but only for 800 randomly selected hospitals, and validating these cases at the measure level (rather than at the data element level) has several benefits. We believe that this approach is suitable for the HOP QDRP because it will: produce a more reliable estimate of whether a hospital's submitted data have been abstracted accurately; provide more statistically reliable estimates of the quality of care delivered in each selected hospital as well as at a national level; and reduce overall hospital burden because most hospitals will not be selected to undergo validation each year.

We solicit public comments on this proposed validation methodology.

c. Additional Data Validation Conditions Under Consideration for CY 2012 and Subsequent Years

We are considering building upon what we are proposing as a validation approach for CY 2012 and subsequent years. We are considering, in addition to

selecting a random sample of hospitals for validation purposes, selecting targeted hospitals based on criteria designed to measure whether the data they have reported raises a concern regarding data accuracy. Because little data have been collected under the HOP QDRP at this point, we are considering this approach for possible use beginning with the CY 2012 payment determination. Examples of targeting criteria could include:

- Abnormal data patterns identified such as consistently high HOP QDRP measure denominator exclusion rates resulting in unexpectedly low denominator counts.
- Whether a hospital had previously failed validation; and/or
- Whether a hospital had not been previously selected for validation for 2 or more consecutive years.

Another example of a possible targeting criterion would involve some combination of the some or all of the criteria discussed above.

We again solicit comments on whether these criteria, or another approach, should be applied in future years. We especially solicit suggestions for additional criteria that could be used to target hospitals for validation.

F. Proposed 2010 Publication of HOP QDRP Data

In the CY 2009 OPPS/ASC final rule with comment period, we stated our intention to make the information collected under the HOP QDRP available to the public in 2010 (74 FR 68778). In the CY 2008 OPPS/ASC final rule with comment period, we stated that ''[i]nformation from non-validated data, including the initial reporting period (April—June 2008) will not be posted'' (72 FR 66874). However, section 1833(t)(17)(E) of the Act requires that the Secretary establish procedures to make data collected under the HOP QDRP available to the public, and does not require that such data be validated before it is made public. Moreover, under existing procedures for the RHQDAPU program, data submitted by hospitals are publicly reported regardless of whether those data are successfully validated for payment determination purposes. For these reasons, we are proposing to make data collected for quarters beginning with third quarter of CY 2008 (July - September 2008) under the HOP QDRP publicly available, regardless of whether those data have been validated for payment determination purposes. We invite public comment on this proposal.

As we noted in section XVI.A.5.c. of this proposed rule, in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68778), we established that for CY 2010, hospitals sharing the same CCN must combine data collection and submission across their multiple campuses for the clinical measures for public reporting purposes and that we will publish quality data by CCN under the HOP QDRP. This approach is consistent with the approach taken under the RHQDAPU program. In that final rule with comment period, we also stated that we intend to indicate instances where data from two or more hospitals are combined to form the publicly reported measures on the Web site.

G. Proposed HOP QDRP Reconsideration and Appeals Procedures

When the RHQDAPU program was initially implemented, it did not include a reconsideration process for hospitals. Subsequently, we received many requests for reconsideration of those payment decisions and, as a result, established a process by which participating hospitals would submit requests for reconsideration. We anticipated similar concerns with the HOP QDRP and, therefore, in the CY 2008 OPPS/ASC final rule with comment period (72 FR 66875) we stated our intent to implement for the HOP QDRP a reconsideration process modeled after the reconsideration process we implemented for the RHQDAPU program. In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68779), we adopted a mandatory reconsideration process that will apply to the CY 2010 payment decisions. We are proposing to continue this process for the CY 2011 payment update. Under this proposed process, the hospitals must—

(1) Submit to CMS, via QualityNet, a Reconsideration Request form that will be made available on the QualityNet Web site; this form must be submitted by February 3, 2011 and must contain the following information:

- Hospital CCN.
- Hospital Name.
- CMS-identified reason for failure (as provided in any CMS notification of failure to the hospital).
- Hospital basis for requesting reconsideration. This must identify the hospital's specific reason(s) for believing it met the HOP QDRP requirements and should receive a full annual payment update.
- CEO and any additional designated hospital personnel contact information, including name, e-mail address, telephone number, and mailing address (must include physical address, not just a post office box).
- A copy of all materials that the hospital submitted in order to receive the full payment update for CY 2011. Such material would include, but may not be limited to, the applicable Notice of Participation form or completed online registration form, and quality measure data that the hospital submitted via QualityNet.

The request must be signed by the hospital's CEO.

(2) Following receipt of a request for reconsideration, CMS will—

- Provide an e-mail acknowledgement, using the contact information provided in the reconsideration request, to the CEO and any additional designated hospital personnel notifying them that the hospital's request has been received.
- Provide a formal response to the hospital CEO and any additional designated hospital personnel, using the contact information provided in the reconsideration request, notifying the hospital of the outcome of the reconsideration process.

If a hospital is dissatisfied with the result of a HOP QDRP reconsideration decision, the hospital may file an appeal under 42 CFR Part 405, Subpart R (PRRB appeal).

H. Reporting of ASC Quality Data

As discussed above, section 109(b) of the MIEA–TRHCA amended section 1833(i) of the Act by redesignating clause (iv) as clause (v) and adding new clause (iv) to paragraph (2)(D) and new paragraph (7) to the Act. These amendments authorize the Secretary to require ASCs to submit data on quality measures and to reduce the annual payment update in a year by 2.0 percentage points for ASCs that fail to do so. These provisions permit, but do not require, the Secretary to require ASCs to submit such data and to reduce any annual increase for noncompliant ASCs.

In the CY 2008 OPPS/ASC final rule with comment period (72 FR 66875) and in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68780), we indicated that we intended to implement the provisions of section 109(b) of the MIEA–TRHCA in a future rulemaking. While promoting high quality care in the ASC setting through quality reporting is highly desirable and fully in line with our efforts under other payment systems, the transition to the revised payment system in CY 2008 posed significant challenges to ASCs, and we determined that it would be most appropriate to allow time for ASCs to gain some experience with the revised payment system before introducing other new requirements.

Further, by implementing quality reporting under the OPPS prior to establishing quality reporting for ASCs, CMS would gain experience with quality measurement in the ambulatory setting in order to identify the most appropriate measures for quality reporting in ASCs prior to the introduction of the requirement in ASCs. Finally, we are sensitive to the potential burden on ASCs associated with chart abstraction and believe that adopting such measures at this time is in contrast with our desire to minimize collection burden, particularly when measures may be reported via EHRs in the future.

We continue to believe that promoting high quality care in the ASC setting through quality reporting is highly desirable and fully in line with our efforts under other payment systems. However, we continue to have the concerns outlined above for CY 2010 and, therefore, we intend to implement the provisions of section 109(b) of the MIEA–TRHCA in a future rulemaking. We invite public comment on this deferral of quality data reporting for ASCs and invite suggestions for quality measures geared toward the services provided by ASCs. We again seek comment on potential reporting mechanisms for ASC quality data, including electronic submission of these data.

I. Electronic Health Records

As stated above, CMS is actively seeking alternatives to manual chart abstraction for the collection of quality measures for its quality data reporting programs. Among these alternatives are claims-based measure calculation, collection of data from systematic registries widely used by hospitals, and electronic submission of quality measures via EHRs. In the CY 2009 OPPS/ASC final rule with comment period, commenters suggested that we adopt measures that can be collected via EHRs (73 FR 68769). We agree with the commenters about the importance of actively working to move to a system of data collection based on submission from EHRs. We have been engaged with health IT standards setting organizations to promote the adoption of the necessary standards regarding data capture to facilitate data collection via EHRs, and have been collaborating with such organizations on standards for a number of quality measures. We encourage hospitals to take steps toward the adoption of EHRs that will allow for reporting of clinical quality data from the EHR directly to a CMS data repository. We also encourage hospitals that are implementing, upgrading or developing EHR systems to ensure that such systems conform to standards adopted by HHS. We invite public comment on the future direction of EHR-based quality measure submission with respect to the HOP QDRP.

XVII. Healthcare-Associated Conditions

A. Background

1. Preventable Medical Errors and Hospital-Acquired Conditions (HACs) under the IPPS

As noted in its landmark 1999 report ''To Err is Human: Building a Safer Health System,'' the Institute of Medicine found that medical errors are a leading cause of morbidity and mortality in the United States. Total national costs of these errors due to lost productivity, disability, and health care costs were estimated at $17 billion to $29 billion.[2] As one approach to combating healthcare-associated conditions, in 2005, Congress authorized CMS to adjust Medicare IPPS hospital payments to encourage the prevention of these conditions. Section 1886(d)(4)(D) of the Act (as added by section 5001(c) of the Deficit Reduction Act (DRA) of 2005, Pub. L. 109–171) required the Secretary to select by October 1, 2007, at least two conditions that are: (1) High cost, high volume, or both; (2) assigned to a higher paying diagnosis-related group (DRG) when present as a secondary diagnosis; and (3) could reasonably have been prevented through the application of evidence-based guidelines. CMS has titled this initiative ''Hospital-Acquired Conditions (HAC) and Present on Admission (POA) Indicator Reporting.'' Since October 1, 2008, Medicare no longer assigns a hospital inpatient discharge to a higher paying Medicare Severity Diagnosis-Related Group (MS–DRG) if a selected HAC is not present on admission. That is, if there is a HAC, the case is paid as though the secondary diagnosis was not present. However, if any nonselected complications or comorbidities appear on the claim, the claim will be paid at the higher MS–DRG rate; to cause a lower MS–DRG payment, all complications or comorbidities on the claim must be selected conditions for the HAC payment provision. Since October 1, 2007, CMS has required hospitals to submit information on Medicare hospital inpatient claims specifying whether diagnoses were POA.

[2] Institute of Medicine: To Err Is Human: Building a Safer Health System, November 1999. Available at: *http://www.iom.edu/Object.File/Master/4/117/ToErr-8pager.pdf.*

2. Expanding the Principles of the IPPS HACs Payment Provision to the OPPS

In the CY 2009 OPPS/ASC proposed rule and final rule with comment period (73 FR 41547 and 68781, respectively), we discussed whether the principle of Medicare not paying more for preventable HACs during inpatient stays paid under the IPPS could be applied more broadly to other Medicare payment systems in other settings for conditions that occur or result from health care delivered in those settings. We also acknowledged that implementation of this concept would be different for each setting, as each Medicare payment system is unique. As we have used in past rulemaking and general notices, in the following discussion in this proposed rule, we refer to conditions that occur in the hospital inpatient setting as ''hospital-acquired conditions (HACs),'' to conditions that occur in HOPDs as ''hospital outpatient healthcare-associated conditions (HOP-HACs),'' and to conditions that result from care in settings other than the hospital inpatient and HOPD settings as ''healthcare-associated conditions.''

In both the CY 2009 OPPS/ASC proposed rule and final rule with comment period, we specifically presented our rationale for considering the HOPD as a possible appropriate setting for Medicare to extend to the OPPS the concept of not paying more for preventable healthcare-associated conditions that occur as a result of care provided during a hospital encounter. For example, hospitals provide a broad array of services in their HOPDs that may overlap or precede the inpatient activities of the hospital, including many surgical procedures and diagnostic tests that are commonly performed on both hospital inpatients and outpatients. Similarly, individuals who are eventually admitted as hospital inpatients often initiate their hospital encounter in the HOPD, where they receive care during clinic or emergency department visits or observation care that precede their inpatient hospital admission. In addition, like the IPPS, the OPPS is also subject to the ''pay-for-reporting'' provision that affects the hospital outpatient annual payment update by the authority of section 1833(t)(17) of the Act (as amended by section 109(a) of Public Law 109–432 (MIEA–TRHCA)). (We refer readers to section XVI. of this proposed rule for a discussion of the HOP QDRP provisions for hospitals that fail to meet the reporting requirements established for the hospital outpatient payment update.)

The risks of preventable medical errors leading to the occurrence of healthcare-associated conditions are likely to be high in outpatient settings, given the large number of encounters and exposures that occur in these settings. Approximately 530,000 preventable drug-related injuries are estimated to occur each year among Medicare beneficiaries in outpatient clinics.[3] These statistics clearly point to the significant magnitude of the problem of healthcare-associated conditions in outpatient settings. Recent trends have shown a shift in services from the inpatient setting to the HOPD, and we expect the occurrence of healthcare-associated conditions stemming from outpatient care to grow directly as a result of this shift in sites of service.

For the CY 2009 OPPS, we did not adopt any new Medicare policy in our discussion of healthcare-associated conditions as they relate to the OPPS. Instead, in the CY 2009 OPPS/ASC proposed rule, we solicited public comments on options and considerations, including the statutory authority related to expanding the IPPS HAC provision to the OPPS. Our discussion addressed the following areas:

- Criteria for possible candidate OPPS conditions;
- Collaboration process;
- Potential OPPS HOP-HACs, including object left in during surgery; air embolism; blood incompatibility; and falls and trauma, fractures, dislocations, intracranial injuries, crushing injuries, and burns; and
- OPPS infrastructure and payment for encounters resulting in healthcare-associated conditions, including the necessity of POA reporting for hospital outpatient services, methods for risk stratification, and potential methods for adjusting hospital payment.

3. Discussion in the CY 2009 OPPS/ASC Final Rule With Comment Period

In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68784 through 68787), we responded to the public comments we received on healthcare-associated conditions in the context of the OPPS. Several commenters fully supported expanding the IPPS HAC policy to other settings such as HOPDs and ASCs, but many commenters stated that CMS should not implement a related policy in other settings without gaining implementation experience with the IPPS HACs. A number of commenters addressed concerns regarding some of the potential specific HOP-HACs discussed in the CY 2009 OPPS/ASC proposed rule (73 FR 41549), and some commenters suggested other conditions that should be considered or identified those that should not be considered. Many commenters stated that the attribution of HOP-HACs in the HOPD setting is difficult and stated that there was a need to develop risk adjustment techniques to account for differences in patient severity or other patient characteristics. Many commenters asserted that the POA indicators may need to be modified for use in the HOPD or ASC setting. Some commenters suggested that a ''present on encounter'' indicator or another form of incorporation of preexisting conditions into an episode-of-care might be more useful than a POA indicator. Several commenters believed that without changes to the existing OPPS payment structure, there would be no straightforward methodology for adjusting hospital payment. While we acknowledged these challenges in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68787), we noted that we view addressing the ongoing problem of preventable healthcare-associated conditions in outpatient settings, including the HOPD, as a key value-based purchasing strategy to sharpen the focus on such improvements beyond hospital inpatient care to those settings where the majority of Medicare beneficiaries receive most of their health care services. We also noted that we looked forward to continuing to work with stakeholders to improve the quality, safety, and value of health care provided to Medicare beneficiaries, beginning with a joint IPPS/OPPS listening session.

B. Public Comments and Recommendations on Issues Regarding Healthcare-Associated Conditions From the Joint IPPS/OPPS Listening Session

Subsequent to the issuance of the CY 2009 OPPS/ASC final rule with comment period, we held a joint Hospital-Acquired Conditions and Hospital Outpatient Healthcare-Associated Conditions Listening Session on December 18, 2008. (The listening session was announced in a notice published in the **Federal Register** on October 30, 2008 (73 FR 64618). During the listening session, we provided an overview of the HAC program under the IPPS and our previous discussions of extending the underlying concepts to the HOPD, including OPPS infrastructure concerns such as the lack of a POA indicator and the need to address current ICD–9–CM POA reporting guidelines, attribution of conditions in the HOPD, and payment adjustment considerations. In addition to the initial candidate HOP-HACs that we had previously identified based on their adoption under the IPPS, we discussed other potential HOP-HACs, such as medication errors, conditions related to complications of hospital outpatient surgery or other procedures, and infections related to HOPD care. A transcript of the listening session is available on the CMS Web site at: *http://www.cms.hhs.gov/HospitalAcqCond/07_EducationalResources.asp#TopOfPage*.

Of the many public comments presented orally at the listening session or submitted in writing, approximately one-half commented on expansion of the IPPS HAC payment provision to other settings. Some commenters were in favor of an expansion to the HOPD and other settings. Many commenters requested that CMS delay any expansion, citing the short duration of experience with HACs and POA indicator reporting for inpatient hospitalizations and the need to evaluate the current program prior to its expansion to other settings. We appreciate these commenters' perspectives and note that now that we have early data on the HAC program, in the immediate future we plan to evaluate the impact of the HAC payment provision through a joint program evaluation with CDC, AHRQ, and the Office of Public Health and Science.

Many commenters pointed to the need to define the boundaries of an episode-of-care for healthcare-associated conditions in the HOPD and other settings in order to define when, how, and to whom an expanded policy would apply. These commenters also noted that hospital outpatients have frequently received care from numerous practitioners and providers over an extended period of time and the hospitals' or clinics' role would be supportive, rather than prescriptive, with respect to that patient care. They requested that CMS develop a comprehensive and accurate definition of an episode-of-care in order to appropriately attribute responsibility and the additional costs associated with HOP–HACs. We have previously acknowledged that short-term consideration of HOP–HACs would necessarily be limited to conditions that occur during and result from care provided in a single hospital outpatient encounter because a broader definition

[3] Asplen, P., Wolcott, J., Bootman, J.L., Cronenwett, L.R. (editors): Preventing Medication Errors: Quality Chasm Series, The National Academy Press, 2007. Available at: *http://www.nap.edu/catalog.php?record_id=11623*.

of an episode-of-care has not yet been developed.

Many commenters believed that detailed information should be gathered and analyzed from the IPPS POA indicator reporting experience before an expansion of the HAC payment provision and POA indicator reporting to the HOPD. Other commenters pointed out that the initial four conditions under consideration for HOPDs based on their adoption under the IPPS would likely require emergency admission for treatment of the event. Though secondary to an initial encounter in the HOPD, they indicated that these conditions would be coded as POA for the IPPS according to current reporting guidelines and would not be captured as HOP–HACs. Several commenters stated that, in the HOPD, it would be particularly important to make an assessment over an entire episode-of-care; thus, POA might be better defined in terms of ''present on encounter'' for this purpose. Other commenters pointed to the need for the development of new codes and determinations of when the codes should apply in order to capture POA conditions under the OPPS, an activity that would potentially significantly increase hospitals' administrative burden. Some commenters suggested waiting to expand the HAC payment provision to other settings until implementation of the ICD–10 classification system, which would provide more precise coding to identify preexisting conditions. We have acknowledged a number of these challenges already, and we will continue to consider these reporting issues as we refine our views regarding potential HOP–HACs.

Many commenters highlighted that patients receiving hospital outpatient care may receive care in multiple departments of the hospital, both during a single outpatient encounter and longitudinally over many outpatient encounters of relatively short duration. These commenters stated that, because of these common patterns of care, the timely identification of HOP–HACs and their provider attribution would be particularly challenging. In addition, the commenters pointed out that patient factors may play a role in the development of potential HOP–HACs, such as adverse drug events. Several of these commenters suggested targeting the HOP–HAC policy to specific APCs, specific HCPCS codes, or specific HOPD settings, such as the emergency department. In the CY 2009 OPPS/ASC proposed rule and final rule with comment period (73 FR 41549 through 41550 and 68785 through 68787, respectively), we discussed the challenge of provider attribution under the OPPS, particularly for conditions that may develop over time and involve multiple encounters and other care settings. We understand the importance of this issue and will continue to be cognizant of it in future policy development.

Several commenters asserted that CMS should consider risk adjustment models that incorporate population risk adjustments to avoid creating barriers to access for more complex patients or to avoid unduly placing providers treating more complex patients at higher risk for payment consequences due to HOP–HACs. A number of commenters endorsed the use of rate-based measures of conditions on a provider-specific level so that the level of preventability of specific clinical conditions could be determined and compared. Several commenters stated that, under the best of circumstances, falls may not be ''reasonably preventable,'' particularly in the HOPD. Many commenters also believed that adverse drug events would require further definition in order to appropriately address medication errors that were not directly under the control of the hospital providing the treatment of the medication-related problem and were, therefore, not ''reasonably preventable.'' Similarly, some commenters stated that it would be difficult to appropriately attribute metabolic derangements in the HOPD to the hospital treating the resulting clinical problem. We appreciate these public comments and will use our collaborative process with CDC, AHRQ, and the Office of Public Health and Science to help define potential HOP–HACs that are clinically meaningful for patient safety, as well as attributable to care furnished by providers.

Numerous commenters urged CMS to generally proceed with care, to promote the use of evidence-based guidelines and care coordination, and to ensure that any HOP–HAC program is aligned with other CMS quality programs. Many commenters believed that the challenges involved might be better addressed operationally within a full-scale value-based purchasing program. We appreciate these suggestions and will consider them as we advance policies that will ensure paying for the highest quality, safest, and most effective health care for Medicare beneficiaries.

C. CY 2010 Approach to Healthcare-Associated Conditions Under the OPPS

For CY 2010, we are not proposing to expand the principles behind the IPPS HAC payment provision to the OPPS through a HOP–HAC program. While we continue to believe that it may be appropriate to expand the principles of the IPPS HAC payment provision to the OPPS in the future, we acknowledge that, at this time, there are many operational challenges to such an expansion that will require further consideration and infrastructure development. We appreciate the input and guidance provided by the many public commenters to date on how to approach these challenges. Most stakeholders have strongly encouraged CMS to evaluate the impact of the IPPS HAC payment provision before further considering any expansion to other settings. At this time, we are evaluating the impact of the HAC and POA indicator reporting initiative on Medicare payment. We plan to consider any relevant findings as part of our future decisionmaking regarding any expansion of the HAC payment provision to other settings. We welcome additional suggestions and comment from stakeholders on potential HOP–HACs as additional information becomes available and health care delivery continues to evolve.

XVIII. Files Available to the Public Via the Internet

A. Information in Addenda Related to the CY 2010 Hospital OPPS

Addenda A and B to this proposed rule provide various data pertaining to the proposed CY 2010 payment for items and services under the OPPS. Addendum A, which includes a list of all APCs proposed as payable under the OPPS, and Addendum B, which includes a list of all active HCPCS codes with their proposed CY 2010 OPPS payment status and comment indicators, are available to the public by clicking ''Hospital Outpatient Regulations and Notices'' on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/.*

For the convenience of the public, we also are including on the CMS Web site a table that displays the HCPCS code data in Addendum B sorted by proposed APC assignment, identified as Addendum C.

Addendum D1 defines the payment status indicators that we are proposing to use in Addenda A and B. Addendum D2 defines the comment indicators that we are proposing to use in Addendum B. Addendum E lists the proposed HCPCS codes that we propose would only be payable to hospitals as inpatient procedures and would not be payable under the OPPS. Addendum L contains the proposed out-migration wage adjustment for CY 2010. Addendum M lists the proposed HCPCS codes that would be members of a composite APC

and identifies the composite APC to which each would be assigned. This addendum also identifies the proposed status indicator for the HCPCS code and a proposed comment indicator if there is a proposed change in the code's status with regard to its membership in the composite APC. Each of the proposed HCPCS codes included in Addendum M has a single procedure payment APC, listed in Addendum B, to which it would be assigned when the criteria for assignment to the composite APC are not met. When the criteria for payment of the code through the composite APC are met, one unit of the composite APC payment is paid, thereby providing packaged payment for all services that are assigned to the composite APC according to the specific I/OCE logic that applies to the APC. We refer readers to the discussion of composite APCs in section II.A.2.e. of this proposed rule for a complete description of the composite APCs.

These addenda and other supporting OPPS data files are available on the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/*.

B. Information in Addenda Related to the CY 2010 ASC Payment System

Addenda AA and BB to this proposed rule provide various data pertaining to the proposed CY 2010 payment for ASC covered surgical procedures and covered ancillary services for which ASCs may receive separate payment. Addendum AA lists the proposed ASC covered surgical procedures and the proposed CY 2010 ASC payment indicators and payment rates for each procedure. Addendum BB displays the proposed ASC covered ancillary services and their proposed CY 2010 payment indicators and payment rates. All proposed relative payment weights and payment rates for CY 2010 are a result of applying the revised ASC payment system methodology established in the final rule for the revised ASC payment system published in the **Federal Register** on August 2, 2007 (72 FR 42470 through 42548) to the proposed CY 2010 OPPS and MPFS ratesetting information.

Addendum DD1 defines the proposed payment indicators that are used in Addenda AA and BB. Addendum DD2 defines the proposed comment indicators that are used in Addenda AA and BB.

Addendum EE (available only on the CMS Web site) lists the surgical procedures that we are proposing to exclude from Medicare payment if furnished in ASCs. The proposed excluded procedures listed in Addendum EE are surgical procedures that would be assigned to the OPPS inpatient list, would not be covered by Medicare, would be reported using a CPT unlisted code, or have been determined to pose a significant safety risk or are expected to require an overnight stay when performed in ASCs.

These addenda and other supporting ASC data files are included on the CMS Web site at: *http://www.cms.hhs.gov/ASCPayment/*. The MPFS data files are located at: *http://www.cms.hhs.gov/PhysicianFeeSched/*.

The links to all of the proposed FY 2010 IPPS wage index-related tables (that we are proposing to use for the CY 2010 OPPS) that were published in the FY 2010 IPPS/LTCH PPS proposed rule (74 FR 24273 through 24569) are accessible on the CMS Web site at: *http://www.cms.hhs.gov/AcuteInpatientPPS/WIFN*.

XIX. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

This proposed rule does not specify any information collection requirements through regulatory text. However, in this proposed rule we make reference to associated information collection requirements that are not discussed in the regulation text contained in this document. The following is a discussion of those requirements.

As previously stated in Section XVI of the preamble of this document, the quality data reporting program for hospital outpatient care, known as the Hospital Outpatient Quality Data Reporting Program (HOP QDRP), has been generally modeled after the program for hospital inpatient services, the Reporting Hospital Quality Data for Annual Payment Update (RHQDAPU) program. Section 109(a) of the MIEA–TRHCA (Pub. L. 109–432) amended section 1833(t) of the Act by adding a new subsection (17) that affects the payment rate update applicable to OPPS payments for services furnished by hospitals in outpatient settings on or after January 1, 2009. Section 1833(t)(17)(A) of the Act, which applies to hospitals as defined under section 1886(d)(1)(B) of the Act, states that subsection (d) hospitals that fail to report data required for the quality measures selected by the Secretary in the form and manner required by the Secretary under section 1833(t)(17)(B) of the Act will receive a 2.0 percentage point reduction to their annual payment update factor. Section 1833(t)(17)(B) of the Act requires that hospitals submit quality data in a form and manner, and at a time, that the Secretary specifies. Section 1833(t)(17)(C)(i) of the Act requires the Secretary to develop measures appropriate for the measurement of the quality of care (including medication errors) furnished by hospitals in outpatient settings, that these measures reflect consensus among affected parties and, to the extent feasible and practicable, that these measures include measures set forth by one or more national consensus building entities.

HOP QDRP Quality Measures for the CY 2010 and CY 2011 Payment Determinations

In CY 2009, hospitals were required to submit information for seven data abstracted measures. In addition, in the CY 2009 final rule (73 FR 68766) we adopted four claims-based imaging measures for use in CY 2010, bringing the total number to 11 measures. For the CY 2010 payment update, we are requiring hospitals to submit data related to the 7 data abstracted measures; the claims-based measures will be calculated from administrative paid claims data and do not require additional data submission. Similarly, we are proposing to use the same 11 measures for CY 2011 payment determinations.

HOP QDRP measurement set to be used for CY 2010 and CY 2011 payment determination
OP–1: Median Time to Fibrinolysis.
OP–2: Fibrinolytic Therapy Received Within 30 Minutes.
OP–3: Median Time to Transfer to Another Facility for Acute Coronary Intervention.
OP–4: Aspirin at Arrival.
OP–5: Median Time to ECG.
OP–6: Timing of Antibiotic Prophylaxis.
OP–7: Prophylactic Antibiotic Selection for Surgical Patients.
OP–8: MRI Lumbar Spine for Low Back Pain.

HOP QDRP measurement set to be used for CY 2010 and CY 2011 payment determination
OP–9: Mammography Follow-up Rates.
OP–10: Abdomen CT—Use of Contrast Material.
OP–11: Thorax CT—Use of Contrast Material.

As part of the data submission process pertaining to the 11 measures listed above, hospitals must also complete and submit notice of participation. By submitting this document, hospitals agree that they will allow CMS to publicly report the quality measures as required by the HOP QDRP.

The burden associated with this section is the time and effort associated with completing the notice of participation as well as collecting and submitting the data on the 7 data abstracted measures. We estimate that there will be approximately 3,500 respondents per year. For hospitals to collect and submit the information on the required measures, we estimate it will take 30 minutes per sampled case. We estimate there will be a total of 1,800,000 cases per year, approximately 514 cases per respondent. The estimated annual burden associated with the aforementioned submission requirements is 900,000 hours ((1,800,000 cases/year) × (0.5 hours/case)).

HOP QDRP Validation Requirements

In addition to requirements for submitting of quality data, hospitals must also comply with the proposed requirements for data validation in CY 2011. As specified in section XVI.E of the preamble, for the CY2011 payment determination, we are proposing to implement a validation program that will require hospitals to supply requested medical documentation to a CMS contractor for purposes of being validated. However, the results of the validation will not affect the CY 2011 payment update for any hospital. We believe that it is important for hospitals to have some experience and knowledge of the HOP QDRP validation process before payment determinations are made based upon validation results. We are proposing to implement a validation program that will both limit burden upon hospitals, especially small hospitals, as well as provide feedback to all hospitals on validation performance. We are proposing to request medical documentation from hospitals for April 1, 2009 through March 31, 2010 episodes of care, which will allow us to gather one full year of submitted data for validation purposes.

The burden associated with the proposed CY 2011 requirement is the time and effort necessary to submit validation data to a CMS contractor. We estimate that it will take each hospital approximately 38 minutes to comply with these data submission requirements. To comply with the requirements, we estimate each hospital must submit between 2 to 3 cases on average for review. We estimate that 3,200 hospitals must comply with these requirements to submit a total of 7,300 charts across all sampled hospitals. The estimated annual burden associated with the data validation process for CY2011 is 2,026 hours.

Similar to our proposal for the FY 2012 RHQDAPU program (74 FR 24178), we are proposing to validate data from 800 randomly selected hospitals each year, beginning with the CY 2012 payment determination. We note that because the 800 hospitals will be selected randomly, every HOP QDRP-participating hospital will be eligible each year for validation selection. For each selected hospital, we are proposing to randomly validate per year up to 48 patient episodes of care (12 per quarter) from the total number of cases that the hospital successfully submitted to the OPPS Clinical Warehouse. However, if a selected hospital has submitted less than 12 cases in one or more quarters, only those cases available will be validated.

The burden associated with the proposed CY 2012 requirement is the time and effort necessary to submit validation data to a CMS contractor. We estimate that it will take each of the 800 sampled hospitals approximately 12 hours to comply with these data submission requirements. To comply with the requirements, we estimate each hospital must submit 48 cases for the affected year for review. We estimate that 800 hospitals must comply with these requirements to submit a total of 38,400 charts across all sampled hospitals. The estimated annual burden associated with the data validation process for CY 2012 and subsequent years is 9,600 hours.

Proposed HOP QDRP Reconsideration and Appeals Procedures

In the CY 2009 OPPS/ASC final rule with comment period (73 FR 68779), we adopted a mandatory reconsideration process that will apply to the CY 2010 payment decisions. We are proposing to continue this process for the CY 2011 payment update. Under this proposed process, the hospitals must meet all of the requirements specified in section XVI.G of the preamble. The burden associated with meeting the requirements associated with the reconsideration and appeals procedures is the time and effort necessary to gather the required information and submit it to CMS. While these requirements are subject to the PRA, the associated burden is exempt under 5 CFR 1320.4. Information collected subsequent to an administrative action is not subject to the PRA.

Additional Topics

While we are seeking OMB approval for the information collection requirements associated with the HOP QDRP and the data validation processes, we are also seeking public comment on several issues that have the potential to ultimately affect the burden associated with HOP QDRP and the data validation processes. Specifically, this proposed rule lists the possible quality measures under consideration for CY 2012 and subsequent years. We are also actively soliciting public comments to explore the use of registries to comply with the HOP QDRP submission requirements, the use of EHRs as a data submission tool, the use of a standardized process for the retirement of HOP QDRP quality measures, the use of an extraordinary circumstance extension or waiver for reporting quality data, and the implementation of additional data validation conditions. We will continue to evaluate all of these issues and address them in later stages of rulemaking.

If you comment on these information collection and recordkeeping requirements, please do either of the following:

1. Submit your comments electronically as specified in the **ADDRESSES** section of this proposed rule; or

2. Submit your comments to the Office of Information and Regulatory Affairs, Office of Management and Budget,

Attention: CMS Desk Officer, (CMS–1414–P)

Fax: (202) 395-6974; or

E-mail: *OIRA_submission@omb.eop.gov.*

XX. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this proposed rule, and, when we proceed with a subsequent document(s), we will respond to those comments in the preamble to that document(s).

XXI. Regulatory Impact Analysis

A. Overall Impact

We have examined the impacts of this proposed rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), Executive Order 13132 on Federalism, and the Congressional Review Act (5 U.S.C. 804(2)).

1. Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules that have economically significant effects ($100 million or more in any 1 year) or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government or communities (58 FR 51741).

We estimate that the effects of the OPPS provisions that would be implemented by this proposed rule would result in expenditures exceeding $100 million in any 1 year. We estimate the total increase (from proposed changes in this proposed rule as well as enrollment, utilization, and case-mix changes) in expenditures under the OPPS for CY 2010 compared to CY 2009 to be approximately $1.4 billion. Because this proposed rule for the OPPS is ''economically significant'' as measured by the $100 million threshold and also a major rule under the Congressional Review Act, we have prepared a regulatory impact analysis that, to the best of our ability, presents the costs and benefits of this rulemaking. Table 51 of this proposed rule displays the redistributional impact of the CY 2010 proposed changes on OPPS payment to various groups of hospitals.

We estimate that the effects of the ASC provisions that would be implemented by this proposed rule for the ASC payment system would not exceed $100 million in any 1 year and, therefore, are not economically significant. We estimate the total increase (from proposed changes in this proposed rule as well as enrollment, utilization, and case-mix changes) in expenditures under the ASC payment system for CY 2010 compared to CY 2009 to be approximately $80 million. However, because this proposed rule for the ASC payment system substantially affects ASCs, we have prepared a regulatory impact analysis of changes to the ASC payment system that, to the best of our ability, presents the costs and benefits of this rulemaking. Table 53 and Table 54 of this proposed rule display the redistributional impact of the CY 2010 proposed changes on ASC payment, grouped by specialty area and then by procedures with the greatest ASC expenditures, respectively.

2. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small businesses if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Many hospitals, other providers, ASCs, and other suppliers are considered to be small entities, either by being nonprofit organizations or by meeting the Small Business Administration (SBA) definition of a small business (hospitals having revenues of $34.5 million or less in any 1 year; ambulatory surgical centers having revenues of $10 million or less in any 1 year). (For details on the latest standards for health care providers, we refer readers to the SBA's Web site at: *http://sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf* (refer to the 620000 series).)

For purposes of the RFA, we have determined that many hospitals and most ASCs would be considered small entities according to the SBA size standards. Individuals and States are not included in the definition of a small entity. Therefore, the Secretary has determined that this proposed rule would have a significant impact on a substantial number of small entities. Because we acknowledge that many of the affected entities are small entities, the analyses presented throughout this proposed rule constitute our proposed regulatory flexibility analysis. Therefore, we are soliciting public comments on our estimates and analyses of the impact of this proposed rule on those small entities.

3. Small Rural Hospitals

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. With the exception of hospitals located in certain New England counties, for purposes of section 1102(b) of the Act, we now define a small rural hospital as a hospital that is located outside of an urban area and has fewer than 100 beds. Section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21) designated hospitals in certain New England counties as belonging to the adjacent urban areas. Thus, for OPPS purposes, we continue to classify these hospitals as urban hospitals. We believe that the changes to the OPPS in this proposed rule would affect both a substantial number of rural hospitals as well as other classes of hospitals and that the effects on some may be significant. Also, the changes to the ASC payment system in this proposed rule would affect rural ASCs. Therefore, the Secretary has determined that this proposed rule would have a significant impact on the operations of a substantial number of small rural hospitals.

4. Unfunded Mandates

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. That threshold level is currently approximately $133 million. This proposed rule would not mandate any requirements for State, local, or tribal governments, nor would it affect private sector costs.

5. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct costs on State and local governments, preempts State law, or otherwise has Federalism implications.

We have examined the OPPS and ASC provisions included in this proposed rule in accordance with Executive Order 13132, Federalism, and have determined that they would not have a substantial direct effect on State, local or tribal governments, preempt State law, or otherwise have a Federalism implication. As reflected in Table 51 below, we estimate that OPPS payments to governmental hospitals (including State and local governmental hospitals) would increase by 1.8 percent under this proposed rule. While we cannot know the number of ASCs with government ownership, we anticipate

that it is small. We believe that the provisions related to payments to ASCs in CY 2010 would not affect payments to any ASCs owned by government entities.

The following analysis, in conjunction with the remainder of this document, demonstrates that this proposed rule is consistent with the regulatory philosophy and principles identified in Executive Order 12866, the RFA, and section 1102(b) of the Act. The proposed rule would affect payments to a substantial number of small rural hospitals and a small number of rural ASCs, as well as other classes of hospitals and ASCs, and some effects may be significant.

B. Effects of OPPS Changes in This Proposed Rule

We are proposing to make several changes to the OPPS that are required by the statute. We are required under section 1833(t)(3)(C)(ii) of the Act to update annually the conversion factor used to determine the APC payment rates. We also are required under section 1833(t)(9)(A) of the Act to revise, not less often than annually, the wage index and other adjustments, including pass-through payments and outlier payments. In addition, we must review the clinical integrity of payment groups and weights at least annually. Accordingly, in this proposed rule, we are proposing to update the conversion factor and the wage index adjustment for hospital outpatient services furnished beginning January 1, 2010, as we discuss in sections II.B. and II.C., respectively, of this proposed rule. We also are proposing to revise the relative APC payment weights using claims data for services furnished from January 1, 2008, through December 31, 2008, and updated cost report information. We are proposing to continue the current payment adjustment for rural SCHs, including EACHs. Finally, we list the 6 drugs and biologicals in Table 21 of this proposed rule that we are proposing to remove from pass-through payment status for CY 2010.

Under this proposed rule, we estimate that the proposed update change to the conversion factor and other adjustments as provided by the statute would increase total OPPS payments by 2.1 percent in CY 2010. The proposed changes to the APC weights, the proposed changes to the wage indices, and the proposed continuation of a payment adjustment for rural SCHs, including EACHs, would not increase OPPS payments because these proposed changes to the OPPS are budget neutral. However, these proposed updates do change the distribution of payments within the budget neutral system as shown in Table 51 below and described in more detail in this section. We also estimate that the total change in payments between CY 2010 and CY 2009, considering all payments, including changes in estimated total outlier payments and expiration of additional money for specified wages indices outside of budget neutrality, would increase total OPPS payments by 1.9 percent.

1. Alternatives Considered

Alternatives to the proposed changes we are making and the reasons that we have chosen the options are discussed throughout this proposed rule. Some of the major issues discussed in this proposed rule and the options considered are discussed below.

a. Alternatives Considered for Pass-Through Payment for Implantable Biologicals

We are proposing to change the way we evaluate transitional pass-through applications for implantable biologicals and the way we pay for implantable biologicals newly eligible for transitional pass-through status beginning in CY 2010. As discussed in detail in section V.A.4. of this proposed rule, we are proposing that the pass-through evaluation process and pass-through payment methodology for implantable biologicals that are surgically inserted or implanted (through a surgical incision or a natural orifice) and that are newly approved for pass-through payment beginning on or after January 1, 2010, be the device pass-through process and payment methodology only. As a result, implantable biologicals would no longer be eligible to submit biological pass-through applications and to receive biological pass-through payment at ASP+6 percent. Rather, implantable biologicals that are eligible for device pass-through payment would be paid at the charges-adjusted-to-cost methodology used for all pass-through device categories.

We considered three alternatives for the pass-through evaluation process and payment methodology for implantable biologicals that are surgically inserted or implanted (through a surgical incision or a natural orifice). The first alternative we considered was to make no change to the current pass-through evaluation process and payment methodology for implantable biologicals that are surgically inserted or implanted. We did not select this alternative because this approach would continue the separate pass-through evaluation processes and payment methodologies for implantable biologicals and implantable nonbiological devices that are sometimes used for the same clinical indications and that are FDA-approved as devices. Moreover, implantable biologicals could potentially have two periods of pass-through payment, one as a biological and one as a device. We believe that it is most appropriate for a product to be eligible for a single period of OPPS pass-through payment, rather than a period of device pass-through payment and a period of drug or biological pass-through payment.

The second alternative we considered was to add a criterion requiring the demonstration of substantial clinical improvement to the biological pass-through evaluation process in order for a biological to be approved for pass-through payment. This alternative would provide pass-through payment only for those biologicals that demonstrate clinical superiority, consistent with the pass-through evaluation process for devices and ensuring that a product could receive only one period of pass-through payment. We did not choose this alternative because this approach would continue the different pass-through payment methods for implantable biological and nonbiological devices. Pass-through payment for biologicals is made at ASP+6 percent as required for drug and biological pass-through payment, while pass-through devices are paid at charges adjusted to cost. Therefore, this second alternative would result in continued inconsistent pass-through payment methodologies for biological and nonbiological devices that may substitute for one another.

The third alternative we considered and the one we are proposing for CY 2010 is to provide that, beginning in CY 2010, the pass-through evaluation process and pass-through payment methodology for implantable biologicals that are surgically inserted or implanted (through a surgical incision or a natural orifice) be the device pass-through process and payment methodology only. We chose this alternative because we believe that the most consistent pass-through payment policy is to evaluate all such devices, both biological and nonbiological, under the device pass-through process. We believe that implantable biologicals are most similar to devices because of their required surgical insertion or implantation, and that it would be most appropriate to evaluate them as devices because they share significant clinical similarity with implantable nonbiological devices.

b. Alternatives Considered for Payment of the Acquisition and Pharmacy Overhead Costs of Drugs and Biologicals That Do Not Have Pass-Through Status

We are proposing that, for CY 2010, the OPPS would make payment for separately payable drugs and biologicals at ASP+4 percent, and this payment would continue to represent combined payment for both the acquisition and pharmacy overhead costs of separately payable drugs and biologicals. As discussed in detail in section V.B.3. of this proposed rule, we believe that approximately $150 million of the estimated $395 million in pharmacy overhead cost currently attributed to packaged drugs should, instead, be attributed to separately payable drugs and biologicals to provide an adjustment for the pharmacy overhead costs of these separately payable products. As a result, we also are proposing to reduce the cost of packaged drugs and biologicals that is included in the payment for procedural APCs to offset the $150 million adjustment to payment for separately payable drugs and biologicals. We are proposing that any redistribution of pharmacy overhead cost that may arise from CY 2010 final rule claims data would occur only from some drugs and biologicals to other drugs and biologicals, thereby maintaining the estimated total cost of drugs and biologicals under the OPPS.

We considered three alternatives for payment of the acquisition and pharmacy overhead costs of drugs and biologicals that do not have pass-through status for CY 2010. The first alternative we considered was to continue our standard policy of comparing the estimated aggregate cost of separately payable drugs and biologicals in our claims data to the estimated aggregate ASP dollars for separately payable drugs and biologicals, using the ASP as a proxy for average acquisition cost, to calculate the estimated percent of ASP that would serve as the best proxy for the combined acquisition and pharmacy overhead costs of separately payable drugs and biologicals (70 FR 68642). Under this standard methodology, using April 2009 ASP information and costs derived from CY 2008 OPPS claims data, we estimated the combined acquisition and overhead costs of separately payable drugs and biologicals to be ASP minus 2 percent. As discussed in section V.B.3. of this proposed rule, we also determined that the combined acquisition and overhead costs of packaged drugs are 247 percent of ASP. We did not choose this alternative because we believe that this analysis indicates that our standard drug payment methodology has the potential to ''compress'' the calculated costs of separately payable drugs and biologicals to some degree. Further, we recognize that the attribution of pharmacy overhead costs to packaged or separately payable drugs and biologicals through our standard drug payment methodology of a combined payment for acquisition and pharmacy overhead costs depends, in part, on the treatment of all drugs and biologicals each year under our annual drug packaging threshold. Changes to the packaging threshold may result in changes to payment for the overhead cost of drugs and biologicals that do not reflect actual changes in hospital pharmacy overhead cost for those products.

The second alternative we considered was to adopt the APC Panel's recommendation to accept the pharmacy stakeholders' recommended methodology for payment of drugs and biologicals that do not have pass-through status. This recommended methodology would establish ASP+6 percent as the cost of packaged drugs and biologicals, including all pharmacy overhead costs; establish ASP+6 percent as the acquisition cost of separately payable drugs and biologicals with some overhead cost included; and reallocate the residual cost of packaged drugs and biologicals currently reflected in the claims data across three categories of pharmacy overhead cost that would then be paid separately for each administration of separately payable drugs and biologicals in CY 2010. The pharmacy stakeholders recommended that we pay the pharmacy overhead amount specific to the overhead category to which a drug or biological is assigned, in addition to the ASP+6 percent payment for the separately payable drug or biological, each time a separately payable drug or biological is administered. We refer readers to section V.B.3. of this proposed rule for a more detailed discussion of the pharmacy stakeholders' recommended methodology. We did not choose this alternative because we do not believe that ASP+6 percent would pay sufficiently for the acquisition and pharmacy overhead costs of packaged drugs. We believe the amount of redistribution of pharmacy overhead costs from packaged to separately payable drugs and biologicals incorporated in the recommendation of the pharmacy stakeholders would be too great. In addition, we do not believe that it would be appropriate to establish separate payment for pharmacy overhead costs, thereby unbundling payment for the acquisition and overhead costs of separately payable drugs and biologicals when hospitals report a single charge for these products that represents both types of costs. For these reasons, we are not accepting the APC Panel recommendation to adopt the pharmacy stakeholders' recommended methodology.

The third alternative we considered and the one we are proposing for CY 2010 is to make payment for nonpass-through separately payable drugs and biologicals at ASP+4 percent, which would continue to represent a combined payment for both the acquisition costs of separately payable drugs and the pharmacy overhead costs applicable to these products. We also are proposing to reduce the cost of packaged drugs that is included in the payment for procedural APCs to offset the $150 million adjustment to payment for separately payable drugs and biologicals, resulting in payment for packaged drugs and biologicals of ASP+153 percent under our proposal. We chose this alternative because we believe that it provides the most appropriate redistribution of pharmacy overhead costs associated with drugs and biologicals based on the analyses discussed in section V.B.3. of this proposed rule, and is consistent with the principles of a prospective payment system.

c. Alternatives Considered for the Physician Supervision of Hospital Outpatient Services

We are proposing to revise or further define several policies related to the physician supervision of services in the HOPD for CY 2010. We refer readers to section XIIE of this proposed rule for the full discussion of these proposals. Specifically, for the CY 2010 OPPS, we are proposing to revise our existing policy that requires direct supervision to be provided by a physician to allow specified nonphysician practitioners to supervise the hospital outpatient therapeutic services that they are able to personally perform within their State scope of practice and hospital-granted privileges. We also are proposing to establish a policy for hospital outpatient therapeutic services furnished in the main hospital buildings or in on-campus provider-based departments (PBDs) that ''direct supervision'' would mean that the supervisory physician must be on the same campus, in the hospital or the on-campus PBD of the hospital and immediately available to furnish assistance and direction throughout the performance of the procedure. ''In the hospital'' would

mean those areas in the main building(s) of the provider that are under the ownership, financial, and administrative control of the hospital; that are operated as part of the hospital; and for which the hospital bills the services furnished under the hospital's CMS Certification Number. In addition, we are proposing to establish in regulations a policy that would apply the MPFS physician supervision requirements for diagnostic tests to all hospital outpatient diagnostic tests performed directly by the hospital or under arrangement.

We considered three alternatives for the physician supervision of hospital outpatient services for CY 2010. The first alternative we considered was to make no changes to the existing supervision policies for hospital outpatient therapeutic and diagnostic services and to provide no new policy guidance in this area. This approach would require hospitals to ensure that only physicians supervise services that may currently be ordered or performed by nonphysician practitioners within their State scope of practice and hospital-granted privileges. Hospitals would not receive payment for outpatient services for which they were unable to provide supervision by a physician. In addition, there could continue to be confusion regarding what ''direct supervision'' means for services provided in an area of the hospital that may not be a PBD of the hospital. Lastly, there would be potential for misunderstanding regarding the appropriate level of physician supervision required for hospital outpatient diagnostic services without a clearly stated policy, codified in regulations, that would apply the same level of physician supervision to all hospital outpatient diagnostic services, whether provided directly or under arrangement, as applies to those services currently furnished in physicians' offices and independent diagnostic testing facilities. We did not choose this alternative because we believe that it is important to address the issues outlined above, including areas of potential confusion or limited current policy guidance, to ensure that hospitals are able to comply with the hospital outpatient supervision requirements while providing access to care for Medicare beneficiaries.

The second alternative we considered was to permit specified nonphysician practitioners to supervise the hospital outpatient therapeutic services that they are able to personally perform within their State scope of practice and hospital-granted privileges, but to propose no changes that would provide clearer statements of policy regarding other concerns raised by hospitals regarding physician supervision for hospital outpatient therapeutic and diagnostic services. We did not choose this alternative because we believe it is important to clearly specify the policies that apply to the supervision of both therapeutic and diagnostic services in all hospital outpatient settings in order to ensure the safety and effectiveness of hospital outpatient services furnished to Medicare beneficiaries.

The third alternative we considered and the one we are proposing for CY 2010 was to revise our existing policy to permit specified nonphysician practitioners to supervise the services that they are able to personally perform within their State scope of practice and hospital-granted privileges; to establish a specific definition of ''direct supervision'' for hospital outpatient therapeutic services furnished in the hospital or in on-campus PBDs that was consistent for services furnished by the hospital on campus; and to apply the MPFS supervision requirements for diagnostic tests to all hospital outpatient diagnostic tests provided directly by the hospital or under arrangement. We selected this alternative because we believe that it is appropriate that a licensed nonphysician practitioner who may bill and be paid by Medicare for the practitioner's professional services should be able to supervise the therapeutic services that he or she may personally perform within his or her State scope of practice and hospital-granted privileges. Furthermore, we believe that it is necessary and appropriate to establish consistent and operationally feasible policies regarding the supervision requirements for hospital outpatient therapeutic and diagnostic services in order to ensure safe and effective health care services for Medicare beneficiaries.

2. Limitations of Our Analysis

The distributional impacts presented here are the projected effects of the proposed CY 2010 policy changes on various hospital groups. We post on the CMS Web site our hospital-specific estimated payments for CY 2010 with the other supporting documentation for this proposed rule. To view the hospital-specific estimates, we refer readers to the CMS Web site at: *http://www.cms.hhs.gov/HospitalOutpatientPPS/*. Select ''regulations and notices'' from the left side of the page and then select ''CMS–1414–P'' from the list of regulations and notices. The hospital-specific file layout and the hospital-specific file are listed with the other supporting documentation for this proposed rule. We show hospital-specific data only for hospitals whose claims were used for modeling the impacts shown in Table 51 below. We do not show hospital-specific impacts for hospitals whose claims we were unable to use. We refer readers to section II.A.2. of this proposed rule for a discussion of the hospitals whose claims we do not use for ratesetting and impact purposes.

We estimate the effects of the proposed individual policy changes by estimating payments per service, while holding all other payment policies constant. We use the best data available, but do not attempt to predict behavioral responses to our proposed policy changes. In addition, we do not make adjustments for future changes in variables such as service volume, service-mix, or number of encounters. As we have done in previous rules, we are soliciting public comment and information about the anticipated effects of our proposed changes on hospitals and our methodology for estimating them.

3. Estimated Effects of This Proposed Rule on Hospitals

Table 51 below shows the estimated impact of this proposed rule on hospitals. Historically, the first line of the impact table, which estimates the proposed change in payments to all hospitals, has always included cancer and children's hospitals, which are held harmless to their pre-BBA payment-to-cost ratio. We also are including CMHCs in the first line that includes all providers because we included CMHCs in our weight scaler estimate.

We present separate impacts for CMHCs in Table 51 because CMHCs are paid under two APCs for services under the OPPS: APC 0172 (Level 1 Partial Hospitalization (3 services)) and APC 0173 (Level II Partial Hospitalization (4 or more services)). We discuss the impact on CMHCs in section XXI.B.4. of this proposed rule.

The estimated increase in the total payments made under the OPPS is limited by the increase to the conversion factor set under the methodology in the statute. The distributional impacts presented do not include assumptions about changes in volume and service-mix. The enactment of Public Law 108–173 on December 8, 2003, provided for the additional payment outside of the budget neutrality requirement for wage indices for specific hospitals reclassified under section 508. Public Law 108–173 extended section 508 reclassifications through September 30, 2008. Section 124 of Public Law 110–275 further

extended section 508 reclassifications through September 30, 2009. The amounts attributable to these reclassifications are incorporated into the CY 2009 estimates.

Table 51 shows the estimated redistribution of hospital and CMHC payments among providers as a result of APC reconfiguration and recalibration; wage indices; the combined impact of the APC recalibration, wage effects, and the market basket update to the conversion factor; and, finally, estimated redistribution considering all proposed payments for CY 2010 relative to all payments for CY 2009, including the impact of proposed changes in the outlier threshold, expiring section 508 wage indices, and changes to the pass-through payment estimate. We did not model an explicit budget neutrality adjustment for the proposed rural adjustment for SCHs because we are not proposing to make any changes to the policy for CY 2010. Because proposed updates to the conversion factor, including the update of the market basket and the subtraction of additional money dedicated to pass-through payment for CY 2010, are applied uniformly across services, observed redistributions of payments in the impact table for hospitals largely depend on the mix of services furnished by a hospital (for example, how the APCs for the hospital's most frequently furnished services would change), and the impact of the wage index changes on the hospital. However, total payments made under this system and the extent to which this proposed rule would redistribute money during implementation also would depend on changes in volume, practice patterns, and the mix of services billed between CY 2009 and CY 2010 by various groups of hospitals, which CMS cannot forecast.

Overall, the proposed OPPS rates for CY 2010 would have a positive effect for providers paid under the OPPS, resulting in a 1.9 percent increase in Medicare payments. Removing cancer and children's hospitals because their payments are held harmless to the pre-BBA ratio between payment and cost, and CMHCs suggests that these proposed changes would also result in a 1.9 percent increase in Medicare payments to all other hospitals, exclusive of transitional pass-through payments.

To illustrate the impact of the proposed CY 2010 changes, our analysis begins with a baseline simulation model that uses the final CY 2009 weights, the FY 2009 final post-reclassification IPPS wage indices, and the final CY 2009 conversion factor. Column 2 in Table 51 shows the independent effect of proposed changes resulting from the reclassification of services among APC groups and the recalibration of APC weights, based on 12 months of CY 2008 OPPS hospital claims data and the most recent cost report data. We modeled the effect of proposed APC recalibration changes for CY 2010 by varying only the weights (the final CY 2009 weights versus the proposed CY 2010 weights calculated using the CY 2008 claims used for this proposed rule) and calculating the percent difference in payments. Column 2 also reflects the effect of proposed changes resulting from the proposed APC reclassification and recalibration changes and any changes in multiple procedure discount patterns or conditional packaging that occur as a result of the proposed changes in the relative magnitude of payment weights.

Column 3 reflects the independent effects of proposed updated wage indices, including the proposed application of budget neutrality for the rural floor policy on a statewide basis. While we included changes to the rural adjustment in this column prior to CY 2009, we did not model a budget neutrality adjustment for the rural adjustment for SCHs because we are proposing to make no changes to the policy for CY 2010. We modeled the independent effect of updating the wage indices and the rural adjustment by varying only the wage indices, using the proposed CY 2010 scaled weights and a CY2009 conversion factor that included a budget neutrality adjustment for the effect of changing the wage indices between CY 2009 and CY 2010.

Column 4 demonstrates the combined ''budget neutral'' impact of APC recalibration (that is, Column 2), the wage index update (that is, Column 3), as well as the impact of updating the conversion factor with the market basket update. We modeled the independent effect of the budget neutrality adjustments and the market basket update by using the weights and wage indices for each year, and using a CY 2009 conversion factor that included the market basket update and a budget neutrality adjustment for differences in wage indices.

Finally, Column 5 depicts the full impact of the proposed CY 2010 policies on each hospital group by including the effect of all the proposed changes for CY 2010 (including the APC reconfiguration and recalibration shown in Column 2) and comparing them to all estimated payments in CY 2009 (these CY 2009 estimated payments include the payments resulting from the non-budget neutral increases to wage indices under section 508 of Pub. L. 108–173 as extended by Pub. L. 110–275). Column 5 shows the combined budget neutral effects of Columns 2 through 4, plus the impact of the proposed change to the fixed-dollar outlier threshold from $1,800 to $2,225; the impact of the expiration of section 508 reclassifications; the change in the HOP QDRP payment reduction for the small number of hospitals in our impact model that failed to meet the reporting requirements; and the impact of increasing the estimate of the percentage of total OPPS payments dedicated to transitional pass-through payments. We discuss our CY 2010 proposal to change the outlier threshold in section II.F. of this proposed rule. Of the 85 hospitals that failed to meet the HOP QDRP reporting requirements for the full CY 2009 update (and assumed, for modeling purposes, to be the same number for CY 2010), we included 13 in our model because they had both CY 2008 claims data and recent cost report data. We estimate that these cumulative changes would increase payments to all providers by 1.9 percent for CY 2010. We modeled the independent effect of all proposed changes in Column 5 using the final weights for CY 2009 and the proposed weights for CY 2010. We used the final conversion factor for CY 2009 of $66.059 and the proposed CY 2010 conversion factor of $67.439. Column 5 also contains simulated outlier payments for each year. We used the charge inflation factor used in the FY 2010 IPPS/RY 2010 LTCH PPS proposed rule of 7.29 percent (1.0729) to increase individual costs on the CY 2008 claims, and we used the most recent overall CCR in the April 2009 OPSF. Using the CY 2008 claims and a 7.29 percent charge inflation factor, we currently estimate that outlier payments for CY 2009, using a multiple threshold of 1.75 and a fixed-dollar threshold of $1,800, would be approximately 1.08 percent of total payments. Outlier payments of 1.08 percent are incorporated in the CY 2009 comparison in Column 5. We used the same set of claims and a charge inflation factor of 15.11 percent (1.1511) and the CCRs in the April 2009 OPSF, with an adjustment of 0.9840 to reflect relative changes in cost and charge inflation between CY 2008 and CY 2010, to model the CY 2010 outliers at 1.0 percent of total payments using a multiple threshold of 1.75 and a proposed fixed-dollar threshold of $2,225.

Column 1: Total Number of Hospitals

The first line in Column 1 in Table 51 shows the total number of providers (4,137), including cancer and children's

hospitals and CMHCs for which we were able to use CY 2008 hospital outpatient claims to model CY 2009 and CY 2010 payments, by classes of hospitals. We excluded all hospitals for which we could not accurately estimate CY 2009 or CY 2010 payment and entities that are not paid under the OPPS. The latter entities include CAHs, all-inclusive hospitals, and hospitals located in Guam, the U.S. Virgin Islands, Northern Mariana Islands, American Samoa, and the State of Maryland. This process is discussed in greater detail in section II.A. of this proposed rule. At this time, we are unable to calculate a disproportionate share (DSH) variable for hospitals not participating in the IPPS. Hospitals for which we do not have a DSH variable are grouped separately and generally include psychiatric hospitals, rehabilitation hospitals, and LTCHs. We show the total number (3,870) of OPPS hospitals, excluding the hold-harmless cancer and children's hospitals and CMHCs, on the second line of the table. We excluded cancer and children's hospitals because section 1833(t)(7)(D) of the Act permanently holds harmless cancer hospitals and children's hospitals to a proportion of their pre-BBA payment relative to their pre-BBA costs and, therefore, we removed them from our impact analyses. We show the isolated impact on 211 CMHCs in the last row of the impact table and discuss that impact separately below.

Column 2: Proposed APC Changes Due to Reassignment and Recalibration

This column shows the combined effects of proposed reconfiguration, recalibration, and other policies (such as setting payment for separately payable drugs and biologicals at ASP+4 percent with an accompanying reduction in the amount of cost associated with packaged drugs and biologicals, payment for brachytherapy sources based on median unit cost, and changes in payment for PHP services). Specifically, the reduction in PHP payment for APC 0172 is redistributed to hospitals and reflected in the 0.1 percent increase for the 3,870 hospitals that remain after excluding hospitals held harmless and CMHCs. CMHCs perform a greater proportion of low intensity partial hospitalization days relative to high intensity partial hospitalization days, and thus the impact of the proposed reduction in PHP payment for APC 0172 is greater than the effect of the proposed increase in PHP payment for APC 0173. Overall, these proposed changes would increase payments to urban hospitals by 0.1 percent. We estimate that both large and other urban hospitals would see an increase of 0.1 percent, all attributable to recalibration.

Overall, rural hospitals would show no increase as a result of proposed changes to the APC structure. With the money redistributed from PHP services, and other recalibration changes, rural hospitals of all bed sizes would experience no change or would experience a decrease of 0.1 percent.

Among teaching hospitals, the largest observed impact resulting from proposed APC recalibration would include an increase of 0.1 percent for minor teaching hospitals and no change for major teaching hospitals.

Classifying hospitals by type of ownership suggests that proprietary hospitals would see an increase of 0.2 percent, governmental hospitals would see no increase, and voluntary hospitals would see an increase of 0.1 percent.

We estimate that small rural hospitals with 49 or fewer beds would experience a modest decrease of 0.1 percent, while hospitals with 50 or more beds would experience no change. We also estimate that urban hospitals billing a low volume of OPPS services would experience a decrease of 0.2 percent, while urban hospitals billing moderate to high volumes of services would experience increases of 0.1 percent to 0.3 percent. Most rural hospitals would experience no change or an increase of 0.1 percent, although rural hospitals billing a moderate volume of OPPS services would experience a decrease of 0.1 percent. Finally, hospitals for which DSH payments are not available would experience decreases of 1.3 to 1.5 percent that are largely attributable to the reduction in PHP payment for APC 0172. Most other classes of hospitals would not experience any change from CY 2009 to CY 2010 or would experience a modest increase.

Column 3: Proposed New Wage Indices and the Effect of the Rural Adjustment

This column estimates the impact of applying the proposed FY 2010 IPPS wage indices for the CY 2010 OPPS. We are not proposing a change to the rural payment adjustment for CY 2010. We estimate that the combination of updated wage data and statewide application of rural floor budget neutrality would redistribute payment among regions. We also updated the list of counties qualifying for the section 505 out-migration adjustment. Overall, urban hospitals would not experience any change from CY 2009 to CY 2010, and rural hospitals would experience a decrease of 0.1 percent as a result of the updated wage indices. Both rural New England States and rural West South Central States would experience decreases of up to 1.2 percent. We estimate that urban and rural Mountain States would experience increases of 0.8 and 0.7 percent, respectively. Puerto Rico would experience a decrease of 0.1 percent.

Column 4: All Proposed Budget Neutrality Changes and Market Basket Update

The addition of the proposed market basket update of 2.1 percent would mitigate any negative impacts on hospital payments for CY 2010 created by the budget neutrality adjustments made in Columns 2 and 3. In general, all hospitals would experience an increase of 2.2 percent, attributable to the proposed 2.1 percent market basket increase and the 0.1 percent redistribution created by the reduction in the PHP payment for APC 0172.

Overall, these proposed changes would increase payments to urban hospitals by 2.2 percent. We estimate that large urban hospitals would experience an increase of 2.2 percent, and other urban hospitals would experience a 2.1 percent increase.

Overall, rural hospitals would experience a 2.0 percent increase as a result of the proposed market basket update and other budget neutrality adjustments. Rural hospitals that bill less than 5,000 lines would experience a 2.2 percent increase. Rural hospitals that bill more than 5,000 lines would experience increases of 1.9 to 2.3 percent.

Among teaching hospitals, the observed impacts resulting from the proposed market basket update and other budget neutrality adjustments would include an increase of 2.1 and 2.2 percent, respectively, for major and minor teaching hospitals.

Classifying hospitals by type of ownership suggests that both voluntary and proprietary hospitals would increase 2.2 percent and governmental hospitals would increase 1.9 percent.

Column 5: All Proposed Changes for CY 2010

Column 5 compares all proposed changes for CY 2010 to final payment for CY 2009, including the expiration of the reclassifications under section 508, the change in the outlier threshold, payment reductions for hospitals that failed to meet the HOP QDRP reporting requirements, and the difference in pass-through estimates that are not included in the combined percentages shown in Column 4. This column includes payment for a handful of hospitals receiving reduced payment because they did not meet their hospital

outpatient quality measure reporting requirements; however, the anticipated change in payment between CY 2009 and CY 2010 for these hospitals would be negligible. Overall, we estimate that providers would experience an increase of 1.9 percent under this proposed rule in CY 2010 relative to total spending in CY 2009. The projected 1.9 percent increase for all providers in Column 5 of Table 51 reflects the proposed 2.1 percent market basket increase, less 0.01 percent for the change in the pass-through estimate between CY 2009 and CY 2010, less 0.08 percent for the difference in estimated outlier payments between CY 2009 (1.08 percent) and CY 2010 (1.0 percent), and less 0.14 percent due to the expiration of the special, non-budget neutral wage index payments made under section 508. When we exclude cancer and children's hospitals (which are held harmless to their pre-OPPS costs) and CMHCs, the gain would remain 1.9 percent.

The combined effect of all proposed changes for CY 2010 would increase payments to urban hospitals by 2.0 percent. We estimate that large urban hospitals would experience a 2.0 percent increase, while ''other'' urban hospitals would experience an increase of 1.9 percent. Urban hospitals that bill less than 5,000 lines would experience an increase of 1.9 percent. All urban hospitals that bill more than 5,000 lines would experience increases between 1.9 percent and 2.3 percent.

Overall, rural hospitals would experience a 1.7 percent increase as a result of the combined effects of all proposed changes for CY 2010. Rural hospitals that bill less than 5,000 lines would experience an increase of 1.9 percent. All rural hospitals that bill greater than 5,000 lines would experience increases ranging from 1.6 percent to 2.1 percent.

Among teaching hospitals, the impacts resulting from the combined effects of all proposed changes would include an increase of 1.7 percent for major teaching hospitals and an increase of 1.9 percent for minor teaching hospitals.

Classifying hospitals by type of ownership suggests that proprietary hospitals would gain 2.1 percent, governmental hospitals would experience an increase of 1.8 percent, and voluntary hospitals would experience an increase of 1.9 percent.

4. Estimated Effects of This Proposed Rule on CMHCs

The last row of the impact analysis in Table 51 demonstrates the impact on CMHCs. We modeled this impact assuming that CMHCs would continue to provide the same number of days of PHP care, with each day having either three services or four or more services, as seen in the CY 2008 claims data. We excluded days with one or two services. Using these assumptions, there would be a 5.9 percent decrease in payments to CMHCs due to these proposed APC policy changes (shown in Column 2). The relative weight for low intensity partial hospitalization APC 0172 (Level 1 Partial Hospitalization (3 services)) declines between CY 2009 and CY 2010 under this proposed rule. CMHCs perform a greater proportion of low intensity partial hospitalization days than psychiatric hospitals. Table 51 demonstrates that non-IPPS hospitals for which a disproportionate patient percentage is not available (DSH Not Available), consisting largely of psychiatric hospitals, would experience a decline in payments of 1.5 percent. Psychiatric hospitals provide a greater proportion of APC 0173 (Level II Partial Hospitalization (4 or more services)) for which the relative weight increases between CY 2009 and CY2010 under this proposed rule.

Column 3 shows that the proposed CY 2010 wage index updates would account for a 0.9 percent increase in payments to CMHCs. We note that all providers paid under the OPPS, including CMHCs, would receive a proposed 2.1 percent market basket increase (shown in Column 4). Combining this proposed market basket increase, along with proposed changes in APC policy for CY 2010 and the proposed CY 2010 wage index updates, the combined impact on CMHCs for CY 2010 would be a 2.9 percent decrease. In contrast, non-IPPS hospitals captured under the DSH Not Available category, which consists largely of psychiatric hospitals, would experience an increase in payment of 0.6 percent for CY 2010 after combining the proposed market basket increase for CY 2010, proposed changes in APC policy for CY 2010, and proposed CY 2010 wage index updates.

TABLE 51—IMPACT OF CY 2010 PROPOSED CHANGES FOR HOSPITAL OUTPATIENT PROSPECTIVE PAYMENT SYSTEM

	Number of hospitals	APC recalibration	New wage index and rural adjustment	Comb (cols 2, 3) with market basket update	All changes
	(1)	(2)	(3)	(4)	(5)
ALL PROVIDERS *	4,137	0.0	0.0	2.1	1.9
ALL HOSPITALS (excludes hospitals held harmless and CMHCs)	3,870	0.1	0.0	2.2	1.9
URBAN HOSPITALS	2,888	0.1	0.0	2.2	2.0
LARGE URBAN (GT 1 MILL.)	1,575	0.1	0.1	2.2	2.0
OTHER URBAN (LE 1 MILL.)	1,313	0.1	0.0	2.1	1.9
RURAL HOSPITALS	982	0.0	−0.1	2.0	1.7
SOLE COMMUNITY ***	389	0.0	0.0	2.1	1.6
OTHER RURAL	593	0.0	−0.2	1.9	1.8
BEDS (URBAN):					
0–99 BEDS	952	0.2	0.1	2.4	2.2
100–199 BEDS	882	0.1	0.0	2.2	1.9
200–299 BEDS	455	0.1	0.1	2.3	2.1
300–499 BEDS	411	0.1	−0.1	2.0	1.8
500 + BEDS	188	0.0	0.1	2.2	1.9
BEDS (RURAL):					
0–49 BEDS	349	−0.1	0.1	2.1	1.8
50-100 BEDS	372	0.0	−0.1	2.0	1.7
101-149 BEDS	156	0.0	−0.3	1.9	1.8
150-199 BEDS	62	0.0	−0.2	1.9	1.5
200 + BEDS	43	0.0	0.0	2.0	1.5
VOLUME (URBAN):					

TABLE 51—IMPACT OF CY 2010 PROPOSED CHANGES FOR HOSPITAL OUTPATIENT PROSPECTIVE PAYMENT SYSTEM—Continued

	Number of hospitals	APC recalibration	New wage index and rural adjustment	Comb (cols 2, 3) with market basket update	All changes
	(1)	(2)	(3)	(4)	(5)
LT 5,000 Lines	571	−0.2	0.1	1.9	1.9
5,000–10,999 Lines	176	0.2	0.0	2.3	2.1
11,000–20,999 Lines	272	0.3	0.1	2.4	2.3
21,000–42,999 Lines	532	0.2	0.1	2.3	2.2
GT 42,999 Lines	1,337	0.1	0.0	2.2	1.9
VOLUME (RURAL):					
LT 5,000 Lines	84	0.1	0.0	2.2	1.9
5,000–10,999 Lines	99	0.1	0.2	2.3	2.1
11,000–20,999 Lines	207	−0.1	0.1	2.1	1.8
21,000–42,999 Lines	312	0.1	−0.2	2.0	1.8
GT 42,999 Lines	280	0.0	−0.1	1.9	1.6
REGION (URBAN):					
NEW ENGLAND	148	0.0	0.4	2.5	2.1
MIDDLE ATLANTIC	366	0.0	0.3	2.4	1.8
SOUTH ATLANTIC	449	0.1	−0.2	2.0	1.9
EAST NORTH CENT	464	0.1	−0.1	2.1	1.7
EAST SOUTH CENT	186	0.1	−0.1	2.1	2.0
WEST NORTH CENT	193	0.2	0.0	2.4	2.2
WEST SOUTH CENT	457	0.1	−0.1	2.1	2.0
MOUNTAIN	187	0.1	0.8	3.0	2.9
PACIFIC	390	0.0	−0.1	2.0	1.9
PUERTO RICO	48	0.1	−0.1	2.1	2.3
REGION (RURAL):					
NEW ENGLAND	24	−0.2	−1.2	0.7	0.6
MIDDLE ATLANTIC	68	0.0	0.5	2.6	2.2
SOUTH ATLANTIC	167	0.0	−0.3	1.8	1.7
EAST NORTH CENT	128	0.1	0.0	2.2	1.8
EAST SOUTH CENT	177	0.0	0.0	2.1	2.0
WEST NORTH CENT	106	0.0	0.2	2.3	1.6
WEST SOUTH CENT	210	−0.1	−0.8	1.2	1.2
MOUNTAIN	71	0.0	0.7	2.8	2.4
PACIFIC	31	0.0	0.1	2.2	1.8
TEACHING STATUS:					
NON-TEACHING	2,879	0.1	−0.1	2.1	2.0
MINOR	707	0.1	0.0	2.2	1.9
MAJOR	284	0.0	0.1	2.1	1.7
DSH PATIENT PERCENT:					
0	7	1.1	0.1	3.2	3.1
GT 0–0.10	396	0.2	0.1	2.5	2.2
0.10–0.16	407	0.1	−0.2	2.1	1.8
0.16–0.23	769	0.1	0.0	2.2	1.8
0.23–0.35	980	0.1	0.0	2.1	1.9
GE 0.35	755	0.0	0.1	2.1	2.0
DSH NOT AVAILABLE**	556	−1.5	0.0	0.6	0.6
URBAN TEACHING/DSH:					
TEACHING & DSH	889	0.0	0.0	2.2	1.9
TEACHING/NO DSH	0	0.0	0.0	0.0	0.0
NO TEACHING/DSH	1,464	0.2	0.0	2.2	2.1
NO TEACHING/NO DSH	6	1.2	0.1	3.4	3.3
DSH NOT AVAILABLE**	529	−1.3	0.0	0.8	0.7
TYPE OF OWNERSHIP:					
VOLUNTARY	2,085	0.1	0.0	2.2	1.9
PROPRIETARY	1,215	0.2	−0.1	2.2	2.1
GOVERNMENT	570	0.0	−0.1	1.9	1.8
CMHCs	211	−5.9	0.9	−2.9	−2.9

Column (1) shows total hospitals.

Column (2) shows the impact of changes resulting from the reclassification of HCPCS codes among APC groups and the recalibration of APC weights based on CY 2008 hospital claims data.

Column (3) shows the budget neutral impact of updating the wage index by applying the FY 2010 hospital inpatient wage index. We are not proposing any changes to the rural adjustment.

Column (4) shows the impact of all budget neutrality adjustments and the addition of the market basket update.

Column (5) shows the additional adjustments to the conversion factor resulting from a change in the pass-through estimate and adds outlier payments. This column also shows the impact of the expiration of the 508 wage reclassification, which ends September 30, 2009.

* These 4,137 providers include children and cancer hospitals, which are held harmless to pre-BBA payments, and CMHCs.

** Complete DSH numbers are not available for providers that are not paid under IPPS, including rehabilitation, psychiatric, and long-term care hospitals.

5. Estimated Effect of This Proposed Rule on Beneficiaries

For services for which the beneficiary pays a copayment of 20 percent of the payment rate, the beneficiary share of payment would increase for services for which the OPPS payments would rise and would decrease for services for which the OPPS payments would fall. For example, for a service assigned to Level IV Needle Biopsy/Aspiration Except Bone Marrow (APC 037) in the CY 2009 OPPS, the national unadjusted copayment is $228.76, and the minimum unadjusted copayment is $178.60. For CY2010, the proposed national unadjusted copayment for APC 037 would be $228.76, the same rate in effect for CY 2009. The proposed minimum unadjusted copayment for APC 037 would be $206.05 or 20 percent of the proposed CY 2010 national unadjusted payment rate for APC 037 of $1,030.24. The proposed minimum unadjusted copayment would rise because the payment rate for APC 037 would rise for CY 2010. In all cases, the statute limits beneficiary liability for copayment for a procedure to the hospital inpatient deductible for the applicable year. The CY 2009 hospital inpatient deductible is $1,068. The CY 2010 hospital inpatient deductible is not yet available.

In order to better understand the impact of changes in copayment on beneficiaries, we modeled the percent change in total copayment liability using CY 2008 claims. We estimate, using the claims of the 4,137 hospitals and CMHCs on which our modeling is based, that total beneficiary liability for copayments would decline as an overall percentage of total payments, from 23.1 percent in CY 2009 to 22.7 percent in CY 2010.

6. Conclusion

The proposed changes in this proposed rule would affect all classes of hospitals and CMHCs. Some classes of hospitals would experience significant gains and others less significant gains, but all classes of hospitals would experience positive updates in OPPS payments in CY 2010. In general, CMHCs would experience an overall decline of 2.9 percent in payment due to the recalibration of the proposed payment rates. Table 51 demonstrates the estimated distributional impact of the OPPS budget neutrality requirements that would result in a 1.9 percent increase in payments for CY 2010, after considering all proposed changes to APC reconfiguration and recalibration, as well as the proposed market basket increase, proposed wage index changes, estimated payment for outliers, and proposed changes to the pass-through payment estimate. The accompanying discussion, in combination with the rest of this proposed rule, constitutes a regulatory impact analysis.

7. Accounting Statement

As required by OMB Circular A–4 (available at *http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf*), in Table 52, we have prepared an accounting statement showing the CY 2010 estimated hospital OPPS incurred benefit impact associated with the proposed CY2010 hospital outpatient market basket update shown in this proposed rule based on the baseline for the 2010 President's Budget. All estimated impacts are classified as transfers.

TABLE 52—ACCOUNTING STATEMENT: CY 2010 ESTIMATED HOSPITAL OPPS INCURRED BENEFIT IMPACT ASSOCIATED WITH THE PROPOSED CY 2010 HOSPITAL OUTPATIENT MARKET BASKET UPDATE

[In billions]

Category	Transfers
Annualized Monetized Transfers	$0.5 billion.
From Whom to Whom	Federal Government to outpatient hospitals and other providers who received payment under the hospital OPPS.
Total	$0.5 billion.

C. Effects of ASC Payment System Changes in This Proposed Rule

On August 2, 2007, we published in the **Federal Register** the final rule for the revised ASC payment system, effective January 1, 2008 (72 FR 42470). In that final rule, we adopted the methodologies to set payment rates for covered ASC services to implement the revised payment system so that it would be designed to result in budget neutrality as required by section 626 of Public Law 108–173; established that the OPPS relative payment weights would be the basis for payment and that we would update the system annually as part of the OPPS rulemaking cycle; and provided that the revised ASC payment rates would be phased-in over 4 years. During the 4-year transition to full implementation of the ASC payment rates, payments for surgical procedures paid in ASCs in CY 2007 are made using a blend of the CY 2007 ASC payment rate and the ASC payment rate calculated according to the ASC standard ratesetting methodology for the applicable transitional year. In CY 2009, we are paying ASCs using a 50/50 blend, in which payment is calculated by adding 50 percent of the CY 2007 ASC rate for a surgical procedure on the CY 2007 ASC list of covered surgical procedures and 50 percent of the CY 2009 ASC rate calculated according to the ASC standard ratesetting methodology for the same procedure. For CY 2010, we would transition the blend to a 25/75 blend of the CY 2007 ASC rate and the ASC payment rate calculated according to the ASC standard ratesetting methodology. Beginning in CY 2011, we would pay ASCs for all covered surgical procedures, including those on the CY 2007 ASC list at the ASC payment rates calculated according to the ASC standard ratesetting methodology. Payment for procedures that were not included on the ASC list of covered surgical procedures in CY 2007 is not subject to the transitional payment methodology.

ASC payment rates are calculated by multiplying the ASC conversion factor by the ASC relative payment weight. As discussed fully in section XV. of this proposed rule, we set the proposed CY 2010 ASC relative payment weights by scaling CY 2010 ASC relative payment weights by the proposed ASC scaler of 0.9514. These weights take into consideration the 25/75 blend for the third year of transitional payment for certain services. If there were no transition, the proposed scaler for the CY 2010 relative payment weights would be 0.9329. The estimated effects of the updated relative payment weights on payment rates during this transitional period are varied and are reflected in the estimated payments displayed in Tables 53 and 54 below.

The proposed CY 2010 ASC conversion factor was calculated by

adjusting the CY 2009 ASC conversion factor to account for changes in the pre-floor and pre-reclassified hospital wage indices between CY 2009 and CY 2010 and by applying the CY 2010 CPI–U of a 0.6 percent increase. The proposed CY 2010 ASC conversion factor is $41.625.

1. Alternatives Considered

Alternatives to the changes we are proposing to make and the reasons that we have chosen the options are discussed throughout this proposed rule. Some of the major ASC issues discussed in this proposed rule and the options considered are discussed below.

a. Alternatives Considered for Office-Based Procedures

According to our final policy for the revised ASC payment system, we designate as office-based those procedures that are added to the ASC list of covered surgical procedures in CY 2008 or later years and that we determine are predominantly performed in physicians' offices based on consideration of the most recent available volume and utilization data for each individual procedure HCPCS code and/or, if appropriate, the clinical characteristics, utilization, and volume of related HCPCS codes. We establish payment for procedures designated as office-based at the lesser of the MPFS nonfacility PE RVU amount or the ASC rate developed according to the standard methodology of the revised ASC payment system.

In developing this proposed rule, we reviewed the newly available CY 2008 utilization data for all surgical procedures added to the ASC list of covered surgical procedures in CY 2008 or later and for those procedures for which the office-based designation is temporary in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68730 through 68733). Based on that review, and as discussed in section XV.C.1.b. of this proposed rule, we are proposing to newly designate six surgical procedures as office-based and to make permanent the office-based designations of four surgical procedures that have temporary office-based designations in CY 2009. We considered two alternatives in developing this policy.

The first alternative we considered was to make no change to the procedure payment designations. This would mean that we would continue to pay for the six procedures we are proposing to newly designate as office-based at an ASC payment rate calculated according to the standard ratesetting methodology of the revised ASC payment system and for the four procedures with temporary office-based designations according to the office-based methodology. We did not select this alternative because our analysis of the data and our clinical review indicated that all 10 procedures we are proposing to designate permanently office-based could be considered to be predominantly performed in physicians' offices. Consistent with our final policy adopted in the August 2, 2007 final rule (72 FR42509), we were concerned that continuing to pay at the standard ASC payment rate for the six procedures newly designated as office-based could create financial incentives for the procedures to shift from physicians' offices to ASCs for reasons unrelated to clinical decisions regarding the most appropriate setting for surgical care. Further, consistent with our policy, we believe that when adequate data become available to make permanent determinations about procedures with temporary office-based designations, maintaining the temporary designation is no longer appropriate.

The second alternative we considered and the one we are proposing for CY 2010 is to designate six additional procedures as office-based for CY 2010 and to make permanent the office-based designations of four of the procedures with temporary office-based designations in CY 2009. We chose this alternative because our claims data and clinical review indicate that these procedures could be considered to be predominantly performed in physicians' offices. We believe that designating these procedures as office-based, which results in the CY 2010 ASC payment rate for these procedures potentially being capped at the CY 2010 physician's office rate (that is, the MPFS nonfacility PE RVU amount), if applicable, is an appropriate step to ensure that Medicare payment policy does not create financial incentives for such procedures to shift unnecessarily from physicians' offices to ASCs, consistent with our final policy adopted in the August 2, 2007 final rule.

b. Alternatives Considered for Covered Surgical Procedures

According to our final policy for the revised ASC payment system, we designate as covered all surgical procedures that we determine would not be expected to pose a significant risk to beneficiary safety or would not be expected to require an overnight stay when performed on Medicare beneficiaries in an ASC.

In developing this proposed rule, we reviewed the clinical characteristics and newly available CY2008 utilization data, if applicable, for all procedures reported by Category III CPT codes implemented July 1, 2009, and surgical procedures that were excluded from ASC payment for CY 2009. In response to comments on the CY 2009 OPPS/ASC proposed rule, we stated in the CY 2009 OPPS/ASC final rule with comment period (73 FR 68724) that, as we developed the CY 2010 OPPS/ASC proposed rule, we would perform a comprehensive review of the APCs in order to identify potentially inconsistent ASC treatment of procedures assigned to a single APC under the OPPS. Thus, for this proposed rule, we examined surgical procedures that were excluded from the CY 2009 ASC list of covered surgical procedures and the APCs to which they were assigned under the OPPS. Based on this review, we identified 26 surgical procedures that meet the criteria for inclusion on the ASC list of covered surgical procedures, and we are proposing to add those procedures to the list for CY 2010 payment. We considered two alternatives in developing this policy.

The first alternative we considered was to make no change to the ASC list of covered surgical procedures for CY 2010. We did not choose this alternative because our analysis of data and clinical review indicated that the 26 procedures we are proposing to designate as covered surgical procedures for CY 2010 would not be expected to pose a significant risk to beneficiary safety in ASCs and would not be expected to require an overnight stay. Consistent with our final policy, we were concerned that by continuing to exclude them from the list of ASC covered surgical procedures, we may unnecessarily limit beneficiaries' access to the services in the most clinically appropriate settings.

The second alternative we considered and the one we are proposing for CY 2010 was to propose to designate 26 additional procedures as ASC covered surgical procedures for CY 2010. We chose this alternative because our claims data and clinical review indicate that these procedures would not be expected to pose a significant risk to beneficiary safety and would not be expected to require an overnight stay, and thus they meet the criteria for inclusion on the list of ASC covered surgical procedures. We believe that adding these procedures to the list of covered surgical procedures is an appropriate step to ensure that beneficiary access to services is not limited unnecessarily.

2. Limitations of Our Analysis

Presented here are the projected effects of the proposed changes for CY 2010 on Medicare payment to ASCs. A

key limitation of our analysis is our inability to predict changes in ASC service-mix between CY 2008 and CY 2010 with precision. We believe that the net effect on Medicare expenditures resulting from the proposed CY 2010 changes would be small in the aggregate for all ASCs. However, such changes may have differential effects across surgical specialty groups as ASCs continue to adjust to the payment rates based on the policies of the revised ASC payment system. We are unable to accurately project such changes at a disaggregated level. Clearly, individual ASCs would experience changes in payment that differ from the aggregated estimated impacts presented below.

3. Estimated Effects of This Proposed Rule on Payments to ASCs

Some ASCs are multispecialty facilities that perform the gamut of surgical procedures, from excision of lesions to hernia repair to cataract extraction; others focus on a single specialty and perform only a limited range of surgical procedures, such as eye, digestive system, or orthopedic procedures. The combined effect on an individual ASC of the proposed update to the CY 2010 payments would depend on a number of factors, including, but not limited to, the mix of services the ASC provides, the volume of specific services provided by the ASC, the percentage of its patients who are Medicare beneficiaries, and the extent to which an ASC provides different services in the coming year. The following discussion presents tables that display estimates of the impact of the proposed CY 2010 update to the revised ASC payment system on Medicare payments to ASCs, assuming the same mix of services as reflected in our CY 2008 claims data. Table 53 depicts the estimated aggregate percent change in payment by surgical specialty or ancillary items and services group by comparing estimated CY 2009 payments to estimated proposed CY 2010 payments, and Table 54 shows a comparison of estimated CY2009 payments to estimated proposed CY 2010 payments for procedures that we estimate would receive the most Medicare payment in CY 2010.

Table 53 shows the estimated effects on aggregate proposed Medicare payments under the revised ASC payment system by surgical specialty or ancillary items and services group. We have aggregated the surgical HCPCS codes by specialty group, grouped all HCPCS codes for covered ancillary items and services into a single group, and then estimated the effect on aggregated payment for surgical specialty and ancillary items and services groups, considering separately the proposed CY 2010 transitional rates and the ASC payment rates calculated according to the ASC standard ratesetting methodology that would apply in CY 2010 if there were no transition. The groups are sorted for display in descending order by estimated Medicare program payment to ASCs. The following is an explanation of the information presented in Table 53.

- Column 1—*Surgical Specialty or Ancillary Items and Services Group* indicates the surgical specialty into which ASC procedures are grouped or the ancillary items and services group which includes all HCPCS codes for covered ancillary items and services. To group surgical procedures by surgical specialty, we used the CPT code range definitions and Level II HCPCS codes and Category III CPT codes, as appropriate, to account for all surgical procedures to which the Medicare program payments are attributed.
- Column 2—*Estimated ASC Payments* were calculated using CY 2008 ASC utilization (the most recent full year of ASC utilization) and CY 2009 ASC payment rates. The surgical specialty and ancillary items and services groups are displayed in descending order based on estimated CY 2009 ASC payments.
- Column 3—*Estimated CY 2010 Percent Change with Transition (25/75 Blend)* is the aggregate percentage increase or decrease, compared to CY 2009, in Medicare program payment to ASCs for each surgical specialty or ancillary items and services group that is attributable to proposed updates to the ASC payment rates for CY 2010 under the scaled, 25/75 blend of the CY 2007 ASC payment rates and the CY 2010 ASC payment rates calculated according to the ASC standard ratesetting methodology.
- Column 4—*Estimated CY 2010 Percent Change without Transition (Fully Implemented)* is the aggregate percentage increase or decrease in Medicare program payment to ASCs for each surgical specialty or ancillary items and services group that would be attributable to proposed updates to ASC payment rates for CY 2010 compared to CY 2009 if there were no transition period to the fully implemented payment rates. The percentages appearing in Column 4 are presented only as comparisons to the percentage changes under the transition policy in Column 3. We are not proposing to eliminate or modify the policy for a 4-year transition that was finalized in the August 2, 2007 final rule (72 FR 42519).

As seen in Table 53, the proposed update to ASC rates for CY 2010 is expected to result in small aggregate decreases in payment amounts for eye and ocular adnexa and nervous system procedures and somewhat greater decreases for digestive system procedures. As shown in Column 4 in the table, those payment decreases would be expected to be greater in CY 2010 if there were no transitional payment for all three of these surgical specialty groups.

Generally, for the surgical specialty groups that account for less ASC utilization and spending, the expected payment effects of the proposed CY 2010 update are positive. ASC payments for procedures in those surgical specialties would increase in CY 2010 with the 25/75 transitional payment rates and, in the absence of the transition, would increase even more. For instance, in the aggregate, payment for integumentary system procedures is expected to increase by 6 percent under the CY 2010 proposed rates and by 12 percent if there were no transition. Similar effects are observed for genitourinary, cardiovascular, musculoskeletal, respiratory, hemic and lymphatic systems, and auditory system procedures as well. An estimated increase in aggregate payment for the specialty group does not mean that all procedures in the group would experience increased payment rates. For example, the estimated increased payments at the surgical specialty group level may be due to decreased payments for some of the most frequently provided procedures in the group and the moderating effect of the sometimes substantial payment increases for the less frequently performed procedures within the surgical specialty group.

Also displayed in Table 53 for the first time since implementation of the revised payment system is a separate estimate of Medicare ASC payments for the group of separately payable covered ancillary items and services. We estimate that aggregate payments for these items and services would decrease by 2 percent for CY 2010. The payment estimates for the covered surgical procedures include the costs of packaged ancillary items and services. In prior years' proposed rules, we did not have ASC payment data for covered ancillary items and services because prior to CY 2008, they were paid under other fee schedules or packaged into payment for the covered surgical procedures. Beginning with this proposed rule, for which we have CY 2008 data, and for all subsequent rulemaking, we will have utilization data for those services as well as for all

of the covered surgical procedures provided in ASCs under the revised payment system.

TABLE 53—ESTIMATED CY 2010 IMPACT OF THE UPDATE TO THE ASC PAYMENT SYSTEM ON ESTIMATED AGGREGATE CY 2010 MEDICARE PROGRAM PAYMENTS UNDER THE 25/75 TRANSITION BLEND AND WITHOUT A TRANSITION, BY SURGICAL SPECIALTY OR ANCILLARY ITEMS AND SERVICES GROUP

Surgical specialty group (1)	Estimated CY 2009 ASC payments (in millions) (2)	Estimated CY 2010 percent change with transition (25/75 blend) (3)	Estimated CY 2010 percent change without transition (fully implemented) (4)
Total	3,051	1	1
Eye and ocular adnexa	1,399	−1	−2
Digestive system	727	−5	−11
Nervous system	361	−2	−5
Musculoskeletal system	282	15	29
Genitourinary system	112	8	16
Integumentary system	105	6	12
Respiratory system	26	22	36
Cardiovascular system	18	14	24
Ancillary items and services	14	−2	−2
Auditory system	7	7	16
Hemic & lymphatic systems	3	21	38

Table 54 below shows the estimated impact of the proposed updates to the revised ASC payment system on aggregate ASC payments for selected surgical procedures during CY 2010 with and without the transitional blended rate. The table displays 30 of the procedures receiving the greatest estimated CY 2009 aggregate Medicare payments to ASCs. The HCPCS codes are sorted in descending order by estimated CY 2009 program payment.

- Column 1—*HCPCS code.*
- Column 2—*Short Descriptor* of the HCPCS code.
- Column 3—*Estimated CY 2009 ASC Payments* were calculated using CY 2008 ASC utilization (the most recent full year of ASC utilization) and the CY 2009 ASC payment rates. The estimated CY 2009 payments are expressed in millions of dollars.
- Column 4—*CY 2010 Percent Change with Transition (25/75 Blend)* reflects the percent differences between the estimated ASC payment for CY 2009 and the estimated payment for CY 2010 based on the proposed update, incorporating a 25/75 blend of the CY 2007 ASC payment rate and the proposed CY 2010 ASC payment rate calculated according to the ASC standard ratesetting methodology.
- Column 5—*CY 2010 Percent Change without Transition (Fully Implemented)* reflects the percent differences between the estimated ASC payment for CY 2009 and the estimated payment for CY 2010 based on the proposed update if there were no transition period to the fully implemented payment rates. The percentages appearing in Column 5 are presented as a comparison to the percentage changes under the transition policy in Column 4. We are not proposing to eliminate or modify the policy for the 4-year transition that was finalized in the August 2, 2007 final rule (72 FR 42519).

As displayed in Table 54, 23 of the 30 procedures with the greatest estimated aggregate CY 2009 Medicare payment are included in the 3 surgical specialty groups that are estimated to account for the most Medicare payment to ASCs in CY 2009, specifically eye and ocular adnexa, digestive system, and nervous system surgical groups. Consistent with the estimated payment effects on the surgical specialty groups displayed in Table 53, the estimated effects of the proposed CY 2010 update on ASC payment for individual procedures in year 3 of the transition shown in Table 54 are varied. Aggregate ASC payments for many of the most frequently furnished ASC procedures would decrease as the proposed transitional rates more closely align the individual procedure relative ASC payment weights with the relativity of payments under the OPPS.

The ASC procedure for which the most Medicare payment is estimated to be made in CY 2009 is the cataract removal procedure reported with CPT code 66984 (Extracapsular cataract removal with insertion of intraocular lens prosthesis (one stage procedure), manual or mechanical technique (e.g., irrigation and aspiration or phacoemulsification)). We estimate that the proposed update to the ASC rates would result in a 1 percent payment decrease for this procedure in CY 2010. The estimated payment effects on the three other eye and ocular adnexa procedures included in Table 54 would be slightly positive or negative, but for CPT code 66821 (Discission of secondary membranous cataract (opacified posterior lens capsule and/or anterior hyaloid); laser surgery (e.g., YAG laser) (one or more stages)), the expected CY 2010 payment decrease would be 9 percent, significantly greater than the decreases expected for any of the other eye and ocular adnexa procedures shown.

The proposed transitional payment rates for all but 1 of the 9 digestive system procedures included in Table 54 would be expected to decrease by 5 to 8 percent in CY 2010. Those estimated decreases are consistent with decreases in the previous 2 years under the revised payment system and would be expected because, under the previous ASC payment system, the payment rates for many high volume endoscopy procedures were almost the same as the payments for the procedures under the OPPS.

The estimated effects of the proposed CY 2010 update on the 10 nervous system procedures for which the most

Medicare ASC payment is estimated to be made in CY 2009 would be variable. Our estimates indicate that the proposed CY 2010 update would result in less than 4 percent payment decreases for 4 of the 10 procedures and in more substantial decreases for 3 others. The greatest decreases would be seen for two CPT add-on codes, CPT code 64476 (Injection, anesthetic agent and/or steroid, paravertebral facet joint or facet joint nerve; lumbar or sacral, each additional level) and CPT code 64484 (Injection, anesthetic agent and/or steroid, transforaminal epidural; lumbar or sacral, each additional level), which would be expected to have 25 and 19 percent payment decreases, respectively, in CY 2010. In contrast, the three nervous system procedures for which we estimate positive effects on CY 2010 payments, CPT code 63650 (Percutaneous implantation of neurostimulator electrode array, epidural), CPT code 64721 (Neuroplasty and/or transposition; median nerve at carpal tunnel), and CPT code 64622 (Destruction by neurolytic agent, paravertebral facet joint nerve; lumbar or sacral, single level), would be expected to have substantial payment increases of 9, 12, and 20 percent, respectively.

The estimated payment effects for most of the remaining procedures listed in Table 54 would be positive. For example, the proposed CY 2010 transitional payment rates for musculoskeletal CPT codes 29880 (Arthroscopy, knee, surgical; with meniscectomy (medial AND lateral, including any meniscal shaving)) and 29881 (Arthroscopy, knee, surgical; with meniscectomy (medial OR lateral, including any meniscal shaving)) would be estimated to increase 15 percent over the CY 2009 transitional payment amount. Musculoskeletal procedures would be expected to account for a greater percentage of CY 2010 Medicare ASC spending as payment for procedures in that surgical specialty group would be increased under the revised payment system.

TABLE 54—ESTIMATED IMPACT OF PROPOSED UPDATE TO CY 2010 ASC PAYMENT SYSTEM ON AGGREGATE PAYMENTS FOR SELECTED PROCEDURES

HCPCS code (1)	Short descriptor (2)	Allowed charges (in mil) (3)	Estimated CY 2010 percent change (25/75 blend) (4)	Estimated CY 2010 percent change without transition (fully implemented) (5)
66984	Cataract surg w/iol, 1 stage	1,059	−1	−3
43239	Upper gi endoscopy, biopsy	163	−7	−14
45380	Colonoscopy and biopsy	133	−5	−11
45378	Diagnostic colonoscopy	123	−6	−11
45385	Lesion removal colonoscopy	95	−5	−11
66821	After cataract laser surgery	71	−9	−18
62311	Inject spine l/s (cd)	69	−3	−6
66982	Cataract surgery, complex	62	−1	−3
64483	Inj foramen epidural l/s	57	−2	−6
15823	Revision of upper eyelid	35	3	6
45384	Lesion remove colonoscopy	33	−6	−12
G0105	Colorectal scrn; hi risk ind	33	−8	−17
G0121	Colon ca scrn not hi rsk ind	32	−8	−17
64475	Inj paravertebral l/s	29	−2	−6
29881	Knee arthroscopy/surgery	25	15	29
63650	Implant neuroelectrodes	24	9	14
43235	Uppr gi endoscopy, diagnosis	24	1	1
64721	Carpal tunnel surgery	22	12	23
52000	Cystoscopy	22	−6	−10
29880	Knee arthroscopy/surgery	20	15	29
64476	Inj paravertebral l/s add-on	19	−25	−51
63685	Insrt/redo spine n generator	18	−9	−8
29826	Shoulder arthroscopy/surgery	17	26	52
62310	Inject spine c/t	15	−2	−6
67904	Repair eyelid defect	15	4	7
28285	Repair hammertoe	14	12	24
29827	Arthroscop rotator cuff repr	14	20	41
64622	Destr paravertebrl nerve l/s	14	20	35
64484	Inj foramen epidural add-on	13	−19	−39
43248	Uppr gi endoscopy/guide wire	12	−7	−14

The previous ASC payment system served as an incentive to ASCs to focus on providing procedures for which they determined Medicare payments would support their continued operation. We note that, historically, the ASC payment rates for many of the most frequently performed procedures in ASCs were similar to the OPPS payment rates for the same procedures. Conversely, procedures with ASC payment rates that were substantially lower than the OPPS rates have historically been performed least often in ASCs. We believed that the revised ASC payment system would encourage greater efficiency in ASCs and would promote significant increases in the breadth of surgical procedures performed in ASCs because it distributes payments across the entire spectrum of covered surgical procedures based on a coherent system of relative weights that are related to the clinical

and facility resource requirements of those procedures.

The CY 2008 claims data that we used to develop the proposed CY 2010 updates to the ASC payment system relative weights and rates reflect the first year of utilization under the revised payment system. Although the changes in the claims data are not large, the data reflect increased Medicare ASC spending for procedures that were newly added to the ASC list in CY 2008. Our estimates based on CY 2008 data indicate that for CY 2010 there would be especially noticeable increases in spending for genitourinary and cardiovascular procedures, compared to the previous ASC payment system.

4. Estimated Effects of This Proposed Rule on Beneficiaries

We estimate that the proposed CY 2010 update to the ASC payment system would be generally positive for beneficiaries with respect to the new procedures that we are proposing to add to the ASC list of covered surgical procedures and for those that we are proposing to designate as office-based for CY 2010. First, except for screening colonoscopy and flexible sigmoidoscopy procedures, the ASC coinsurance rate for all procedures is 20 percent. This contrasts with procedures performed in HOPDs, where the beneficiary is responsible for copayments that range from 20 percent to 40 percent of the procedure payment. Second, ASC payment rates under the revised payment system are lower than payment rates for the same procedures under the OPPS; therefore, the beneficiary coinsurance amount under the ASC payment system almost always would be less than the OPPS copayment amount for the same services. (The only exceptions would be if the ASC coinsurance amount exceeds the inpatient deductible. The statute requires that copayment amounts under the OPPS not exceed the inpatient deductible.) For new procedures that we are proposing to add to the ASC list of covered surgical procedures in CY 2010, as well as for procedures already included on the list, and that are furnished in an ASC rather than the HOPD setting, the beneficiary coinsurance amount would be less than the OPPS copayment amount. Furthermore, the proposed additions to the ASC list of covered surgical procedures would provide beneficiaries access to more surgical procedures in ASCs. Beneficiary coinsurance for services migrating from physicians' offices to ASCs may decrease or increase under the revised ASC payment system, depending on the particular service and the relative payment amounts for that service in the physician's office compared to the ASC. However, for those additional procedures that we are proposing to designate as office-based in CY 2010, the beneficiary coinsurance amount would be no greater than the beneficiary coinsurance in the physician's office.

In addition, as finalized in the August 2, 2007 final rule (72 FR 42520), in CY 2010, the third year of the 4-year transition to the ASC payment rates calculated according to the ASC standard ratesetting methodology of the revised ASC payment system, ASC payment rates for a number of commonly furnished ASC procedures would continue to be reduced, resulting in lower beneficiary coinsurance amounts for these ASC services in CY 2010.

5. Conclusion

The proposed updates to the ASC payment system for CY 2010 would affect each of the approximately 5,000 ASCs currently approved for participation in the Medicare program. The effect on an individual ASC would depend on its mix of patients, the proportion of the ASC's patients that are Medicare beneficiaries, the degree to which the payments for the procedures offered by the ASC are changed under the revised payment system, and the extent to which the ASC provides a different set of procedures in the coming year.

The CY 2010 proposed update to the revised ASC payment system includes a payment update of 0.6 percent that we estimate will result in a greater amount of Medicare expenditures in CY 2010 than was estimated to be made in CY 2009. We estimate that the proposed update to the revised ASC payment system, including the proposed addition of surgical procedures to the list of covered surgical procedures, would have a modest effect on Medicare expenditures compared to the estimated level of Medicare expenditures in CY 2009.

6. Accounting Statement

As required by OMB Circular A–4 (available at *http://www.whitehousegov/omb/circulars/a004/a-4.pdf*), in Table 55 below, we have prepared an accounting statement showing the classification of the expenditures associated with the statutorily authorized 0.6 percent update to the CY 2010 revised ASC payment system, based on the provisions of this proposed rule and the baseline spending estimates for ASCs in the 2009 Medicare Trustees Report. This table provides our best estimate of Medicare payments to suppliers as a result of the proposed update to the CY 2010 ASC payment system, as presented in this proposed rule. All expenditures are classified as transfers.

TABLE 55—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES FROM CY 2009 TO CY 2010 AS A RESULT OF THE PROPOSED CY 2010 UPDATE TO THE REVISED ASC PAYMENT SYSTEM

Category	Transfers
Annualized Monetized Transfers	$16 Million.
From Whom to Whom	Federal Government to Medicare Providers and Suppliers.
Annualized Monetized Transfer	$16 Million.
From Whom to Whom	Premium Payments from Beneficiaries to Federal Government.
Total	$16 Million.

D. Effects of Proposed Requirements for Hospital Reporting of Quality Data for Annual Hospital Payment Update

In section XVI. of the CY 2009 OPPS/ASC final rule with comment period (73 FR 68758) we discussed our requirements for subsection (d) hospitals to report quality data under the HOP QDRP in order to receive the full payment update for CY 2010. In section XVI. of this proposed rule, we proposed additional policies affecting the CY 2010, CY 2011, and CY 2012 HOP QDRP. We estimate that about 83 hospitals may not receive the full payment update in CY 2010. Most of these hospitals are either small rural or small urban hospitals. However, at this time, information is not available to determine the precise number of hospitals that do not meet the

requirements for the full hospital market basket increase for CY 2010. We also estimate that 83 hospitals may not receive the full payment update in CY 2011 and in CY 2012.

In section XVI.E.3.a. of this proposed rule, for the CY 2011 payment update, as part of the proposed validation process, we are proposing to require hospitals to submit paper copies of requested medical records to a designated contractor within the required timeframe. Failure to submit requested documentation can result in a 2 percentage point reduction in a hospital's update, but the failure to pass the validation itself would not. We estimate that no more than 20 hospitals would fail the proposed validation documentation submission requirement for the CY 2011 payment update.

For the CY 2011 payment update, our proposed validation sample size is estimated to be about 7,300 medical records. We estimate that this proposed requirement would cost hospitals approximately 12 cents per page for copying and approximately $4.00 per chart for postage. We have found, based on experience, that an average sized outpatient medical chart is approximately 30 pages. We estimate that the total cost to the impacted hospitals would be approximately $55,480, with a maximum expected cost of $152 for an individual hospital based upon an expected maximum of 20 selected records; the expected minimum would be $0.00 if no records were selected from a hospital. We believe that this cost is minimal, compared with the 2.0 percentage point HOP QDRP component of the annual payment update at risk. CMS does not plan to reimburse hospitals for copying and mailing costs. This proposed validation requirement is necessary so that CMS has all the information it needs to validate the accuracy of hospital submitted data abstracted from paper medical records.

In section XVI.E.3.b. of this proposed rule, we are proposing to expand the proposed CY 2011 validation requirement for the CY 2012 payment update. We believe that our proposal to validate data submitted by 800 hospitals for purposes of the CY 2012 HOP QDRP payment determination would not change the number of hospitals that fail the validation requirement from CY 2011. We have proposed to calculate the validation matches for CY 2011 (we note, however, that the validation results will not affect the CY 2011 payment update) and CY 2012 by assessing whether the overall measure data submitted by the hospital matches the independently reabstracted measure data. We believe that this methodology will make it less difficult for hospitals to satisfy the validation requirement than if we proposed to calculate the percent agreement between what the hospital submitted and what the CMS designated contractor independently abstracted for each submitted, individual data element. In addition, we have proposed to validate data for a much smaller number of hospitals each year, 800 hospitals out of the approximately 3,400 HOP QDRP participating hospitals. As a result, we believe that the effect of our proposed validation process for CY 2012 will be minimal in terms of the number of hospitals that do not meet all program requirements. Of the 83 hospitals that we estimate will not receive the full payment update for CY 2012, we estimate that approximately 20 hospitals will fail to meet our proposed CY 2012 validation requirements.

E. Executive Order 12866

In accordance with the provisions of Executive Order 12866, this proposed rule was reviewed by the OMB.

List of Subjects

42 CFR Part 410

Health facilities, Health professions, Laboratories, Medicare, Rural areas, X-rays.

42 CFR Part 416

Health facilities, Health professions, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 419

Hospitals, Medicare, Reporting and recordkeeping requirements.

For reasons stated in the preamble of this document, the Centers for Medicare & Medicaid Services is proposing to amend 42 CFR Chapter IV as set forth below:

PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS

1. The authority citation for Part 410 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

2. Section 410.27 is amended by—

a. Revising the section heading.

b. Revising the introductory text of paragraph (a) and paragraph (a)(1).

c. Revising paragraph (e).

d. Revising paragraph (f).

e. Adding new paragraph (g).

The revisions and additions read as follows:

§ 410.27 Outpatient hospital or CAH services and supplies incident to a physician or nonphysician practitioner service: Conditions.

(a) Medicare Part B pays for hospital or CAH services and supplies furnished incident to a physician or nonphysician practitioner service to outpatients, including drugs and biologicals that cannot be self-administered, if—

(1) They are furnished—

(i) By or under arrangements made by the participating hospital or CAH, except in the case of a SNF resident as provided in § 411.15(p) of this chapter;

(ii) As an integral though incidental part of a physician's or nonphysician practitioner's services;

(iii) In the hospital or CAH or in a department of the hospital or CAH, as defined in § 413.65 of this subchapter; and

(iv) Under the direct supervision of a physician or a nonphysician practitioner as specified in paragraph (f) of this section. Nonphysician practitioners may directly supervise services that they may personally furnish in accordance with State law and all additional requirements, including those specified in §§ 410.71, 410.74, 410.75, 410.76, and 410.77, respectively.

(A) For services furnished in the hospital or CAH or in an on-campus outpatient department of the hospital or CAH, as defined in § 413.65 of this subchapter, ''direct supervision'' means that the physician or nonphysician practitioner must be present on the same campus, in the hospital or CAH or on-campus provider-based departments of the hospital or CAH, and immediately available to furnish assistance and direction throughout the performance of the procedure. It does not mean that the physician or nonphysician practitioner must be present in the room when the procedure is performed. For pulmonary rehabilitation, cardiac rehabilitation, and intensive cardiac rehabilitation services, direct supervision must be furnished by a doctor of medicine or osteopathy, as specified in §§ 410.47 and 410.49, respectively.

(B) For services furnished in an off-campus outpatient department of the hospital or CAH, as defined in § 413.65 of this subchapter, ''direct supervision'' means the physician or nonphysician practitioner must be present in the off-campus provider-based department of the hospital or CAH and immediately available to furnish assistance and direction throughout the performance of the procedure. It does not mean that the physician or nonphysician practitioner must be present in the room when the procedure is performed. For pulmonary

rehabilitation, cardiac rehabilitation, and intensive cardiac rehabilitation services, direct supervision must be furnished by a doctor of medicine or osteopathy, as specified in §§ 410.47 and 410.49, respectively.

* * * * *

(e) Services furnished by an entity other than the hospital or CAH are subject to the limitations specified in § 410.42(a).

(f) For purposes of this section, ''nonphysician practitioner'' means a clinical psychologist, physician assistant, nurse practitioner, clinical nurse specialist, or certified nurse-midwife.

(g) For purposes of this section, ''in the hospital or CAH'' means areas in the main building(s) of the hospital or CAH that are under the ownership, financial, and administrative control of the hospital or CAH; that are operated as part of the hospital or CAH; and for which the hospital or CAH bills the services furnished under the hospital's or CAH's CMS Certification Number.

3. Section 410.28 is amended by revising paragraph (e) to read as follows:

§ 410.28 Hospital or CAH diagnostic services furnished to outpatients: Conditions.

* * * * *

(e) Medicare Part B makes payment under section 1833(t) of the Act for diagnostic services furnished by or under arrangements made by the participating hospital, only when the diagnostic services are furnished under the appropriate level of physician supervision specified by CMS in accordance with the definitions in § 410.32(b)(3)(i), (b)(3)(ii), and (b)(3)(iii). Under general supervision, the training of the nonphysician personnel who actually perform the diagnostic procedure and the maintenance of the necessary equipment and supplies are the continuing responsibility of the facility. In addition—

(1) For services furnished directly or under arrangement in the hospital or in an on-campus outpatient department of the hospital, as defined in § 413.65 of this subchapter, ''direct supervision'' means that the physician must be present on the same campus, in the hospital or on-campus provider-based departments of the hospital, and immediately available to furnish assistance and direction throughout the performance of the procedure. It does not mean that the physician must be present in the room when the procedure is performed. For this purpose, the definition of ''in the hospital'' is as specified in § 410.27(g).

(2) For services furnished directly or under arrangement in an off-campus outpatient department of the hospital, as defined in § 413.65 of this subchapter, ''direct supervision'' means the physician must be present in the off-campus provider-based department of the hospital and immediately available to furnish assistance and direction throughout the performance of the procedure. It does not mean that the physician must be present in the room when the procedure is performed.

(3) For services furnished under arrangement in nonhospital locations, ''direct supervision'' means the definition specified in § 410.32(b)(3)(ii).

* * * * *

PART 416—AMBULATORY SURGICAL SERVICES

4. The authority citation for Part 416 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

5. Section 416.30 is amended by revising paragraph (f)(2) to read as follows:

§ 416.30 Terms of the agreement with CMS.

* * * * *

(f) * * *

(2) The ASC participates and is paid only as an ASC.

* * * * *

PART 419—PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES

6. The authority citation for Part 419 continues to read as follows:

Authority: Secs. 1102, 1833(t), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395(t), and 1395(hh).

7. Section 419.64 is amended by—

a. Adding new paragraphs (a)(4)(iii) and (a)(4)(iv).

b. Revising paragraph (c)(2).

c. Adding new paragraph (c)(3).

The revisions and additions read as follows:

§ 419.64 Transitional pass-through payments: Drugs and biologicals.

(a) * * *

(4) * * *

(iii) A biological that is not surgically implanted or inserted into the body.

(iv) A biological that is surgically implanted or inserted into the body, for which pass-through payment as a biological is made on or before December 31, 2009.

* * * * *

(c) * * *

(2) For a drug or biological described in paragraph (a)(4) of this section and approved for and receiving pass-through payment beginning on or before December 31, 2009—the date that CMS makes its first pass-through payment for the drug or biological.

(3) For a drug or nonimplantable biological described in paragraph (a)(4) of this section and approved for pass-through payment beginning on or after January 1, 2010—the date of the first sale of the drug or nonimplantable biological in the United States after FDA approval. Pass-through payment for the drug or nonimplantable biological begins on the first day of the hospital outpatient prospective payment system update following the update period during which the drug or nonimplantable biological was approved for pass-through status.

* * * * *

8. Section 419.66 is amended by revising paragraph (b)(4)(iii) to read as follows:

§ 419.66 Transitional pass-through payments: Medical devices.

* * * * *

(b) * * *

(4) * * *

(iii) A material that may be used to replace human skin (for example, a biological skin replacement material or synthetic skin replacement material).

* * * * *

9. Section 419.70 is amended by revising the heading of paragraph (d)(5) to read as follows:

§ 419.70 Transitional adjustments to limit decline in payments.

* * * * *

(d) * * *

(5) *Temporary treatment for small sole community hospitals on or after January 1, 2009 and through December 31, 2009.* * * *

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 22, 2009.

Charlene Frizzera,

Acting Administrator, Centers for Medicare & Medicaid Services.

Dated: June 29, 2009.

Kathleen Sebelius,

Secretary.

BILLING CODE 4120–01–P

Editorial Note: The following Addenda will not appear in the Code of Federal Regulations.

ADDENDUM A.--PROPOSED APCs FOR CY 2010

ADDENDUM A.--PROPOSED APCs FOR CY 2010						
APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0001	Level I Photochemotherapy	S	0.5413	$36.50	.	$7.30
0002	Fine Needle Biopsy/Aspiration	T	1.4855	$100.18	.	$20.04
0003	Bone Marrow Biopsy/Aspiration	T	3.1333	$211.31	.	$42.27
0004	Level I Needle Biopsy/ Aspiration Except Bone Marrow	T	4.5886	$309.45	.	$61.89
0005	Level II Needle Biopsy/Aspiration Except Bone Marrow	T	7.6979	$519.14	.	$103.83
0006	Level I Incision & Drainage	T	1.4437	$97.36	.	$19.48
0007	Level II Incision & Drainage	T	12.4456	$839.32	.	$167.87
0008	Level III Incision and Drainage	T	19.6942	$1,328.16	.	$265.64
0012	Level I Debridement & Destruction	T	0.4119	$27.78	.	$5.56
0013	Level II Debridement & Destruction	T	0.8679	$58.53	.	$11.71
0015	Level III Debridement & Destruction	T	1.5025	$101.33	.	$20.27
0016	Level IV Debridement & Destruction	T	2.7920	$188.29	.	$37.66
0017	Level VI Debridement & Destruction	T	21.4837	$1,448.84	.	$289.77
0019	Level I Excision/ Biopsy	T	4.3348	$292.33	$64.13	$58.47
0020	Level II Excision/ Biopsy	T	8.1236	$547.85	.	$109.57
0021	Level III Excision/ Biopsy	T	16.2353	$1,094.89	$219.48	$218.98
0022	Level IV Excision/ Biopsy	T	22.4616	$1,514.79	$354.45	$302.96
0028	Level I Breast Surgery	T	24.7586	$1,669.70	.	$333.94
0029	Level II Breast Surgery	T	34.6053	$2,333.75	$581.52	$466.75
0030	Level III Breast Surgery	T	42.4790	$2,864.74	$747.07	$572.95
0031	Smoking Cessation Services	X	0.3001	$20.24	.	$4.05
0034	Mental Health Services Composite	S	3.1354	$211.45	.	$42.29
0035	Vascular Puncture and Minor Diagnostic Procedures	X	0.2241	$15.11	.	$3.03
0037	Level IV Needle Biopsy/Aspiration Except Bone Marrow	T	15.2766	$1,030.24	$228.76	$206.05
0039	Level I Implantation of Neurostimulator Generator	S	205.1503	$13,835.13	.	$2,767.03
0040	Percutaneous Implantation of Neurostimulator Electrodes	S	65.1812	$4,395.75	.	$879.15
0041	Level I Arthroscopy	T	29.8669	$2,014.19	.	$402.84
0042	Level II Arthroscopy	T	48.6175	$3,278.72	$804.74	$655.75
0045	Bone/Joint Manipulation Under Anesthesia	T	15.1903	$1,024.42	$267.44	$204.89
0047	Arthroplasty without Prosthesis	T	39.6776	$2,675.82	$537.03	$535.17
0048	Level I Arthroplasty or Implantation with Prosthesis	T	56.7059	$3,824.19	.	$764.84
0049	Level I Musculoskeletal Procedures Except Hand and Foot	T	22.0895	$1,489.69	.	$297.94
0050	Level II Musculoskeletal Procedures Except Hand and Foot	T	31.6510	$2,134.51	.	$426.91
0051	Level III Musculoskeletal Procedures Except Hand and Foot	T	46.7920	$3,155.61	.	$631.13
0052	Level IV Musculoskeletal Procedures Except Hand and Foot	T	87.3161	$5,888.51	.	$1,177.71
0053	Level I Hand Musculoskeletal Procedures	T	17.0234	$1,148.04	$253.49	$229.61
0054	Level II Hand Musculoskeletal Procedures	T	28.2465	$1,904.92	.	$380.99
0055	Level I Foot Musculoskeletal Procedures	T	21.8163	$1,471.27	$355.34	$294.26
0056	Level II Foot Musculoskeletal Procedures	T	51.6815	$3,485.35	.	$697.07
0057	Bunion Procedures	T	31.5451	$2,127.37	$475.91	$425.48
0058	Level I Strapping and Cast Application	S	1.1040	$74.45	.	$14.89
0060	Manipulation Therapy	S	0.4196	$28.30	.	$5.66
0061	Laminectomy, Laparoscopy, or Incision for Implantation of Neurostimulator Electr	S	86.4702	$5,831.46	.	$1,166.30
0062	Level I Treatment Fracture/Dislocation	T	25.9991	$1,753.35	$372.87	$350.67
0063	Level II Treatment Fracture/Dislocation	T	44.8330	$3,023.49	.	$604.70
0064	Level III Treatment Fracture/Dislocation	T	64.5844	$4,355.51	.	$871.11
0065	Level I Stereotactic Radiosurgery, MRgFUS, and MEG	S	13.2633	$894.46	.	$178.90
0066	Level II Stereotactic Radiosurgery, MRgFUS, and MEG	S	37.1427	$2,504.87	.	$500.98
0067	Level III Stereotactic Radiosurgery, MRgFUS, and MEG	S	51.9998	$3,506.81	.	$701.37
0069	Thoracoscopy	T	34.2737	$2,311.38	$591.64	$462.28
0070	Thoracentesis/Lavage Procedures	T	5.5115	$371.69	.	$74.34
0071	Level I Endoscopy Upper Airway	T	0.7925	$53.45	$11.03	$10.69
0072	Level II Endoscopy Upper Airway	T	1.8910	$127.53	.	$25.51
0073	Level III Endoscopy Upper Airway	T	4.3949	$296.39	$69.15	$59.28
0074	Level IV Endoscopy Upper Airway	T	21.7866	$1,469.27	.	$293.86
0075	Level V Endoscopy Upper Airway	T	29.2772	$1,974.43	$445.92	$394.89
0076	Level I Endoscopy Lower Airway	T	10.4258	$703.11	$189.82	$140.63
0077	Level I Pulmonary Treatment	S	0.4088	$27.57	$7.74	$5.52
0078	Level II Pulmonary Treatment	S	1.4179	$95.62	.	$19.13
0079	Ventilation Initiation and Management	S	3.1010	$209.13	.	$41.83
0080	Diagnostic Cardiac Catheterization	T	39.6232	$2,672.15	$838.92	$534.43
0082	Coronary or Non-Coronary Atherectomy	T	91.2890	$6,156.44	.	$1,231.29
0083	Coronary or Non-Coronary Angioplasty and Percutaneous Valvuloplasty	T	50.2559	$3,389.21	.	$677.85
0084	Level I Electrophysiologic Procedures	S	10.6030	$715.06	.	$143.02

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0085	Level II Electrophysiologic Procedures	T	52.5263	$3,542.32	.	$708.47
0086	Level III Electrophysiologic Procedures	T	109.3471	$7,374.26	.	$1,474.86
0088	Thrombectomy	T	40.7433	$2,747.69	$655.22	$549.54
0089	Insertion/Replacement of Permanent Pacemaker and Electrodes	T	116.9225	$7,885.14	$1,682.28	$1,577.03
0090	Insertion/Replacement of Pacemaker Pulse Generator	T	97.3761	$6,566.95	$1,597.43	$1,313.39
0091	Level II Vascular Ligation	T	44.4448	$2,997.31	.	$599.47
0092	Level I Vascular Ligation	T	26.7885	$1,806.59	.	$361.32
0093	Vascular Reconstruction/Fistula Repair without Device	T	30.7673	$2,074.92	.	$414.99
0094	Level I Resuscitation and Cardioversion	S	2.4328	$164.07	$46.29	$32.82
0095	Cardiac Rehabilitation	S	0.5694	$38.40	$13.86	$7.68
0096	Level II Noninvasive Physiologic Studies	S	1.6471	$111.08	$37.42	$22.22
0097	Level I Noninvasive Physiologic Studies	S	0.9890	$66.70	$23.79	$13.34
0099	Electrocardiograms	S	0.3891	$26.24	.	$5.25
0100	Cardiac Stress Tests	X	2.5806	$174.03	$41.44	$34.81
0101	Tilt Table Evaluation	S	4.3069	$290.45	$100.24	$58.09
0103	Miscellaneous Vascular Procedures	T	17.0399	$1,149.15	.	$229.83
0104	Transcatheter Placement of Intracoronary Stents	T	84.2604	$5,682.44	.	$1,136.49
0105	Repair/Revision/Removal of Pacemakers, AICDs, or Vascular Devices	T	23.2144	$1,565.56	.	$313.12
0106	Insertion/Replacement of Pacemaker Leads and/or Electrodes	T	46.8221	$3,157.64	.	$631.53
0107	Insertion of Cardioverter-Defibrillator	T	316.6212	$21,352.62	.	$4,270.53
0108	Insertion/Replacement/Repair of Cardioverter-Defibrillator Leads	T	407.7550	$27,498.59	.	$5,499.72
0110	Transfusion	S	3.3601	$226.60	.	$45.32
0111	Blood Product Exchange	S	12.1380	$818.57	$198.40	$163.72
0112	Apheresis and Stem Cell Procedures	S	31.4318	$2,119.73	$433.29	$423.95
0113	Excision Lymphatic System	T	24.5854	$1,658.01	.	$331.61
0114	Thyroid/Lymphadenectomy Procedures	T	48.6341	$3,279.84	.	$655.97
0115	Cannula/Access Device Procedures	T	31.4839	$2,123.24	.	$424.65
0121	Level I Tube or Catheter Changes or Repositioning	T	6.3407	$427.61	.	$85.53
0126	Level I Urinary and Anal Procedures	T	1.0735	$72.40	$16.21	$14.48
0127	Level IV Stereotactic Radiosurgery, MRgFUS, and MEG	S	114.3851	$7,714.02	.	$1,542.81
0128	Echocardiogram with Contrast	S	9.6970	$653.96	$216.29	$130.80
0129	Level I Closed Treatment Fracture Finger/Toe/Trunk	T	1.6769	$113.09	.	$22.62
0130	Level I Laparoscopy	T	37.6286	$2,537.64	$659.53	$507.53

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0131	Level II Laparoscopy	T	47.1642	$3,180.71	$1,001.89	$636.15
0132	Level III Laparoscopy	T	72.7026	$4,902.99	$1,239.22	$980.60
0133	Level I Skin Repair	T	1.3482	$90.92	$25.67	$18.19
0134	Level II Skin Repair	T	3.1786	$214.36	.	$42.88
0135	Level III Skin Repair	T	4.3990	$296.66	.	$59.34
0136	Level IV Skin Repair	T	15.8458	$1,068.62	.	$213.73
0137	Level V Skin Repair	T	21.0538	$1,419.85	.	$283.97
0138	Level II Closed Treatment Fracture Finger/Toe/Trunk	T	4.8430	$326.61	.	$65.33
0139	Level III Closed Treatment Fracture Finger/Toe/Trunk	T	18.6224	$1,255.88	.	$251.18
0140	Esophageal Dilation without Endoscopy	T	6.2227	$419.65	$88.54	$83.93
0141	Level I Upper GI Procedures	T	8.7364	$589.17	$143.38	$117.84
0142	Small Intestine Endoscopy	T	9.5594	$644.68	$152.78	$128.94
0143	Lower GI Endoscopy	T	9.1061	$614.11	$186.06	$122.83
0146	Level I Sigmoidoscopy and Anoscopy	T	5.8906	$397.26	.	$79.46
0147	Level II Sigmoidoscopy and Anoscopy	T	9.2151	$621.46	.	$124.30
0148	Level I Anal/Rectal Procedures	T	5.7790	$389.73	.	$77.95
0149	Level III Anal/Rectal Procedures	T	23.7978	$1,604.90	.	$320.98
0150	Level IV Anal/Rectal Procedures	T	31.8277	$2,146.43	$437.12	$429.29
0151	Endoscopic Retrograde Cholangio-Pancreatography (ERCP)	T	22.4446	$1,513.64	.	$302.73
0152	Level I Percutaneous Abdominal and Biliary Procedures	T	30.6070	$2,064.11	.	$412.83
0153	Peritoneal and Abdominal Procedures	T	25.0073	$1,686.47	$376.05	$337.30
0154	Hernia/Hydrocele Procedures	T	32.2956	$2,177.98	$464.85	$435.60
0155	Level II Anal/Rectal Procedures	T	13.1439	$886.41	.	$177.29
0156	Level III Urinary and Anal Procedures	T	2.9944	$201.94	.	$40.39
0157	Colorectal Cancer Screening: Barium Enema	S	1.4324	$96.60	.	$19.32
0158	Colorectal Cancer Screening: Colonoscopy	T	8.0958	$545.97	.	$136.49
0159	Colorectal Cancer Screening: Flexible Sigmoidoscopy	S	3.8194	$257.58	.	$64.40
0160	Level I Cystourethroscopy and other Genitourinary Procedures	T	7.1100	$479.49	.	$95.90
0161	Level II Cystourethroscopy and other Genitourinary Procedures	T	17.1519	$1,156.71	.	$231.35
0162	Level III Cystourethroscopy and other Genitourinary Procedures	T	25.5689	$1,724.34	.	$344.87
0163	Level IV Cystourethroscopy and other Genitourinary Procedures	T	36.0712	$2,432.61	.	$486.53
0164	Level II Urinary and Anal Procedures	T	1.9814	$133.62	.	$26.73
0165	Level IV Urinary and Anal Procedures	T	20.0655	$1,353.20	.	$270.64

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0166	Level I Urethral Procedures	T	20.1930	$1,361.80	.	$272.36
0168	Level II Urethral Procedures	T	30.9839	$2,089.52	.	$417.91
0169	Lithotripsy	T	41.5880	$2,804.65	$997.74	$560.93
0170	Dialysis	S	6.5515	$441.83	.	$88.37
0172	Level I Partial Hospitalization (3 services)	P	2.1912	$147.77	.	$29.56
0173	Level II Partial Hospitalization (4 or more services)	P	3.1354	$211.45	.	$42.29
0174	Level IV Laparoscopy	T	115.1545	$7,765.90	$2,168.83	$1,553.18
0181	Level II Male Genital Procedures	T	34.6253	$2,335.10	$618.06	$467.02
0183	Level I Male Genital Procedures	T	23.3426	$1,574.20	.	$314.84
0184	Prostate Biopsy	T	12.2667	$827.25	.	$165.45
0188	Level II Female Reproductive Proc	T	1.5209	$102.57	.	$20.52
0189	Level III Female Reproductive Proc	T	3.4866	$235.13	.	$47.03
0190	Level I Hysteroscopy	T	22.5891	$1,523.39	$424.28	$304.68
0191	Level I Female Reproductive Proc	T	0.1502	$10.13	$2.36	$2.03
0192	Level IV Female Reproductive Proc	T	6.7169	$452.98	.	$90.60
0193	Level V Female Reproductive Proc	T	19.9751	$1,347.10	.	$269.42
0195	Level VI Female Reproductive Procedures	T	35.1179	$2,368.32	$483.80	$473.67
0202	Level VII Female Reproductive Procedures	T	44.3545	$2,991.22	$981.50	$598.25
0203	Level IV Nerve Injections	T	15.6673	$1,056.59	$240.33	$211.32
0204	Level I Nerve Injections	T	2.6572	$179.20	$40.13	$35.84
0206	Level II Nerve Injections	T	3.7273	$251.37	$51.76	$50.28
0207	Level III Nerve Injections	T	7.4043	$499.34	.	$99.87
0208	Laminotomies and Laminectomies	T	49.7505	$3,355.12	.	$671.03
0209	Level II Extended EEG, Sleep, and Cardiovascular Studies	S	11.4707	$773.57	$268.73	$154.72
0213	Level I Extended EEG, Sleep, and Cardiovascular Studies	S	2.3712	$159.91	$53.58	$31.99
0215	Level I Nerve and Muscle Tests	S	0.6048	$40.79	.	$8.16
0216	Level III Nerve and Muscle Tests	S	2.7250	$183.77	.	$36.76
0218	Level II Nerve and Muscle Tests	S	1.1956	$80.63	.	$16.13
0220	Level I Nerve Procedures	T	18.7545	$1,264.78	.	$252.96
0221	Level II Nerve Procedures	T	37.0582	$2,499.17	.	$499.84
0224	Implantation of Catheter/Reservoir/Shunt	T	40.7150	$2,745.78	.	$549.16
0225	Implantation of Neurostimulator Electrodes, Cranial Nerve	S	155.4285	$10,481.94	.	$2,096.39
0227	Implantation of Drug Infusion Device	T	193.2505	$13,032.62	.	$2,606.53
0229	Transcatherter Placement of Intravascular Shunts	T	95.4886	$6,439.66	.	$1,287.94
0230	Level I Eye Tests & Treatments	S	0.6048	$40.79	.	$8.16
0231	Level III Eye Tests & Treatments	S	2.1314	$143.74	.	$28.75
0232	Level I Anterior Segment Eye Procedures	T	4.4078	$297.26	$74.47	$59.46

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0233	Level II Anterior Segment Eye Procedures	T	16.4066	$1,106.44	$266.33	$221.29
0234	Level III Anterior Segment Eye Procedures	T	24.3022	$1,638.92	$511.31	$327.79
0235	Level I Posterior Segment Eye Procedures	T	6.0497	$407.99	.	$81.60
0237	Level II Posterior Segment Eye Procedures	T	21.9719	$1,481.76	.	$296.36
0238	Level I Repair and Plastic Eye Procedures	T	3.2686	$220.43	.	$44.09
0239	Level II Repair and Plastic Eye Procedures	T	7.9300	$534.79	.	$106.96
0240	Level III Repair and Plastic Eye Procedures	T	19.2686	$1,299.46	$309.52	$259.90
0241	Level IV Repair and Plastic Eye Procedures	T	26.4858	$1,786.18	$383.45	$357.24
0242	Level V Repair and Plastic Eye Procedures	T	38.8308	$2,618.71	$597.36	$523.75
0243	Strabismus/Muscle Procedures	T	24.7390	$1,668.37	$430.35	$333.68
0244	Corneal and Amniotic Membrane Transplant	T	37.5009	$2,529.02	$803.26	$505.81
0245	Level I Cataract Procedures without IOL Insert	T	15.7375	$1,061.32	$214.11	$212.27
0246	Cataract Procedures with IOL Insert	T	24.2001	$1,632.03	$495.96	$326.41
0247	Laser Eye Procedures	T	5.4519	$367.67	$104.31	$73.54
0249	Level II Cataract Procedures without IOL Insert	T	30.1604	$2,033.99	$515.63	$406.80
0250	Level I ENT Procedures	T	1.1384	$76.77	$25.10	$15.36
0251	Level II ENT Procedures	T	3.4720	$234.15	.	$46.83
0252	Level III ENT Procedures	T	7.5340	$508.09	$109.16	$101.62
0253	Level IV ENT Procedures	T	17.0446	$1,149.47	$282.29	$229.90
0254	Level V ENT Procedures	T	24.8215	$1,673.94	.	$334.79
0256	Level VI ENT Procedures	T	42.8890	$2,892.39	.	$578.48
0259	Level VII ENT Procedures	T	433.6569	$29,245.39	$8,543.66	$5,849.08
0260	Level I Plain Film Except Teeth	X	0.6780	$45.72	.	$9.15
0261	Level II Plain Film Except Teeth Including Bone Density Measurement	X	1.1283	$76.09	.	$15.22
0262	Plain Film of Teeth	X	0.4624	$31.18	.	$6.24
0263	Level I Miscellaneous Radiology Procedures	X	3.0089	$202.92	.	$40.59
0265	Level I Diagnostic and Screening Ultrasound	S	0.9431	$63.60	$22.35	$12.72
0266	Level II Diagnostic and Screening Ultrasound	S	1.4674	$98.96	$37.80	$19.80
0267	Level III Diagnostic and Screening Ultrasound	S	2.3326	$157.31	$60.50	$31.47
0269	Level II Echocardiogram Without Contrast	S	6.7111	$452.59	.	$90.52
0270	Level III Echocardiogram Without Contrast	S	8.7598	$590.75	$141.32	$118.15
0272	Fluoroscopy	X	1.2691	$85.59	$31.15	$17.12
0274	Myelography	S	7.1396	$481.49	.	$96.30
0275	Arthrography	S	3.9590	$266.99	$69.09	$53.40
0276	Level I Digestive Radiology	S	1.3242	$89.30	$34.87	$17.86

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0277	Level II Digestive Radiology	S	2.1512	$145.07	$54.52	$29.02
0278	Diagnostic Urography	S	2.5936	$174.91	$59.40	$34.99
0279	Level II Angiography and Venography	S	29.6627	$2,000.42	.	$400.09
0280	Level III Angiography and Venography	S	45.9502	$3,098.84	.	$619.77
0282	Miscellaneous Computed Axial Tomography	S	1.6629	$112.14	$37.81	$22.43
0283	Computed Tomography with Contrast	S	4.4186	$297.99	$97.17	$59.60
0284	Magnetic Resonance Imaging and Magnetic Resonance Angiography with Contrast	S	6.3051	$425.21	$147.64	$85.05
0288	Bone Density:Axial Skeleton	S	1.0833	$73.06	$28.66	$14.62
0293	Level V Anterior Segment Eye Procedures	T	97.1843	$6,554.01	.	$1,310.81
0299	Hyperthermia and Radiation Treatment Procedures	S	5.7035	$384.64	.	$76.93
0300	Level I Radiation Therapy	S	1.3790	$93.00	.	$18.60
0301	Level II Radiation Therapy	S	2.3206	$156.50	.	$31.30
0303	Treatment Device Construction	X	2.8566	$192.65	$66.95	$38.53
0304	Level I Therapeutic Radiation Treatment Preparation	X	1.7343	$116.96	$38.68	$23.40
0305	Level II Therapeutic Radiation Treatment Preparation	X	3.9466	$266.15	$91.38	$53.23
0307	Myocardial Positron Emission Tomography (PET) imaging	S	21.1936	$1,429.28	.	$285.86
0308	Non-Myocardial Positron Emission Tomography (PET) imaging	S	15.5857	$1,051.08	.	$210.22
0310	Level III Therapeutic Radiation Treatment Preparation	X	13.6600	$921.22	$325.27	$184.25
0312	Radioelement Applications	S	4.4143	$297.70	.	$59.54
0313	Brachytherapy	S	11.0720	$746.68	$293.30	$149.34
0315	Level II Implantation of Neurostimulator Generator	S	273.6298	$18,453.32	.	$3,690.67
0317	Level II Miscellaneous Radiology Procedures	X	4.9889	$336.45	.	$67.29
0320	Electroconvulsive Therapy	S	5.9152	$398.92	$80.06	$79.79
0322	Brief Individual Psychotherapy	S	1.2490	$84.23	.	$16.85
0323	Extended Individual Psychotherapy	S	1.7398	$117.33	.	$23.47
0324	Family Psychotherapy	S	2.3813	$160.59	.	$32.12
0325	Group Psychotherapy	S	0.9103	$61.39	$13.10	$12.28
0330	Dental Procedures	S	9.3266	$628.98	.	$125.80
0332	Computed Tomography without Contrast	S	2.9160	$196.65	$75.24	$39.33
0333	Computed Tomography without Contrast followed by Contrast)	S	4.9715	$335.27	$117.02	$67.06
0336	Magnetic Resonance Imaging and	S	5.2552	$354.41	$137.40	$70.89

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
	Magnetic Resonance Angiography without Contrast					
0337	Magnetic Resonance Imaging and Magnetic Resonance Angiography without Contrast f	S	7.9968	$539.30	$199.53	$107.86
0340	Minor Ancillary Procedures	X	0.6682	$45.06	.	$9.02
0341	Skin Tests	X	0.0799	$5.39	$2.09	$1.08
0342	Level I Pathology	X	0.1583	$10.68	.	$2.14
0343	Level III Pathology	X	0.5294	$35.70	$10.84	$7.14
0344	Level IV Pathology	X	0.8020	$54.09	$15.59	$10.82
0345	Level I Transfusion Laboratory Procedures	X	0.2205	$14.87	.	$2.98
0346	Level II Transfusion Laboratory Procedures	X	0.3720	$25.09	.	$5.02
0347	Level III Transfusion Laboratory Procedures	X	0.7260	$48.96	$9.94	$9.80
0350	Administration of flu and PPV vaccine	S	0.3805	$25.66	.	$0.00
0360	Level I Alimentary Tests	X	1.4569	$98.25	$33.34	$19.65
0361	Level II Alimentary Tests	X	4.0117	$270.55	$83.23	$54.11
0363	Level I Otorhinolaryngologic Function Tests	X	0.9140	$61.64	$17.10	$12.33
0364	Level I Audiometry	X	0.4700	$31.70	$7.06	$6.34
0365	Level II Audiometry	X	1.2630	$85.18	$18.52	$17.04
0366	Level III Audiometry	X	1.6638	$112.21	$25.62	$22.45
0367	Level I Pulmonary Test	X	0.5872	$39.60	$13.76	$7.92
0368	Level II Pulmonary Tests	X	0.8423	$56.80	$20.93	$11.36
0369	Level III Pulmonary Tests	X	2.8041	$189.11	$44.18	$37.83
0370	Allergy Tests	X	1.4058	$94.81	.	$18.97
0373	Level I Neuropsychological Testing	X	1.0624	$71.65	.	$14.33
0375	Ancillary Outpatient Services When Patient Expires	S	85.0450	$5,735.35	.	$1,147.07
0377	Level II Cardiac Imaging	S	11.6149	$783.30	$158.84	$156.66
0378	Level II Pulmonary Imaging	S	4.8966	$330.22	$125.33	$66.05
0379	Injection adenosine 6 MG	K		$9.89	.	$1.98
0381	Single Allergy Tests	X	0.4294	$28.96	.	$5.80
0382	Level II Neuropsychological Testing	X	2.5725	$173.49	.	$34.70
0383	Cardiac Computed Tomographic Imaging	S	4.0252	$271.46	$106.14	$54.30
0384	GI Procedures with Stents	T	26.1458	$1,763.25	.	$352.65
0385	Level I Prosthetic Urological Procedures	S	94.6254	$6,381.44	.	$1,276.29
0386	Level II Prosthetic Urological Procedures	S	163.2631	$11,010.30	.	$2,202.06
0387	Level II Hysteroscopy	T	37.0661	$2,499.70	$655.55	$499.94
0388	Discography	S	26.0155	$1,754.46	.	$350.90
0389	Level I Non-imaging Nuclear Medicine	S	1.6458	$110.99	$29.60	$22.20
0390	Level I Endocrine Imaging	S	2.1594	$145.63	$52.15	$29.13
0391	Level II Endocrine Imaging	S	3.3345	$224.88	$66.18	$44.98
0392	Level II Non-imaging Nuclear Medicine	S	2.4752	$166.93	$43.95	$33.39

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0393	Hematologic Processing & Studies	S	6.0685	$409.25	$82.04	$81.85
0394	Hepatobiliary Imaging	S	4.4094	$297.37	$99.32	$59.48
0395	GI Tract Imaging	S	3.7395	$252.19	$89.73	$50.44
0396	Bone Imaging	S	3.7488	$252.82	$95.02	$50.57
0397	Vascular Imaging	S	2.9070	$196.05	$46.29	$39.21
0398	Level I Cardiac Imaging	S	4.6721	$315.08	$100.06	$63.02
0400	Hematopoietic Imaging	S	3.8671	$260.79	$92.58	$52.16
0401	Level I Pulmonary Imaging	S	3.1737	$214.03	$76.52	$42.81
0402	Level II Nervous System Imaging	S	8.9669	$604.72	.	$120.95
0403	Level I Nervous System Imaging	S	3.0171	$203.47	$72.42	$40.70
0404	Renal and Genitourinary Studies	S	4.9245	$332.10	$84.11	$66.42
0406	Level I Tumor/Infection Imaging	S	4.4282	$298.63	$90.83	$59.73
0407	Level I Radionuclide Therapy	S	3.2574	$219.68	$78.13	$43.94
0408	Level III Tumor/Infection Imaging	S	15.4344	$1,040.88	.	$208.18
0409	Red Blood Cell Tests	X	0.1162	$7.84	$2.20	$1.57
0412	IMRT Treatment Delivery	S	6.2903	$424.21	.	$84.85
0413	Level II Radionuclide Therapy	S	5.3200	$358.78	.	$71.76
0414	Level II Tumor/Infection Imaging	S	7.7663	$523.75	.	$104.75
0415	Level II Endoscopy Lower Airway	T	26.2090	$1,767.51	$459.92	$353.51
0418	Insertion of Left Ventricular Pacing Elect	T	204.6552	$13,801.74	.	$2,760.35
0422	Level II Upper GI Procedures	T	24.2194	$1,633.33	$437.26	$326.67
0423	Level II Percutaneous Abdominal and Biliary Procedures	T	49.3672	$3,329.27	.	$665.86
0425	Level II Arthroplasty or Implantation with Prosthesis	T	115.4444	$7,785.45	.	$1,557.09
0426	Level II Strapping and Cast Application	S	2.3845	$160.81	.	$32.17
0427	Level II Tube or Catheter Changes or Repositioning	T	16.0318	$1,081.17	.	$216.24
0428	Level III Sigmoidoscopy and Anoscopy	T	22.3635	$1,508.17	.	$301.64
0429	Level V Cystourethroscopy and other Genitourinary Procedures	T	45.9518	$3,098.94	.	$619.79
0432	Health and Behavior Services	S	0.5594	$37.73	.	$7.55
0433	Level II Pathology	X	0.2467	$16.64	$5.17	$3.33
0434	Cardiac Defect Repair	T	151.9174	$10,245.16	.	$2,049.04
0436	Level I Drug Administration	S	0.3805	$25.66	.	$5.14
0437	Level II Drug Administration	S	0.5532	$37.31	.	$7.47
0438	Level III Drug Administration	S	1.0943	$73.80	.	$14.76
0439	Level IV Drug Administration	S	1.8815	$126.89	.	$25.38
0440	Level V Drug Administration	S	3.1844	$214.75	.	$42.95
0442	Dosimetric Drug Administration	S	25.0241	$1,687.60	.	$337.52
0604	Level 1 Hospital Clinic Visits	V	0.8092	$54.57	.	$10.92
0605	Level 2 Hospital Clinic Visits	V	1.0400	$70.14	.	$14.03

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0606	Level 3 Hospital Clinic Visits	V	1.2863	$86.75	.	$17.35
0607	Level 4 Hospital Clinic Visits	V	1.6475	$111.11	.	$22.23
0608	Level 5 Hospital Clinic Visits	V	2.4166	$162.97	.	$32.60
0609	Level 1 Type A Emergency Visits	V	0.7956	$53.65	$12.70	$10.73
0613	Level 2 Type A Emergency Visits	V	1.3101	$88.35	$21.06	$17.67
0614	Level 3 Type A Emergency Visits	V	2.0799	$140.27	$34.50	$28.06
0615	Level 4 Type A Emergency Visits	V	3.3406	$225.29	$48.49	$45.06
0616	Level 5 Type A Emergency Visits	V	4.9044	$330.75	$72.86	$66.15
0617	Critical Care	S	7.5411	$508.56	$111.59	$101.72
0618	Trauma Response with Critical Care	S	11.9055	$802.90	.	$160.58
0621	Level I Vascular Access Procedures	T	11.2433	$758.24	.	$151.65
0622	Level II Vascular Access Procedures	T	25.0706	$1,690.74	.	$338.15
0623	Level III Vascular Access Procedures	T	30.2210	$2,038.07	.	$407.62
0624	Phlebotomy and Minor Vascular Access Device Procedures	X	0.6079	$41.00	$12.65	$8.20
0626	Level 1 Type B Emergency Visits	V	0.6748	$45.51	.	$9.11
0627	Level 2 Type B Emergency Visits	V	0.9584	$64.63	.	$12.93
0628	Level 3 Type B Emergency Visits	V	1.3934	$93.97	.	$18.80
0629	Level 4 Type B Emergency Visits	V	1.9419	$130.96	.	$26.20
0630	Level 5 Type B Emergency Visits	V	3.6843	$248.47	$55.89	$49.70
0648	Level IV Breast Surgery	T	60.1705	$4,057.84	.	$811.57
0651	Complex Interstitial Radiation Source Application	S	11.9852	$808.27	.	$161.66
0652	Insertion of Intraperitoneal and Pleural Catheters	T	30.7428	$2,073.26	.	$414.66
0653	Vascular Reconstruction/Fistula Repair with Device	T	46.3185	$3,123.67	.	$624.74
0654	Insertion/Replacement of a permanent dual chamber pacemaker	T	109.3646	$7,375.44	.	$1,475.09
0655	Insertion/Replacement/Conversion of a permanent dual chamber pacemaker	T	141.3958	$9,535.59	.	$1,907.12
0656	Transcatheter Placement of Intracoronary Drug-Eluting Stents	T	111.0209	$7,487.14	.	$1,497.43
0659	Hyperbaric Oxygen	S	1.5816	$106.66	.	$21.34
0660	Level II Otorhinolaryngologic Function Tests	X	1.5402	$103.87	$27.87	$20.78
0661	Level V Pathology	X	2.4593	$165.85	$57.69	$33.17
0662	CT Angiography	S	5.0808	$342.64	$115.76	$68.53
0664	Level I Proton Beam Radiation Therapy	S	10.5776	$713.34	.	$142.67
0665	Bone Density:AppendicularSkeleton	S	0.4268	$28.78	$11.50	$5.76
0667	Level II Proton Beam Radiation Therapy	S	13.8371	$933.16	.	$186.64
0668	Level I Angiography and Venography	S	10.9904	$741.18	.	$148.24
0672	Level III Posterior Segment Eye Procedures	T	39.8051	$2,684.42	.	$536.89

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0673	Level IV Anterior Segment Eye Procedures	T	41.3279	$2,787.11	$649.56	$557.43
0674	Prostate Cryoablation	T	117.1828	$7,902.69	.	$1,580.54
0676	Thrombolysis and Other Device Revisions	T	2.3717	$159.95	.	$31.99
0678	External Counterpulsation	T	1.5241	$102.78	.	$20.56
0679	Level II Resuscitation and Cardioversion	S	5.4766	$369.34	$95.30	$73.87
0680	Insertion of Patient Activated Event Recorders	S	77.2305	$5,208.35	.	$1,041.67
0683	Level II Photochemotherapy	S	2.6202	$176.70	.	$35.34
0685	Level III Needle Biopsy/Aspiration Except Bone Marrow	T	9.6646	$651.77	.	$130.36
0687	Revision/Removal of Neurostimulator Electrodes	T	19.0861	$1,287.15	$394.28	$257.43
0688	Revision/Removal of Neurostimulator Pulse Generator Receiver	T	28.7757	$1,940.60	$774.22	$388.12
0689	Level II Electronic Analysis of Devices	S	0.5909	$39.85	.	$7.97
0690	Level I Electronic Analysis of Devices	S	0.3591	$24.22	$8.67	$4.85
0691	Level IV Electronic Analysis of Devices	S	2.2764	$153.52	.	$30.71
0692	Level III Electronic Analysis of Devices	S	1.6265	$109.69	.	$21.94
0694	Mohs Surgery	T	5.2659	$355.13	$91.69	$71.03
0697	Level I Echocardiogram Without Contrast	S	3.8603	$260.33	.	$52.07
0698	Level II Eye Tests & Treatments	S	0.9841	$66.37	.	$13.28
0699	Level IV Eye Tests & Treatments	T	15.4833	$1,044.18	.	$208.84
0701	Sr89 strontium	K	10.2592	$691.87	.	$138.38
0702	Sm 153 lexidronm	K	23.3694	$1,576.01	.	$315.21
0726	Dexrazoxane HCl injection	K		$373.66	.	$74.74
0728	Filgrastim 300 mcg injection	K		$198.95	.	$39.79
0730	Pamidronate disodium	K		$29.01	.	$5.81
0731	Sargramostim injection	K		$24.54	.	$4.91
0732	Mesna injection	K		$6.12	.	$1.23
0735	Ampho b cholesteryl sulfate	K		$13.74	.	$2.75
0736	Amphotericin b liposome inj	K		$14.04	.	$2.81
0738	Rasburicase	K		$162.77	.	$32.56
0747	Chlorothiazide sodium inj	K		$275.07	.	$55.02
0751	Mechlorethamine hcl inj	K		$144.41	.	$28.89
0752	Dactinomycin injection	K		$532.63	.	$106.53
0759	Naltrexone, depot form	K		$1.85	.	$0.37
0760	Anidulafungin injection	K		$1.30	.	$0.26
0800	Leuprolide acetate	K		$456.44	.	$91.29
0802	Etoposide oral	K		$29.13	.	$5.83
0807	Aldesleukin injection	K		$796.41	.	$159.29
0809	Bcg live intravesical vac	K		$116.18	.	$23.24
0810	Goserelin acetate implant	K		$185.13	.	$37.03

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0812	Carmustine injection	K		$173.02	.	$34.61
0814	Asparaginase injection	K		$56.93	.	$11.39
0820	Daunorubicin injection	K		$15.83	.	$3.17
0821	Daunorubicin citrate inj	K		$55.04	.	$11.01
0823	Docetaxel injection	K		$334.54	.	$66.91
0825	Nelarabine injection	K		$100.11	.	$20.03
0827	Floxuridine injection	K		$56.99	.	$11.40
0828	Gemcitabine hcl injection	K		$135.39	.	$27.08
0830	Irinotecan injection	K		$17.95	.	$3.59
0831	Ifosfomide injection	K		$31.63	.	$6.33
0832	Idarubicin hcl injection	K		$126.99	.	$25.40
0834	Interferon alfa-2a inj	K		$39.76	.	$7.96
0835	Inj cosyntropin	K		$93.48	.	$18.70
0836	Interferon alfa-2b inj	K		$14.65	.	$2.93
0838	Interferon gamma 1-b inj	K		$358.41	.	$71.69
0840	Inj melphalan hydrochl	K		$1,593.95	.	$318.79
0842	Fludarabine phosphate inj	K		$144.55	.	$28.91
0843	Pegaspargase injection	K		$2,569.01	.	$513.81
0844	Pentostatin injection	K		$1,420.37	.	$284.08
0849	Rituximab injection	K		$538.74	.	$107.75
0850	Streptozocin injection	K		$277.66	.	$55.54
0851	Thiotepa injection	K		$90.34	.	$18.07
0852	Topotecan injection	K		$938.98	.	$187.80
0856	Porfimer sodium injection	K		$2,660.78	.	$532.16
0858	Inj cladribine	K		$29.57	.	$5.92
0861	Leuprolide acetate injeciton	K		$6.41	.	$1.29
0864	Mitoxantrone hydrochl	K		$79.65	.	$15.93
0865	Interferon alfa-n3 inj	K		$17.89	.	$3.58
0868	Oral aprepitant	K		$5.31	.	$1.07
0873	Hyalgan/supartz inj per dose	K		$95.01	.	$19.01
0874	Synvisc inj per dose	K		$182.83	.	$36.57
0875	Euflexxa inj per dose	K		$111.39	.	$22.28
0877	Orthovisc inj per dose	K		$178.26	.	$35.66
0878	Gallium nitrate injection	K		$1.57	.	$0.32
0884	Rho d immune globulin inj	K		$81.69	.	$16.34
0887	Azathioprine parenteral	K		$89.43	.	$17.89
0890	Lymphocyte immune globulin	K		$453.54	.	$90.71
0891	Tacrolimus oral	K		$3.97	.	$0.80
0900	Alglucerase injection	K		$41.21	.	$8.25
0901	Alpha 1 proteinase inhibitor	K		$3.61	.	$0.73
0902	Botulinum toxin a per unit	K		$5.41	.	$1.09

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0903	Cytomegalovirus imm IV /vial	K		$862.24	.	$172.45
0904	Gamma globulin 4 CC inj	K		$50.29	.	$10.06
0906	RSV-ivig	K		$15.87	.	$3.18
0910	Interferon beta-1b / .25 MG	K		$148.73	.	$29.75
0913	Ganciclovir long act implant	K		$16,640.00	.	$3,328.00
0916	Injection imiglucerase /unit	K		$4.12	.	$0.83
0917	Adenosine injection	K		$69.02	.	$13.81
0920	Gamma globulin 6 CC inj	K		$75.51	.	$15.11
0921	Gamma globulin 7 CC inj	K		$87.92	.	$17.59
0922	Gamma globulin 8 CC inj	K		$100.58	.	$20.12
0923	Gamma globulin 9 CC inj	K		$113.26	.	$22.66
0924	Gamma globulin 10 CC inj	K		$125.72	.	$25.15
0925	Factor viii	K		$0.84	.	$0.17
0927	Factor viii recombinant	K		$1.06	.	$0.22
0928	Factor ix complex	K		$0.80	.	$0.16
0929	Anti-inhibitor	K		$1.45	.	$0.29
0931	Factor IX non-recombinant	K		$0.89	.	$0.18
0932	Factor IX recombinant	K		$1.06	.	$0.22
0933	Gamma globulin > 10 CC inj	K		$125.72	.	$25.15
0934	Capecitabine, oral	K		$17.18	.	$3.44
0935	Clonidine hydrochloride	K		$66.81	.	$13.37
0943	Octagam injection	K		$36.09	.	$7.22
0944	Gammagard liquid injection	K		$34.42	.	$6.89
0945	Rhophylac injection	K		$5.14	.	$1.03
0946	Hepagam b im injection	G		$44.02	.	$8.64
0947	Flebogamma injection	K		$34.94	.	$6.99
0948	Gamunex injection	K		$35.52	.	$7.11
0949	Frozen plasma, pooled, sd	R	0.7931	$53.49	.	$10.70
0950	Whole blood for transfusion	R	3.0836	$207.95	.	$41.59
0951	Reclast injection	K		$220.64	.	$44.13
0952	Cryoprecipitate each unit	R	0.6649	$44.84	.	$8.97
0954	RBC leukocytes reduced	R	2.7866	$187.93	.	$37.59
0955	Plasma, frz between 8-24hour	R	1.1992	$80.87	.	$16.18
0956	Plasma protein fract,5%,50ml	R	0.8589	$57.92	.	$11.59
0957	Platelets, each unit	R	0.9817	$66.20	.	$13.24
0958	Plaelet rich plasma unit	R	2.2068	$148.82	.	$29.77
0959	Red blood cells unit	R	2.0986	$141.53	.	$28.31
0960	Washed red blood cells unit	R	4.0050	$270.09	.	$54.02
0961	Albumin (human),5%, 50ml	K	0.2426	$16.36	.	$3.28
0963	Albumin (human), 5%, 250 ml	K	0.9097	$61.35	.	$12.27
0964	Albumin (human), 25%, 20 ml	K	0.3611	$24.35	.	$4.87

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0965	Albumin (human), 25%, 50ml	K	0.9115	$61.47	.	$12.30
0966	Plasmaprotein fract,5%,250ml	R	1.6335	$110.16	.	$22.04
0967	Blood split unit	R	1.3501	$91.05	.	$18.21
0968	Platelets leukoreduced irrad	R	1.8684	$126.00	.	$25.20
0969	RBC leukoreduced irradiated	R	3.7502	$252.91	.	$50.59
1009	Cryoprecipitatereducedplasma	R	1.4025	$94.58	.	$18.92
1010	Blood, l/r, cmv-neg	R	2.1758	$146.73	.	$29.35
1011	Platelets, hla-m, l/r, unit	R	10.6799	$720.24	.	$144.05
1013	Platelets leukocytes reduced	R	1.6971	$114.45	.	$22.89
1015	Injection glatiramer acetate	K		$69.06	.	$13.82
1016	Blood, l/r, froz/degly/wash	R	1.4502	$97.80	.	$19.56
1017	Plt, aph/pher, l/r, cmv-neg	R	6.0502	$408.02	.	$81.61
1018	Blood, l/r, irradiated	R	2.8902	$194.91	.	$38.99
1019	Plate pheres leukoredu irrad	R	9.9795	$673.01	.	$134.61
1020	Plt, pher, l/r cmv-neg, irr	R	10.1586	$685.09	.	$137.02
1021	RBC, frz/deg/wsh, l/r, irrad	R	6.1848	$417.10	.	$83.42
1022	RBC, l/r, cmv-neg, irrad	R	4.1746	$281.53	.	$56.31
1023	Pralidoxime chloride inj	K		$90.17	.	$18.04
1052	Injection, voriconazole	K		$5.35	.	$1.07
1064	I131 iodide cap, rx	K	0.2533	$17.08	.	$3.42
1083	Adalimumab injection	K		$347.55	.	$69.51
1084	Denileukin diftitox inj	K		$1,395.09	.	$279.02
1086	Temozolomide	K		$8.15	.	$1.63
1138	Hepagam b intravenous, inj	G		$44.02	.	$8.64
1139	Protein c concentrate	K		$12.06	.	$2.42
1142	Supprelin LA implant	G		$14,817.10	.	$2,907.51
1150	I131 iodide sol, rx	K	0.1566	$10.56	.	$2.12
1166	Cytarabine liposome inj	K		$439.60	.	$87.92
1167	Inj, epirubicin hcl	K		$7.52	.	$1.51
1168	Inj, temsirolimus	K		$47.90	.	$9.58
1178	Busulfan injection	K		$12.34	.	$2.47
1203	Verteporfin injection	K		$9.21	.	$1.85
1204	Cyclosporin parenteral	K		$21.85	.	$4.37
1207	Octreotide injection, depot	K		$104.21	.	$20.85
1209	Diethylstilbestrol injection	K		$78.08	.	$15.62
1213	Antihemophilic viii/vwf comp	K		$0.83	.	$0.17
1214	Inj IVIG privigen 500 mg	G		$35.19	.	$6.91
1216	Lyme disease vaccine, im	K		$72.67	.	$14.54
1220	Calcitonin salmon injection	K		$48.20	.	$9.64
1221	Dimethyl sulfoxide 50%	K		$68.36	.	$13.68
1222	Pentastarch 10% solution	K		$158.77	.	$31.76

ADDENDUM A.--PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
1225	Somatrem injection	K		$43.99	.	$8.80
1226	Inj streptokinase /250000 IU	K		$78.00	.	$15.60
1232	Mitomycin 5 MG inj	K		$15.39	.	$3.08
1233	Mitomycin 20 MG inj	K		$61.56	.	$12.32
1234	Mitomycin 40 MG inj	K		$123.13	.	$24.63
1235	Valrubicin injection	K		$384.38	.	$76.88
1236	Levoleucovorin injection	G		$1.28	.	$0.25
1237	Inj iron dextran	K		$11.62	.	$2.33
1238	Topotecan oral	G		$68.36	.	$13.41
1239	Rotavirus vacc 2 dose oral	K		$106.60	.	$21.32
1240	Apligraf skin sub	K		$30.70	.	$6.14
1241	Oasis wound matrix skin sub	K		$4.24	.	$0.85
1242	Oasis burn matrix skin sub	K		$4.24	.	$0.85
1243	Integra BMWD skin sub	K		$11.83	.	$2.37
1244	Integra DRT skin sub	K		$11.83	.	$2.37
1245	Dermagraft skin sub	K		$37.76	.	$7.56
1246	Graftjacket skin sub	K		$86.68	.	$17.34
1247	Integra matrix skin sub	K		$18.24	.	$3.65
1248	Primatrix skin sub	K		$35.57	.	$7.12
1249	Cymetra allograft	K		$303.36	.	$60.68
1250	Graftjacket express allograf	K		$303.36	.	$60.68
1251	Integra flowable wound matri	G		$900.29	.	$176.66
1252	Gammagraft skin sub	K		$7.18	.	$1.44
1253	Triamcinolone A inj PRS-free	K		$3.17	.	$0.64
1254	Adenovirus vaccine, type 4	K	0.4991	$33.66	.	$6.74
1255	Rotovirus vacc 3 dose, oral	K	0.9914	$66.86	.	$13.38
1256	Brompheniramine maleate inj	K	0.1397	$9.42	.	$1.89
1257	Enfuvirtide injection	K	0.0079	$0.53	.	$0.11
1260	Nandrolone decanoate 100 MG	K	1.1513	$77.64	.	$15.53
1262	Spectinomycn di-hcl inj	K	0.4368	$29.46	.	$5.90
1263	Antithrombin iii injection	K		$2.24	.	$0.45
1266	Interferon alfacon-1 inj	K		$6.75	.	$1.35
1271	Cholera vaccine, injectable	K	2.0515	$138.35	.	$27.67
1272	Acetylcysteine injection	K		$2.23	.	$0.45
1273	Dimecaprol injection	K		$26.49	.	$5.30
1274	Edetate calcium disodium inj	K		$73.04	.	$14.61
1275	Vivaglobin, inj	K		$6.87	.	$1.38
1276	Fondaparinux sodium	K		$6.75	.	$1.35
1277	Insulin for insulin pump use	K		$3.12	.	$0.63
1278	Totazoline hcl injection	K	1.0101	$68.12	.	$13.63
1279	Factor VIII (porcine)	K		$1.95	.	$0.39

ADDENDUM A.--PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
1280	Corticotropin injection	K		$2,395.39	.	$479.08
1282	Gamma globulin 2 CC inj	K		$25.15	.	$5.03
1283	Gamma globulin 3 CC inj	K		$37.70	.	$7.54
1284	Gamma globulin 5 CC inj	K		$62.86	.	$12.58
1285	Nandrolone decanoate 50 MG	K	0.0949	$6.40	.	$1.28
1286	Nandrolone decanoate 200 MG	K	0.6492	$43.78	.	$8.76
1436	Etidronate disodium inj	K		$70.06	.	$14.02
1491	New Technology - Level IA ($0-$10)	S		$5.00	.	$1.00
1492	New Technology - Level IB ($10-$20)	S		$15.00	.	$3.00
1493	New Technology - Level IC ($20-$30)	S		$25.00	.	$5.00
1494	New Technology - Level ID ($30-$40)	S		$35.00	.	$7.00
1495	New Technology - Level IE ($40-$50)	S		$45.00	.	$9.00
1496	New Technology - Level IA ($0-$10)	T		$5.00	.	$1.00
1497	New Technology - Level IB($10-$20)	T		$15.00	.	$3.00
1498	New Technology - Level IC ($20-$30)	T		$25.00	.	$5.00
1499	New Technology - Level ID($30-$40)	T		$35.00	.	$7.00
1500	New Technology - Level IE ($40-$50)	T		$45.00	.	$9.00
1502	New Technology - Level II ($50 - $100)	S		$75.00	.	$15.00
1503	New Technology - Level III ($100 - $200)	S		$150.00	.	$30.00
1504	New Technology - Level IV ($200 - $300)	S		$250.00	.	$50.00
1505	New Technology - Level V ($300 - $400)	S		$350.00	.	$70.00
1506	New Technology - Level VI ($400 - $500)	S		$450.00	.	$90.00
1507	New Technology - Level VII ($500 - $600)	S		$550.00	.	$110.00
1508	New Technology - Level VIII ($600 - $700)	S		$650.00	.	$130.00
1509	New Technology - Level IX ($700 - $800)	S		$750.00	.	$150.00
1510	New Technology - Level X ($800 - $900)	S		$850.00	.	$170.00
1511	New Technology - Level XI ($900 - $1000)	S		$950.00	.	$190.00
1512	New Technology - Level XII ($1000 - $1100)	S		$1,050.00	.	$210.00
1513	New Technology - Level XIII ($1100 - $1200)	S		$1,150.00	.	$230.00
1514	New Technology - Level XIV ($1200- $1300)	S		$1,250.00	.	$250.00
1515	New Technology - Level XV ($1300 - $1400)	S		$1,350.00	.	$270.00
1516	New Technology - Level XVI ($1400 - $1500)	S		$1,450.00	.	$290.00
1517	New Technology - Level XVII ($1500- $1600)	S		$1,550.00	.	$310.00
1518	New Technology - Level XVIII ($1600- $1700)	S		$1,650.00	.	$330.00
1519	New Technology - Level IXX ($1700-$1800)	S		$1,750.00	.	$350.00

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
1520	New Technology - Level XX ($1800-$1900)	S		$1,850.00	.	$370.00
1521	New Technology - Level XXI ($1900-$2000)	S		$1,950.00	.	$390.00
1522	New Technology - Level XXII ($2000-$2500)	S		$2,250.00	.	$450.00
1523	New Technology - Level XXIII ($2500-$3000)	S		$2,750.00	.	$550.00
1524	New Technology - Level XXIV ($3000-$3500)	S		$3,250.00	.	$650.00
1525	New Technology - Level XXV ($3500-$4000)	S		$3,750.00	.	$750.00
1526	New Technology - Level XXVI ($4000-$4500)	S		$4,250.00	.	$850.00
1527	New Technology - Level XXVII ($4500-$5000)	S		$4,750.00	.	$950.00
1528	New Technology - Level XXVIII ($5000-$5500)	S		$5,250.00	.	$1,050.00
1529	New Technology - Level XXIX ($5500-$6000)	S		$5,750.00	.	$1,150.00
1530	New Technology - Level XXX ($6000-$6500)	S		$6,250.00	.	$1,250.00
1531	New Technology - Level XXXI ($6500-$7000)	S		$6,750.00	.	$1,350.00
1532	New Technology - Level XXXII ($7000-$7500)	S		$7,250.00	.	$1,450.00
1533	New Technology - Level XXXIII ($7500-$8000)	S		$7,750.00	.	$1,550.00
1534	New Technology - Level XXXIV ($8000-$8500)	S		$8,250.00	.	$1,650.00
1535	New Technology - Level XXXV ($8500-$9000)	S		$8,750.00	.	$1,750.00
1536	New Technology - Level XXXVI ($9000-$9500)	S		$9,250.00	.	$1,850.00
1537	New Technology - Level XXXVII ($9500-$10000)	S		$9,750.00	.	$1,950.00
1539	New Technology - Level II ($50 - $100)	T		$75.00	.	$15.00
1540	New Technology - Level III ($100 - $200)	T		$150.00	.	$30.00
1541	New Technology - Level IV ($200 - $300)	T		$250.00	.	$50.00
1542	New Technology - Level V ($300 - $400)	T		$350.00	.	$70.00
1543	New Technology - Level VI ($400 - $500)	T		$450.00	.	$90.00
1544	New Technology - Level VII ($500 - $600)	T		$550.00	.	$110.00
1545	New Technology - Level VIII ($600 - $700)	T		$650.00	.	$130.00
1546	New Technology - Level IX ($700 - $800)	T		$750.00	.	$150.00
1547	New Technology - Level X ($800 - $900)	T		$850.00	.	$170.00
1548	New Technology - Level XI ($900 - $1000)	T		$950.00	.	$190.00

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
1549	New Technology - Level XII ($1000 - $1100)	T		$1,050.00	.	$210.00
1550	New Technology - Level XIII ($1100 - $1200)	T		$1,150.00	.	$230.00
1551	New Technology - Level XIV ($1200-$1300)	T		$1,250.00	.	$250.00
1552	New Technology - Level XV ($1300 - $1400)	T		$1,350.00	.	$270.00
1553	New Technology - Level XVI ($1400 - $1500)	T		$1,450.00	.	$290.00
1554	New Technology - Level XVII ($1500-$1600)	T		$1,550.00	.	$310.00
1555	New Technology - Level XVIII ($1600-$1700)	T		$1,650.00	.	$330.00
1556	New Technology - Level XIX ($1700-$1800)	T		$1,750.00	.	$350.00
1557	New Technology - Level XX ($1800-$1900)	T		$1,850.00	.	$370.00
1558	New Technology - Level XXI ($1900-$2000)	T		$1,950.00	.	$390.00
1559	New Technology - Level XXII ($2000-$2500)	T		$2,250.00	.	$450.00
1560	New Technology - Level XXIII ($2500-$3000)	T		$2,750.00	.	$550.00
1561	New Technology - Level XXIV ($3000-$3500)	T		$3,250.00	.	$650.00
1562	New Technology - Level XXV ($3500-$4000)	T		$3,750.00	.	$750.00
1563	New Technology - Level XXVI ($4000-$4500)	T		$4,250.00	.	$850.00
1564	New Technology - Level XXVII ($4500-$5000)	T		$4,750.00	.	$950.00
1565	New Technology - Level XXVIII ($5000-$5500)	T		$5,250.00	.	$1,050.00
1566	New Technology - Level XXIX ($5500-$6000)	T		$5,750.00	.	$1,150.00
1567	New Technology - Level XXX ($6000-$6500)	T		$6,250.00	.	$1,250.00
1568	New Technology - Level XXXI ($6500-$7000)	T		$6,750.00	.	$1,350.00
1569	New Technology - Level XXXII ($7000-$7500)	T		$7,250.00	.	$1,450.00
1570	New Technology - Level XXXIII ($7500-$8000)	T		$7,750.00	.	$1,550.00
1571	New Technology - Level XXXIV ($8000-$8500)	T		$8,250.00	.	$1,650.00
1572	New Technology - Level XXXV ($8500-$9000)	T		$8,750.00	.	$1,750.00

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
1573	New Technology - Level XXXVI ($9000-$9500)	T		$9,250.00	.	$1,850.00
1574	New Technology - Level XXXVII ($9500-$10000)	T		$9,750.00	.	$1,950.00
1605	Abciximab injection	K		$430.59	.	$86.12
1607	Eptifibatide injection	K		$17.36	.	$3.48
1608	Etanercept injection	K		$177.37	.	$35.48
1609	Rho(D) immune globulin h, sd	K		$16.52	.	$3.31
1612	Daclizumab, parenteral	K		$349.79	.	$69.96
1613	Trastuzumab injection	K		$61.88	.	$12.38
1630	Hep b ig, im	K		$120.28	.	$24.06
1631	Baclofen intrathecal trial	K		$71.22	.	$14.25
1633	Alefacept	K		$27.90	.	$5.58
1643	Y90 ibritumomab, rx	K	234.3258	$15,802.70	.	$3,160.54
1645	I131 tositumomab, rx	K	139.4141	$9,401.95	.	$1,880.39
1670	Tetanus immune globulin inj	K		$210.55	.	$42.11
1675	P32 Na phosphate	K	3.0472	$205.50	.	$41.10
1676	P32 chromic phosphate	K	1.6526	$111.45	.	$22.29
1682	Aprotonin, 10,000 kiu	K		$2.60	.	$0.52
1683	Basiliximab	K		$1,560.48	.	$312.10
1684	Corticorelin ovine triflutal	K		$4.27	.	$0.86
1685	Darbepoetin alfa, non-esrd	K		$2.92	.	$0.59
1686	Epoetin alfa, non-esrd	K		$9.26	.	$1.86
1687	Digoxin immune fab (ovine)	K		$473.85	.	$94.77
1688	Ethanolamine oleate	K		$147.14	.	$29.43
1689	Fomepizole	K		$9.91	.	$1.99
1690	Hemin	K		$7.73	.	$1.55
1693	Lepirudin	K		$174.70	.	$34.94
1694	Ziconotide injection	K		$6.38	.	$1.28
1695	Nesiritide injection	K		$34.20	.	$6.84
1696	Palifermin injection	K		$11.12	.	$2.23
1697	Pegaptanib sodium injection	K		$1,014.62	.	$202.93
1700	Inj secretin synthetic human	K		$26.06	.	$5.22
1701	Treprostinil injection	K		$55.95	.	$11.19
1704	Humate-P, inj	K		$0.87	.	$0.18
1705	Factor viia	K		$1.24	.	$0.25
1709	Azacitidine injection	K		$4.67	.	$0.94
1710	Clofarabine injection	K		$114.39	.	$22.88
1711	Vantas implant	G		$1,568.13	.	$307.71
1712	Paclitaxel protein bound	K		$8.94	.	$1.79
1716	Brachytx, non-str, Gold-198	U	0.6242	$42.10	.	$8.42

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
1717	Brachytx, non-str, HDR Ir-192	U	3.2345	$218.13	.	$43.63
1719	Brachytx, NS, Non-HDRIr-192	U	0.5215	$35.17	.	$7.04
1738	Oxaliplatin	K		$9.36	.	$1.88
1739	Pegademase bovine, 25 iu	K		$221.87	.	$44.38
1740	Diazoxide injection	K		$112.16	.	$22.44
1741	Urofollitropin, 75 iu	K		$56.24	.	$11.25
2210	Methyldopate hcl injection	K		$26.88	.	$5.38
2616	Brachytx, non-str,Yttrium-90	U	229.3375	$15,466.29	.	$3,093.26
2632	Iodine I-125 sodium iodide	U	0.5525	$37.26	.	$7.46
2634	Brachytx, non-str, HA, I-125	U	0.8837	$59.60	.	$11.92
2635	Brachytx, non-str, HA, P-103	U	0.4165	$28.09	.	$5.62
2636	Brachy linear, non-str,P-103	U	0.2821	$19.02	.	$3.81
2638	Brachytx, stranded, I-125	U	0.6353	$42.84	.	$8.57
2639	Brachytx, non-stranded,I-125	U	0.5234	$35.30	.	$7.06
2640	Brachytx, stranded, P-103	U	0.8587	$57.91	.	$11.59
2641	Brachytx, non-stranded,P-103	U	0.8508	$57.38	.	$11.48
2642	Brachytx, stranded, C-131	U	1.4645	$98.76	.	$19.76
2643	Brachytx, non-stranded,C-131	U	0.9672	$65.23	.	$13.05
2698	Brachytx, stranded, NOS	U	0.6353	$42.84	.	$8.57
2699	Brachytx, non-stranded, NOS	U	0.4165	$28.09	.	$5.62
2731	Immune globulin, powder	K		$30.43	.	$6.09
2770	Quinupristin/dalfopristin	K		$143.94	.	$28.79
3030	Sumatriptan succinate	K		$82.90	.	$16.58
3041	Bivalirudin	K		$2.30	.	$0.46
3043	Gamma globulin 1 CC inj	K		$12.57	.	$2.52
3050	Sermorelin acetate injection	K		$1.77	.	$0.36
7000	Amifostine	K		$366.25	.	$73.25
7005	Gonadorelin hydroch	K		$176.89	.	$35.38
7011	Oprelvekin injection	K		$243.53	.	$48.71
7034	Somatropin injection	K		$51.08	.	$10.22
7035	Teniposide	K		$319.52	.	$63.91
7036	Urokinase 250,000 IU inj	K		$449.09	.	$89.82
7038	Monoclonal antibodies	K		$1,055.24	.	$211.05
7041	Tirofiban HCl	K		$7.75	.	$1.55
7042	Capecitabine, oral	K		$5.18	.	$1.04
7043	Infliximab injection	K		$55.68	.	$11.14
7045	Inj trimetrexate glucoronate	K		$124.80	.	$24.96
7046	Doxorubicin hcl liposome inj	K		$431.98	.	$86.40
7048	Alteplase recombinant	K		$33.20	.	$6.64
7049	Filgrastim 480 mcg injection	K		$306.33	.	$61.27
7051	Leuprolide acetate implant	K		$4,728.88	.	$945.78

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
7308	Aminolevulinic acid hcl top	K		$117.83	.	$23.57
8000	Cardiac Electrophysiologic Evaluation and Ablation Composite	T	148.5657	$10,019.12	.	$2,003.83
8001	LDR Prostate Brachytherapy Composite	T	45.6721	$3,080.08	.	$616.02
8002	Level I Extended Assessment & Management Composite	V	5.6404	$380.38	.	$76.08
8003	Level II Extended Assessment & Management Composite	V	10.4230	$702.92	.	$140.59
8004	Ultrasound Composite	S	2.8940	$195.17	.	$39.04
8005	CT and CTA without Contrast Composite	S	6.3093	$425.49	.	$85.10
8006	CT and CTA with Contrast Composite	S	9.3210	$628.60	.	$125.72
8007	MRI and MRA without Contrast Composite	S	10.7611	$725.72	.	$145.15
8008	MRI and MRA with Contrast Composite	S	14.8965	$1,004.61	.	$200.93
9001	Linezolid injection	K		$29.66	.	$5.94
9002	Tenecteplase injection	K		$40.45	.	$8.09
9003	Palivizumab	K		$833.15	.	$166.63
9004	Gemtuzumab ozogamicin inj	K		$2,509.93	.	$501.99
9005	Reteplase injection	K		$952.30	.	$190.46
9006	Tacrolimus injection	K		$136.85	.	$27.37
9012	Arsenic trioxide injection	K		$35.82	.	$7.17
9015	Mycophenolate mofetil oral	K		$3.37	.	$0.68
9018	Botulinum toxin type B	K		$8.94	.	$1.79
9019	Caspofungin acetate	K		$12.50	.	$2.50
9020	Sirolimus, oral	K		$8.66	.	$1.74
9022	IM inj interferon beta 1-a	K		$164.48	.	$32.90
9023	Rho d immune globulin	K		$26.23	.	$5.25
9024	Amphotericin b lipid complex	K		$9.71	.	$1.95
9032	Baclofen 10 MG injection	K		$191.65	.	$38.33
9033	Cidofovir injection	K		$746.87	.	$149.38
9038	Inj estrogen conjugate	K		$77.07	.	$15.42
9042	Glucagon hydrochloride	K		$69.37	.	$13.88
9044	Ibutilide fumarate injection	K		$383.94	.	$76.79
9046	Iron sucrose injection	K		$0.40	.	$0.08
9104	Antithymocyte globuln rabbit	K		$364.83	.	$72.97
9108	Thyrotropin injection	K		$947.71	.	$189.55
9110	Alemtuzumab injection	K		$559.97	.	$112.00
9115	Zoledronic acid	K		$212.66	.	$42.54
9119	Injection, pegfilgrastim 6mg	K		$2,117.44	.	$423.49
9120	Injection, Fulvestrant	K		$79.81	.	$15.97
9121	Injection, argatroban	K		$20.99	.	$4.20
9122	Triptorelin pamoate	K		$160.86	.	$32.18
9124	Daptomycin injection	K		$0.39	.	$0.08

ADDENDUM A.–PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
9125	Risperidone, long acting	K		$4.88	.	$0.98
9126	Natalizumab injection	K		$7.76	.	$1.56
9133	Rabies ig, im/sc	K		$144.49	.	$28.90
9134	Rabies ig, heat treated	K		$109.94	.	$21.99
9135	Varicella-zoster ig, im	K		$151.03	.	$30.21
9137	Bcg vaccine, percut	K		$120.43	.	$24.09
9139	Rabies vaccine, im	K		$165.72	.	$33.15
9140	Rabies vaccine, id	K		$112.29	.	$22.46
9143	Meningococcal vaccine, sc	K		$96.66	.	$19.34
9145	Meningococcal vaccine, im	K		$96.67	.	$19.34
9207	Bortezomib injection	K		$35.59	.	$7.12
9208	Agalsidase beta injection	K		$133.68	.	$26.74
9209	Laronidase injection	K		$25.08	.	$5.02
9210	Palonosetron hcl	K		$16.94	.	$3.39
9213	Pemetrexed injection	K		$47.25	.	$9.45
9214	Bevacizumab injection	K		$56.32	.	$11.27
9215	Cetuximab injection	K		$48.79	.	$9.76
9217	Leuprolide acetate suspnsion	K		$199.59	.	$39.92
9224	Galsulfase injection	K		$334.07	.	$66.82
9225	Fluocinolone acetonide implt	K		$18,980.00	.	$3,796.00
9227	Micafungin sodium injection	K		$1.11	.	$0.23
9228	Tigecycline injection	K		$1.09	.	$0.22
9229	Ibandronate sodium injection	K		$136.57	.	$27.32
9230	Abatacept injection	K		$18.79	.	$3.76
9231	Decitabine injection	K		$27.50	.	$5.50
9232	Idursulfase injection	K		$446.44	.	$89.29
9233	Ranibizumab injection	K		$399.51	.	$79.91
9234	Alglucosidase alfa injection	K		$124.68	.	$24.94
9235	Panitumumab injection	K		$82.70	.	$16.54
9236	Eculizumab injection	K		$178.24	.	$35.65
9237	Inj, lanreotide acetate	K		$26.56	.	$5.32
9238	Inj, levetiracetam	G		$0.44	.	$0.09
9240	Injection, ixabepilone	G		$63.74	.	$12.51
9241	Injection, doripenem	G		$0.59	.	$0.12
9242	Injection, fosaprepitant	G		$1.57	.	$0.31
9243	Bendamustine injection	G		$18.65	.	$3.66
9244	Regadenoson injection	G		$49.97	.	$9.81
9245	Injection, romiplostim	G		$44.83	.	$8.80
9246	Inj, gadoxetate disodium	G		$13.78	.	$0.00
9247	Inj, iobenguane, I-123, dx	G		$2,332.00	.	$0.00
9248	Inj, clevidipine butyrate	G		$4.58	.	$0.90

ADDENDUM A.--PROPOSED APCs FOR CY 2010

APC	Group Title	SI	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
9249	Inj, certolizumab pegol	G		$3.52	.	$0.69
9300	Omalizumab injection	K		$18.20	.	$3.64
9356	TenoGlide tendon prot, cm2	G		$27.28	.	$5.35
9358	SurgiMend, 0.5cm2	G		$10.72	.	$2.10
9359	Implant, bone void filler	G		$58.15	.	$11.41
9500	Platelets, irradiated	R	2.3743	$160.12	.	$32.03
9501	Platelet pheres leukoreduced	R	7.7076	$519.79	.	$103.96
9502	Platelet pheresis irradiated	R	5.3120	$358.24	.	$71.65
9503	Fr frz plasma donor retested	R	0.9130	$61.57	.	$12.32
9504	RBC deglycerolized	R	4.9067	$330.90	.	$66.18
9505	RBC irradiated	R	3.2895	$221.84	.	$44.37
9506	Granulocytes, pheresis unit	R	0.7212	$48.64	.	$9.73
9507	Platelets, pheresis	R	6.8372	$461.09	.	$92.22
9508	Plasma 1 donor frz w/in 8 hr	R	1.1163	$75.28	.	$15.06

ADDENDUM AA.--PROPOSED ASC COVERED SURGICAL PROCEDURES FOR CY 2010 (INCLUDING SURGICAL PROCEDURES FOR WHICH PAYMENT IS PACKAGED)

ADDENDUM AA.--PROPOSED ASC COVERED SURGICAL PROCEDURES FOR CY 2010 (INCLUDING SURGICAL PROCEDURES FOR WHICH PAYMENT IS PACKAGED)

HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
0016T	Thermotx choroid vasc lesion	Y		R2	5.7557	$239.58
0017T	Photocoagulat macular drusen	Y		R2	5.7557	$239.58
0084T	Temp prostate urethral stent	Y		R2	1.8851	$78.47
0099T*	Implant corneal ring	Y		R2	15.6092	$649.73
0100T	Prosth retina receive&gen	Y		G2	37.8706	$1,576.36
0101T	Extracorp shockwv tx,hi enrg	Y		G2	30.1128	$1,253.45
0102T	Extracorp shockwv tx,anesth	Y		G2	30.1128	$1,253.45
0123T	Scleral fistulization	Y		G2	23.1211	$962.42
0124T*	Conjunctival drug placement	Y		R2	4.1936	$174.56
0170T	Anorectal fistula plug rpr	Y		G2	30.2809	$1,260.44
0176T	Aqu canal dilat w/o retent	Y		A2	37.1407	$1,545.98
0177T	Aqu canal dilat w retent	Y		A2	37.1407	$1,545.98
0186T	Suprachoroidal drug delivery	Y		G2	20.9041	$870.13
0190T	Place intraoc radiation src	Y		G2	20.9041	$870.13
0191T	Insert ant segment drain int	Y		G2	23.1211	$962.42
0192T	Insert ant segment drain ext	Y		G2	39.3194	$1,636.67
0193T	Rf bladder neck microremodel	Y	CH	G2	19.0903	$794.63
10021	Fna w/o image	Y		P2	1.4133	$58.83
10022	Fna w/image	Y		G2	4.3656	$181.72
10040	Acne surgery	Y		P2	0.8257	$34.37
10060	Drainage of skin abscess	Y		P3	1.1498	$47.86
10061	Drainage of skin abscess	Y		P2	1.3735	$57.17
10080	Drainage of pilonidal cyst	Y		P2	1.3735	$57.17
10081	Drainage of pilonidal cyst	Y		P3	2.8507	$118.66
10120	Remove foreign body	Y		P3	1.558	$64.85
10121	Remove foreign body	Y		A2	14.1331	$588.29
10140	Drainage of hematoma/fluid	Y		P3	1.6942	$70.52
10160	Puncture drainage of lesion	Y		P2	1.3735	$57.17

NOTES:

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HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
10180	Complex drainage, wound	Y		A2	16.6013	$691.03
11000	Debride infected skin	Y		P3	0.5307	$22.09
11001	Debride infected skin add-on	Y		P3	0.1701	$7.08
11010	Debride skin, fx	Y		A2	4.5305	$188.58
11011	Debride skin/muscle, fx	Y		A2	4.5305	$188.58
11012	Debride skin/muscle/bone, fx	Y		A2	4.5305	$188.58
11040	Debride skin, partial	Y		P3	0.4966	$20.67
11041	Debride skin, full	Y		P3	0.5307	$22.09
11042	Debride skin/tissue	Y		A2	2.9317	$122.03
11043	Debride tissue/muscle	Y		A2	2.9317	$122.03
11044	Debride tissue/muscle/bone	Y		A2	8.2143	$341.92
11055	Trim skin lesion	Y		P3	0.5852	$24.36
11056	Trim skin lesions, 2 to 4	Y		P3	0.6328	$26.34
11057	Trim skin lesions, over 4	Y	CH	P3	0.7075	$29.45
11100	Biopsy, skin lesion	Y	CH	P3	1.2043	$50.13
11101	Biopsy, skin add-on	Y		P3	0.2926	$12.18
11200	Removal of skin tags	Y		P2	0.8257	$34.37
11201	Remove skin tags add-on	Y		P3	0.136	$5.66
11300	Shave skin lesion	Y		P2	0.8257	$34.37
11301	Shave skin lesion	Y		P2	0.8257	$34.37
11302	Shave skin lesion	Y		P2	0.8257	$34.37
11303	Shave skin lesion	Y	CH	P3	1.3879	$57.77
11305	Shave skin lesion	Y	CH	P3	0.7688	$32.00
11306	Shave skin lesion	Y		P2	0.8257	$34.37
11307	Shave skin lesion	Y		P2	0.8257	$34.37
11308	Shave skin lesion	Y		P2	0.8257	$34.37
11310	Shave skin lesion	Y		P2	0.8257	$34.37
11311	Shave skin lesion	Y		P2	0.8257	$34.37
11312	Shave skin lesion	Y		P2	0.8257	$34.37
11313	Shave skin lesion	Y		P2	0.8257	$34.37
11400	Exc tr-ext b9+marg 0.5 < cm	Y		P3	1.4357	$59.76
11401	Exc tr-ext b9+marg 0.6-1 cm	Y		P3	1.6192	$67.40

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11402	Exc tr-ext b9+marg 1.1-2 cm	Y		P3	1.7759	$73.92
11403	Exc tr-ext b9+marg 2.1-3 cm	Y		P3	1.9527	$81.28
11404	Exc tr-ext b9+marg 3.1-4 cm	Y		A2	13.4876	$561.42
11406	Exc tr-ext b9+marg > 4.0 cm	Y		A2	14.1331	$588.29
11420	Exc h-f-nk-sp b9+marg 0.5 <	Y		P3	1.3744	$57.21
11421	Exc h-f-nk-sp b9+marg 0.6-1	Y		P3	1.6466	$68.54
11422	Exc h-f-nk-sp b9+marg 1.1-2	Y		P3	1.803	$75.05
11423	Exc h-f-nk-sp b9+marg 2.1-3	Y		P3	2.0139	$83.83
11424	Exc h-f-nk-sp b9+marg 3.1-4	Y		A2	14.1331	$588.29
11426	Exc h-f-nk-sp b9+marg > 4 cm	Y		A2	18.5759	$773.22
11440	Exc face-mm b9+marg 0.5 < cm	Y		P3	1.5241	$63.44
11441	Exc face-mm b9+marg 0.6-1 cm	Y		P3	1.7759	$73.92
11442	Exc face-mm b9+marg 1.1-2 cm	Y		P3	1.9594	$81.56
11443	Exc face-mm b9+marg 2.1-3 cm	Y		P3	2.1908	$91.19
11444	Exc face-mm b9+marg 3.1-4 cm	Y		A2	7.6995	$320.49
11446	Exc face-mm b9+marg > 4 cm	Y		A2	18.5759	$773.22
11450	Removal, sweat gland lesion	Y		A2	18.5759	$773.22
11451	Removal, sweat gland lesion	Y		A2	18.5759	$773.22
11462	Removal, sweat gland lesion	Y		A2	18.5759	$773.22
11463	Removal, sweat gland lesion	Y		A2	18.5759	$773.22
11470	Removal, sweat gland lesion	Y		A2	18.5759	$773.22
11471	Removal, sweat gland lesion	Y		A2	18.5759	$773.22
11600	Exc tr-ext mlg+marg 0.5 < cm	Y		P3	2.0886	$86.94
11601	Exc tr-ext mlg+marg 0.6-1 cm	Y		P3	2.4425	$101.67
11602	Exc tr-ext mlg+marg 1.1-2 cm	Y		P3	2.6398	$109.88
11603	Exc tr-ext mlg+marg 2.1-3 cm	Y		P3	2.8711	$119.51
11604	Exc tr-ext mlg+marg 3.1-4 cm	Y		A2	8.1879	$340.82
11606	Exc tr-ext mlg+marg > 4 cm	Y		A2	14.1331	$588.29
11620	Exc h-f-nk-sp mlg+marg 0.5 <	Y		P3	2.1295	$88.64
11621	Exc h-f-nk-sp mlg+marg 0.6-1	Y		P3	2.4629	$102.52
11622	Exc h-f-nk-sp mlg+marg 1.1-2	Y		P3	2.6943	$112.15
11623	Exc h-f-nk-sp mlg+marg 2.1-3	Y		P3	2.9869	$124.33

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11624	Exc h-f-nk-sp mlg+marg 3.1-4	Y		A2	14.1331	$588.29
11626	Exc h-f-nk-sp mlg+mar > 4 cm	Y		A2	18.5759	$773.22
11640	Exc face-mm malig+marg 0.5 <	Y		P3	2.2179	$92.32
11641	Exc face-mm malig+marg 0.6-1	Y		P3	2.5446	$105.92
11642	Exc face-mm malig+marg 1.1-2	Y		P3	2.8235	$117.53
11643	Exc face-mm malig+marg 2.1-3	Y		P3	3.1229	$129.99
11644	Exc face-mm malig+marg 3.1-4	Y		A2	14.1331	$588.29
11646	Exc face-mm mlg+marg > 4 cm	Y		A2	18.5759	$773.22
11719	Trim nail(s)	Y		P3	0.2722	$11.33
11720	Debride nail, 1-5	Y		P3	0.3335	$13.88
11721	Debride nail, 6 or more	Y		P3	0.3877	$16.14
11730	Removal of nail plate	Y		P2	0.8257	$34.37
11732	Remove nail plate, add-on	Y		P3	0.3877	$16.14
11740	Drain blood from under nail	Y		P2	0.3919	$16.31
11750	Removal of nail bed	Y		P3	2.1499	$89.49
11752	Remove nail bed/finger tip	Y		P3	3.0412	$126.59
11755	Biopsy, nail unit	Y		P3	1.4561	$60.61
11760	Repair of nail bed	Y		G2	1.2827	$53.39
11762	Reconstruction of nail bed	Y		P3	2.8507	$118.66
11765	Excision of nail fold, toe	Y		P2	0.8257	$34.37
11770	Removal of pilonidal lesion	Y		A2	18.9415	$788.44
11771	Removal of pilonidal lesion	Y		A2	18.9415	$788.44
11772	Removal of pilonidal lesion	Y		A2	18.9415	$788.44
11900	Injection into skin lesions	Y		P3	0.6056	$25.21
11901	Added skin lesions injection	Y	CH	P3	0.6804	$28.32
11920	Correct skin color defects	Y		P3	1.8234	$75.90
11921	Correct skin color defects	Y		P3	2.0819	$86.66
11922	Correct skin color defects	Y		P3	0.7145	$29.74
11950	Therapy for contour defects	Y		P3	0.7212	$30.02
11951	Therapy for contour defects	Y		P3	1.0068	$41.91
11952	Therapy for contour defects	Y	CH	P3	0.9864	$41.06
11954	Therapy for contour defects	Y		P2	1.2827	$53.39

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HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
11960	Insert tissue expander(s)	Y		A2	17.5714	$731.41
11970	Replace tissue expander	Y		A2	36.3027	$1,511.10
11971	Remove tissue expander(s)	Y		A2	17.9301	$746.34
11976	Removal of contraceptive cap	Y		P3	1.2315	$51.26
11980	Implant hormone pellet(s)	N		P2	0.6357	$26.46
11981	Insert drug implant device	N		P2	0.6357	$26.46
11982	Remove drug implant device	N		P2	0.6357	$26.46
11983	Remove/insert drug implant	N		P2	0.6357	$26.46
12001	Repair superficial wound(s)	Y		P2	1.2827	$53.39
12002	Repair superficial wound(s)	Y		P2	1.2827	$53.39
12004	Repair superficial wound(s)	Y		P2	1.2827	$53.39
12005	Repair superficial wound(s)	Y		A2	1.4832	$61.74
12006	Repair superficial wound(s)	Y		A2	1.4832	$61.74
12007	Repair superficial wound(s)	Y		A2	1.4832	$61.74
12011	Repair superficial wound(s)	Y		P2	1.2827	$53.39
12013	Repair superficial wound(s)	Y		P2	1.2827	$53.39
12014	Repair superficial wound(s)	Y		P2	1.2827	$53.39
12015	Repair superficial wound(s)	Y		G2	1.2827	$53.39
12016	Repair superficial wound(s)	Y		A2	1.4832	$61.74
12017	Repair superficial wound(s)	Y		A2	1.4832	$61.74
12018	Repair superficial wound(s)	Y		A2	1.4832	$61.74
12020	Closure of split wound	Y		A2	3.6603	$152.36
12021	Closure of split wound	Y		A2	2.7894	$116.11
12031	Intmd wnd repair s/tr/ext	Y		P2	1.2827	$53.39
12032	Intmd wnd repair s/tr/ext	Y		P2	3.0241	$125.88
12034	Intmd wnd repair s/tr/ext	Y		A2	1.4832	$61.74
12035	Intmd wnd repair s/tr/ext	Y		A2	1.4832	$61.74
12036	Intmd wnd repair s/tr/ext	Y		A2	2.7894	$116.11
12037	Intmd wnd repair s/tr/ext	Y		A2	4.1153	$171.30
12041	Intmd wnd repair n-hf/genit	Y		P2	1.2827	$53.39
12042	Intmd wnd repair n-hg/genit	Y		P2	1.2827	$53.39
12044	Intmd wnd repair n-hg/genit	Y		A2	1.4832	$61.74

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12045	Intmd wnd repair n-hg/genit	Y		A2	2.7894	$116.11
12046	Intmd wnd repair n-hg/genit	Y		A2	2.7894	$116.11
12047	Intmd wnd repair n-hg/genit	Y		A2	4.1153	$171.30
12051	Intmd wnd repair face/mm	Y		P2	1.2827	$53.39
12052	Intmd wnd repair face/mm	Y		P2	1.2827	$53.39
12053	Intmd wnd repair face/mm	Y		P2	1.2827	$53.39
12054	Intmd wnd repair, face/mm	Y		A2	1.4832	$61.74
12055	Intmd wnd repair face/mm	Y		A2	2.7894	$116.11
12056	Intmd wnd repair face/mm	Y		A2	2.7894	$116.11
12057	Intmd wnd repair face/mm	Y		A2	4.1153	$171.30
13100	Repair of wound or lesion	Y		A2	4.9862	$207.55
13101	Repair of wound or lesion	Y		A2	4.9862	$207.55
13102	Repair wound/lesion add-on	Y		A2	3.6603	$152.36
13120	Repair of wound or lesion	Y		A2	2.7894	$116.11
13121	Repair of wound or lesion	Y		A2	2.7894	$116.11
13122	Repair wound/lesion add-on	Y		A2	1.4832	$61.74
13131	Repair of wound or lesion	Y		A2	2.7894	$116.11
13132	Repair of wound or lesion	Y		A2	3.6603	$152.36
13133	Repair wound/lesion add-on	Y		A2	2.7894	$116.11
13150	Repair of wound or lesion	Y		A2	4.9862	$207.55
13151	Repair of wound or lesion	Y		A2	4.9862	$207.55
13152	Repair of wound or lesion	Y		A2	4.9862	$207.55
13153	Repair wound/lesion add-on	Y		A2	2.7894	$116.11
13160	Late closure of wound	Y		A2	17.5714	$731.41
14000	Skin tissue rearrangement	Y		A2	13.8551	$576.72
14001	Skin tissue rearrangement	Y		A2	14.2208	$591.94
14020	Skin tissue rearrangement	Y		A2	14.2208	$591.94
14021	Skin tissue rearrangement	Y		A2	14.2208	$591.94
14040	Skin tissue rearrangement	Y		A2	13.8551	$576.72
14041	Skin tissue rearrangement	Y		A2	14.2208	$591.94
14060	Skin tissue rearrangement	Y		A2	14.2208	$591.94
14061	Skin tissue rearrangement	Y		A2	14.2208	$591.94

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14300	Skin tissue rearrangement	Y		A2	18.6227	$775.17
14350	Skin tissue rearrangement	Y		A2	17.9371	$746.63
15002	Wound prep, trk/arm/leg	Y		A2	4.9862	$207.55
15003	Wound prep, addl 100 cm	Y		A2	4.9862	$207.55
15004	Wound prep, f/n/hf/g	Y		A2	4.9862	$207.55
15005	Wnd prep, f/n/hf/g, addl cm	Y		A2	4.9862	$207.55
15040	Harvest cultured skin graft	Y		A2	2.7894	$116.11
15050	Skin pinch graft	Y		A2	4.9862	$207.55
15100	Skin splt grft, trnk/arm/leg	Y		A2	17.5714	$731.41
15101	Skin splt grft t/a/l, add-on	Y		A2	17.9371	$746.63
15110	Epidrm autogrft trnk/arm/leg	Y		A2	5.6874	$236.74
15111	Epidrm autogrft t/a/l add-on	Y		A2	5.0417	$209.86
15115	Epidrm a-grft face/nck/hf/g	Y		A2	5.6874	$236.74
15116	Epidrm a-grft f/n/hf/g addl	Y		A2	5.0417	$209.86
15120	Skn splt a-grft fac/nck/hf/g	Y		A2	17.5714	$731.41
15121	Skn splt a-grft f/n/hf/g add	Y		A2	17.9371	$746.63
15130	Derm autograft, trnk/arm/leg	Y		A2	13.8551	$576.72
15131	Derm autograft t/a/l add-on	Y		A2	13.2094	$549.84
15135	Derm autograft face/nck/hf/g	Y		A2	13.8551	$576.72
15136	Derm autograft, f/n/hf/g add	Y		A2	13.2094	$549.84
15150	Cult epiderm grft t/arm/leg	Y		A2	5.6874	$236.74
15151	Cult epiderm grft t/a/l addl	Y		A2	5.0417	$209.86
15152	Cult epiderm graft t/a/l +%	Y		A2	5.0417	$209.86
15155	Cult epiderm graft, f/n/hf/g	Y		A2	5.6874	$236.74
15156	Cult epidrm grft f/n/hfg add	Y		A2	5.0417	$209.86
15157	Cult epiderm grft f/n/hfg +%	Y		A2	5.0417	$209.86
15170	Acell graft trunk/arms/legs	Y		G2	4.1852	$174.21
15171	Acell graft t/arm/leg add-on	Y		G2	4.1852	$174.21
15175	Acellular graft, f/n/hf/g	Y		G2	4.1852	$174.21
15176	Acell graft, f/n/hf/g add-on	Y		G2	4.1852	$174.21
15200	Skin full graft, trunk	Y		A2	14.2208	$591.94
15201	Skin full graft trunk add-on	Y		A2	13.1539	$547.53

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15220	Skin full graft sclp/arm/leg	Y		A2	13.8551	$576.72
15221	Skin full graft add-on	Y		A2	4.9862	$207.55
15240	Skin full grft face/genit/bf	Y		A2	14.2208	$591.94
15241	Skin full graft add-on	Y		A2	4.9862	$207.55
15260	Skin full graft een & lips	Y		A2	13.8551	$576.72
15261	Skin full graft add-on	Y		A2	13.1539	$547.53
15300	Apply skinallogrft, t/arm/lg	Y		A2	4.9862	$207.55
15301	Apply sknallogrft t/a/l addl	Y		A2	4.9862	$207.55
15320	Apply skin allogrft f/n/hf/g	Y		A2	4.9862	$207.55
15321	Aply sknallogrft f/n/hfg add	Y		A2	4.9862	$207.55
15330	Aply acell alogrft t/arm/leg	Y		A2	4.9862	$207.55
15331	Aply acell grft t/a/l add-on	Y		A2	4.9862	$207.55
15335	Apply acell graft, f/n/hf/g	Y		A2	4.9862	$207.55
15336	Aply acell grft f/n/hf/g add	Y		A2	4.9862	$207.55
15340	Apply cult skin substitute	Y		G2	3.0241	$125.88
15341	Apply cult skin sub add-on	Y		G2	3.0241	$125.88
15360	Apply cult derm sub, t/a/l	Y		G2	3.0241	$125.88
15361	Aply cult derm sub t/a/l add	Y		G2	3.0241	$125.88
15365	Apply cult derm sub f/n/hf/g	Y		G2	3.0241	$125.88
15366	Apply cult derm f/hf/g add	Y		G2	3.0241	$125.88
15400	Apply skin xenograft, t/a/l	Y		A2	4.9862	$207.55
15401	Apply skn xenogrft t/a/l add	Y		A2	4.9862	$207.55
15420	Apply skin xgraft, f/n/hf/g	Y		A2	4.9862	$207.55
15421	Apply skn xgrft f/n/hf/g add	Y		A2	4.9862	$207.55
15430	Apply acellular xenograft	Y		A2	4.9862	$207.55
15431	Apply acellular xgraft add	Y		A2	4.9862	$207.55
15570	Form skin pedicle flap	Y		A2	17.9371	$746.63
15572	Form skin pedicle flap	Y		A2	17.9371	$746.63
15574	Form skin pedicle flap	Y		A2	17.9371	$746.63
15576	Form skin pedicle flap	Y		A2	17.9371	$746.63
15600	Skin graft	Y		A2	17.9371	$746.63
15610	Skin graft	Y		A2	17.9371	$746.63

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15620	Skin graft	Y		A2	18.6227	$775.17
15630	Skin graft	Y		A2	17.9371	$746.63
15650	Transfer skin pedicle flap	Y		A2	19.12	$795.87
15731	Forehead flap w/vasc pedicle	Y		A2	17.9371	$746.63
15732	Muscle-skin graft, head/neck	Y		A2	17.9371	$746.63
15734	Muscle-skin graft, trunk	Y		A2	17.9371	$746.63
15736	Muscle-skin graft, arm	Y		A2	17.9371	$746.63
15738	Muscle-skin graft, leg	Y		A2	17.9371	$746.63
15740	Island pedicle flap graft	Y		A2	13.8551	$576.72
15750	Neurovascular pedicle graft	Y		A2	17.5714	$731.41
15760	Composite skin graft	Y		A2	17.5714	$731.41
15770	Derma-fat-fascia graft	Y		A2	17.9371	$746.63
15775	Hair transplant punch grafts	Y		A2	2.8091	$116.93
15776	Hair transplant punch grafts	Y		A2	2.8091	$116.93
15780	Abrasion treatment of skin	Y		P3	8.0692	$335.88
15781	Abrasion treatment of skin	Y		P2	4.1241	$171.67
15782	Abrasion treatment of skin	Y		P2	4.1241	$171.67
15783	Abrasion treatment of skin	Y		P2	2.6563	$110.57
15786	Abrasion, lesion, single	Y		P2	0.8257	$34.37
15787	Abrasion, lesions, add-on	Y		P3	0.6258	$26.05
15788	Chemical peel, face, epiderm	Y		P2	0.8257	$34.37
15789	Chemical peel, face, dermal	Y		P2	1.4295	$59.50
15792	Chemical peel, nonfacial	Y		P2	1.4295	$59.50
15793	Chemical peel, nonfacial	Y		P2	0.8257	$34.37
15819	Plastic surgery, neck	Y		G2	3.0241	$125.88
15820	Revision of lower eyelid	Y		A2	17.9371	$746.63
15821	Revision of lower eyelid	Y		A2	17.9371	$746.63
15822	Revision of upper eyelid	Y		A2	17.9371	$746.63
15823	Revision of upper eyelid	Y		A2	19.12	$795.87
15824	Removal of forehead wrinkles	Y		A2	17.9371	$746.63
15825	Removal of neck wrinkles	Y		A2	17.9371	$746.63
15826	Removal of brow wrinkles	Y		A2	17.9371	$746.63

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15828	Removal of face wrinkles	Y		A2	17.9371	$746.63
15829	Removal of skin wrinkles	Y		A2	19.12	$795.87
15830	Exc skin abd	Y		A2	18.9415	$788.44
15832	Excise excessive skin tissue	Y		A2	18.9415	$788.44
15833	Excise excessive skin tissue	Y		A2	18.9415	$788.44
15834	Excise excessive skin tissue	Y		A2	18.9415	$788.44
15835	Excise excessive skin tissue	Y		A2	17.8746	$744.03
15836	Excise excessive skin tissue	Y		A2	14.499	$603.52
15837	Excise excessive skin tissue	Y		G2	15.4463	$642.95
15838	Excise excessive skin tissue	Y		G2	15.4463	$642.95
15839	Excise excessive skin tissue	Y		A2	14.499	$603.52
15840	Graft for face nerve palsy	Y		A2	18.6227	$775.17
15841	Graft for face nerve palsy	Y		A2	18.6227	$775.17
15842	Flap for face nerve palsy	Y		G2	20.0306	$833.77
15845	Skin and muscle repair, face	Y		A2	18.6227	$775.17
15847	Exc skin abd add-on	Y		A2	18.9415	$788.44
15850	Removal of sutures	Y		G2	2.6563	$110.57
15851	Removal of sutures	Y		P3	1.0614	$44.18
15852	Dressing change not for burn	N	CH	R2	0.6357	$26.46
15860	Test for blood flow in graft	N		G2	0.6357	$26.46
15876	Suction assisted lipectomy	Y		A2	17.9371	$746.63
15877	Suction assisted lipectomy	Y		A2	17.9371	$746.63
15878	Suction assisted lipectomy	Y		A2	17.9371	$746.63
15879	Suction assisted lipectomy	Y		A2	17.9371	$746.63
15920	Removal of tail bone ulcer	Y		A2	4.5305	$188.58
15922	Removal of tail bone ulcer	Y		A2	18.6227	$775.17
15931	Remove sacrum pressure sore	Y		A2	18.9415	$788.44
15933	Remove sacrum pressure sore	Y		A2	18.9415	$788.44
15934	Remove sacrum pressure sore	Y		A2	17.9371	$746.63
15935	Remove sacrum pressure sore	Y		A2	18.6227	$775.17
15936	Remove sacrum pressure sore	Y		A2	14.9067	$620.49
15937	Remove sacrum pressure sore	Y		A2	18.6227	$775.17

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15940	Remove hip pressure sore	Y		A2	18.9415	$788.44
15941	Remove hip pressure sore	Y		A2	18.9415	$788.44
15944	Remove hip pressure sore	Y		A2	17.9371	$746.63
15945	Remove hip pressure sore	Y		A2	18.6227	$775.17
15946	Remove hip pressure sore	Y		A2	18.6227	$775.17
15950	Remove thigh pressure sore	Y		A2	18.9415	$788.44
15951	Remove thigh pressure sore	Y		A2	19.6274	$816.99
15952	Remove thigh pressure sore	Y		A2	14.2208	$591.94
15953	Remove thigh pressure sore	Y		A2	14.9067	$620.49
15956	Remove thigh pressure sore	Y		A2	14.2208	$591.94
15958	Remove thigh pressure sore	Y		A2	14.9067	$620.49
16000	Initial treatment of burn(s)	Y		P3	0.6191	$25.77
16020	Dress/debrid p-thick burn, s	Y		P3	0.9184	$38.23
16025	Dress/debrid p-thick burn, m	Y		A2	1.4556	$60.59
16030	Dress/debrid p-thick burn, l	Y		A2	1.6425	$68.37
16035	Incision of burn scab, initi	Y		G2	1.4295	$59.50
17000	Destruct premalg lesion	Y		P2	0.8257	$34.37
17003	Destruct premalg les, 2-14	Y		P3	0.068	$2.83
17004	Destroy premlg lesions 15+	Y		P3	1.6533	$68.82
17106	Destruction of skin lesions	Y		P2	2.6563	$110.57
17107	Destruction of skin lesions	Y		P2	2.6563	$110.57
17108	Destruction of skin lesions	Y		P2	2.6563	$110.57
17110	Destruct b9 lesion, 1-14	Y		P2	0.8257	$34.37
17111	Destruct lesion, 15 or more	Y		P2	1.4295	$59.50
17250	Chemical cautery, tissue	Y		P3	0.9864	$41.06
17260	Destruction of skin lesions	Y		P3	0.9458	$39.37
17261	Destruction of skin lesions	Y		P2	1.4295	$59.50
17262	Destruction of skin lesions	Y		P2	1.4295	$59.50
17263	Destruction of skin lesions	Y		P2	1.4295	$59.50
17264	Destruction of skin lesions	Y		P2	1.4295	$59.50
17266	Destruction of skin lesions	Y	CH	P3	2.3337	$97.14
17270	Destruction of skin lesions	Y		P2	1.4295	$59.50

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17271	Destruction of skin lesions	Y		P2	1.4295	$59.50
17272	Destruction of skin lesions	Y		P2	1.4295	$59.50
17273	Destruction of skin lesions	Y	CH	P3	2.1091	$87.79
17274	Destruction of skin lesions	Y	CH	P3	2.4017	$99.97
17276	Destruction of skin lesions	Y		P2	2.6563	$110.57
17280	Destruction of skin lesions	Y		P2	1.4295	$59.50
17281	Destruction of skin lesions	Y		P3	1.803	$75.05
17282	Destruction of skin lesions	Y		P3	2.0682	$86.09
17283	Destruction of skin lesions	Y	CH	P3	2.388	$99.40
17284	Destruction of skin lesions	Y		P2	2.6563	$110.57
17286	Destruction of skin lesions	Y		P2	2.6563	$110.57
17311	Mohs, 1 stage, h/n/hf/g	Y		P2	5.01	$208.54
17312	Mohs addl stage	Y	CH	P3	4.3544	$181.25
17313	Mohs, 1 stage, t/a/l	Y		P2	5.01	$208.54
17314	Mohs, addl stage, t/a/l	Y	CH	P3	4.0346	$167.94
17315	Mohs surg, addl block	Y		P3	0.7688	$32.00
17340	Cryotherapy of skin	Y		P3	0.3673	$15.29
17360	Skin peel therapy	Y		P2	0.8257	$34.37
17380	Hair removal by electrolysis	Y		R2	0.8257	$34.37
19000	Drainage of breast lesion	Y		P3	1.2656	$52.68
19001	Drain breast lesion add-on	Y		P3	0.1701	$7.08
19020	Incision of breast lesion	Y		A2	16.6013	$691.03
19030	Injection for breast x-ray	N		N1		
19100	Bx breast percut w/o image	Y		A2	4.6455	$193.37
19101	Biopsy of breast, open	Y		A2	20.215	$841.45
19102	Bx breast percut w/image	Y		A2	6.8644	$285.73
19103	Bx breast percut w/device	Y		A2	13.1623	$547.88
19105	Cryosurg ablate fa, each	Y	CH	P3	30.3786	$1,264.51
19110	Nipple exploration	Y		A2	20.215	$841.45
19112	Excise breast duct fistula	Y		A2	20.5807	$856.67
19120	Removal of breast lesion	Y		A2	20.5807	$856.67
19125	Excision, breast lesion	Y		A2	20.5807	$856.67

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19126	Excision, addl breast lesion	Y		A2	20.5807	$856.67
19290	Place needle wire, breast	N		N1		
19291	Place needle wire, breast	N		N1		
19295	Place breast clip, percut	N		N1		
19296	Place po breast cath for rad	Y		A2	50.5859	$2,105.64
19297	Place breast cath for rad	Y		A2	50.5859	$2,105.64
19298	Place breast rad tube/caths	Y		A2	50.5859	$2,105.64
19300	Removal of breast tissue	Y		A2	21.2663	$885.21
19301	Partical mastectomy	Y		A2	20.5807	$856.67
19302	P-mastectomy w/ln removal	Y		A2	35.9966	$1,498.36
19303	Mast, simple, complete	Y		A2	28.2926	$1,177.68
19304	Mast, subq	Y		A2	28.2926	$1,177.68
19316	Suspension of breast	Y		A2	28.2926	$1,177.68
19318	Reduction of large breast	Y		A2	33.9109	$1,411.54
19324	Enlarge breast	Y		A2	33.9109	$1,411.54
19325	Enlarge breast with implant	Y		A2	50.5859	$2,105.64
19328	Removal of breast implant	Y		A2	26.5953	$1,107.03
19330	Removal of implant material	Y		A2	26.5953	$1,107.03
19340	Immediate breast prosthesis	Y		A2	32.8596	$1,367.78
19342	Delayed breast prosthesis	Y		A2	45.8489	$1,908.46
19350	Breast reconstruction	Y		A2	21.2663	$885.21
19355	Correct inverted nipple(s)	Y		A2	28.2926	$1,177.68
19357	Breast reconstruction	Y		A2	47.0318	$1,957.70
19366	Breast reconstruction	Y		A2	28.7897	$1,198.37
19370	Surgery of breast capsule	Y		A2	28.2926	$1,177.68
19371	Removal of breast capsule	Y		A2	28.2926	$1,177.68
19380	Revise breast reconstruction	Y		A2	34.4079	$1,432.23
19396	Design custom breast implant	Y		G2	32.9235	$1,370.44
20000	Incision of abscess	Y		P2	1.3735	$57.17
20005	Incision of deep abscess	Y		A2	18.3104	$762.17
20103	Explore wound, extremity	Y		G2	11.8407	$492.87
20150	Excise epiphyseal bar	Y		G2	44.5179	$1,853.06

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20200	Muscle biopsy	Y		A2	14.1331	$588.29
20205	Deep muscle biopsy	Y		A2	14.499	$603.52
20206	Needle biopsy, muscle	Y		A2	6.8644	$285.73
20220	Bone biopsy, trocar/needle	Y		A2	7.2339	$301.11
20225	Bone biopsy, trocar/needle	Y		A2	13.976	$581.75
20240	Bone biopsy, excisional	Y		A2	18.5759	$773.22
20245	Bone biopsy, excisional	Y		A2	18.9415	$788.44
20250	Open bone biopsy	Y		A2	18.6763	$777.40
20251	Open bone biopsy	Y		A2	18.6763	$777.40
20500	Injection of sinus tract	Y		P3	0.9254	$38.52
20501	Inject sinus tract for x-ray	N		N1		
20520	Removal of foreign body	Y		P3	2.116	$88.08
20525	Removal of foreign body	Y		A2	18.9415	$788.44
20526	Ther injection, carp tunnel	Y		P3	0.6462	$26.90
20550	Inj tendon sheath/ligament	Y		P3	0.4898	$20.39
20551	Inj tendon origin/insertion	Y		P3	0.5374	$22.37
20552	Inj trigger point, 1/2 muscl	Y		P3	0.4898	$20.39
20553	Inject trigger points, =/> 3	Y		P3	0.5783	$24.07
20555	Place ndl musc/tis for rt	Y	CH	R2	30.1128	$1,253.45
20600	Drain/inject, joint/bursa	Y		P3	0.4966	$20.67
20605	Drain/inject, joint/bursa	Y		P3	0.5648	$23.51
20610	Drain/inject, joint/bursa	Y		P3	0.83	$34.55
20612	Aspirate/inj ganglion cyst	Y		P3	0.5578	$23.22
20615	Treatment of bone cyst	Y		P3	2.0819	$86.66
20650	Insert and remove bone pin	Y		A2	18.6763	$777.40
20662	Application of pelvis brace	Y		R2	21.016	$874.79
20663	Application of thigh brace	Y		R2	21.016	$874.79
20665	Removal of fixation device	N		G2	0.6357	$26.46
20670	Removal of support implant	Y		A2	13.4876	$561.42
20680	Removal of support implant	Y		A2	18.9415	$788.44
20690	Apply bone fixation device	Y		A2	25.133	$1,046.16
20692	Apply bone fixation device	Y		A2	25.4986	$1,061.38

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20693	Adjust bone fixation device	Y		A2	18.6763	$777.40
20694	Remove bone fixation device	Y		A2	17.6649	$735.30
20696	Comp multiplane ext fixation	Y		G2	30.1128	$1,253.45
20697	Comp ext fixate strut change	Y		G2	17.7174	$737.49
20822	Replantation digit, complete	Y		G2	26.8737	$1,118.62
20900	Removal of bone for graft	Y		A2	25.4986	$1,061.38
20902	Removal of bone for graft	Y		A2	26.1845	$1,089.93
20910	Remove cartilage for graft	Y		A2	17.9371	$746.63
20912	Remove cartilage for graft	Y		A2	17.9371	$746.63
20920	Removal of fascia for graft	Y		A2	14.9067	$620.49
20922	Removal of fascia for graft	Y		A2	14.2208	$591.94
20924	Removal of tendon for graft	Y		A2	26.1845	$1,089.93
20926	Removal of tissue for graft	Y		A2	6.7387	$280.50
20950	Fluid pressure, muscle	Y		G2	1.3735	$57.17
20972	Bone/skin graft, metatarsal	Y		G2	49.1698	$2,046.69
20973	Bone/skin graft, great toe	Y		R2	49.1698	$2,046.69
20975	Electrical bone stimulation	N		N1		
20979	Us bone stimulation	N		P3	0.4898	$20.39
20982	Ablate, bone tumor(s) perq	Y		G2	44.5179	$1,853.06
20985	Cptr-asst dir ms px	N		N1		
21010	Incision of jaw joint	Y		A2	20.2599	$843.32
21015	Resection of facial tumor	Y		A2	20.6256	$858.54
21025	Excision of bone, lower jaw	Y		A2	33.152	$1,379.95
21026	Excision of facial bone(s)	Y		A2	33.152	$1,379.95
21029	Contour of face bone lesion	Y		A2	33.152	$1,379.95
21030	Excise max/zygoma b9 tumor	Y		P3	5.1505	$214.39
21031	Remove exostosis, mandible	Y		P3	4.1026	$170.77
21032	Remove exostosis, maxilla	Y		P3	4.2251	$175.87
21034	Excise max/zygoma mlg tumor	Y		A2	33.5176	$1,395.17
21040	Excise mandible lesion	Y		A2	20.2599	$843.32
21044	Removal of jaw bone lesion	Y		A2	33.152	$1,379.95
21046	Remove mandible cyst complex	Y		A2	33.152	$1,379.95

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21047	Excise lwr jaw cyst w/repair	Y		A2	33.152	$1,379.95
21048	Remove maxilla cyst complex	Y		R2	40.8046	$1,698.49
21050	Removal of jaw joint	Y		A2	33.5176	$1,395.17
21060	Remove jaw joint cartilage	Y		A2	33.152	$1,379.95
21070	Remove coronoid process	Y		A2	33.5176	$1,395.17
21073	Mnpj of tmj w/anesth	Y		P3	4.0754	$169.64
21076	Prepare face/oral prosthesis	Y		P3	7.7698	$323.42
21077	Prepare face/oral prosthesis	Y		P3	18.9823	$790.14
21079	Prepare face/oral prosthesis	Y		P3	13.2468	$551.40
21080	Prepare face/oral prosthesis	Y		P3	14.9341	$621.63
21081	Prepare face/oral prosthesis	Y		P3	13.5938	$565.84
21082	Prepare face/oral prosthesis	Y		P3	14.0089	$583.12
21083	Prepare face/oral prosthesis	Y		P3	13.662	$568.68
21084	Prepare face/oral prosthesis	Y		P3	15.4309	$642.31
21085	Prepare face/oral prosthesis	Y		P3	6.0348	$251.20
21086	Prepare face/oral prosthesis	Y		P3	13.4849	$561.31
21087	Prepare face/oral prosthesis	Y		P3	13.1789	$548.57
21088	Prepare face/oral prosthesis	Y		R2	40.8046	$1,698.49
21100	Maxillofacial fixation	Y		A2	33.152	$1,379.95
21110	Interdental fixation	Y		P2	7.1678	$298.36
21116	Injection, jaw joint x-ray	N		N1		
21120	Reconstruction of chin	Y		A2	23.397	$973.90
21121	Reconstruction of chin	Y		A2	23.397	$973.90
21122	Reconstruction of chin	Y		A2	23.397	$973.90
21123	Reconstruction of chin	Y		A2	23.397	$973.90
21125	Augmentation, lower jaw bone	Y		A2	23.397	$973.90
21127	Augmentation, lower jaw bone	Y		A2	38.2547	$1,592.35
21137	Reduction of forehead	Y		G2	23.6152	$982.98
21138	Reduction of forehead	Y		G2	40.8046	$1,698.49
21139	Reduction of forehead	Y		G2	40.8046	$1,698.49
21150	Reconstruct midface, lefort	Y		G2	40.8046	$1,698.49
21181	Contour cranial bone lesion	Y		A2	23.397	$973.90

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21198	Reconstr lwr jaw segment	Y		G2	40.8046	$1,698.49
21199	Reconstr lwr jaw w/advance	Y		G2	40.8046	$1,698.49
21206	Reconstruct upper jaw bone	Y		A2	34.7005	$1,444.41
21208	Augmentation of facial bones	Y		A2	36.289	$1,510.53
21209	Reduction of facial bones	Y		A2	34.7005	$1,444.41
21210	Face bone graft	Y		A2	36.289	$1,510.53
21215	Lower jaw bone graft	Y		A2	36.289	$1,510.53
21230	Rib cartilage graft	Y		A2	36.289	$1,510.53
21235	Ear cartilage graft	Y		A2	23.397	$973.90
21240	Reconstruction of jaw joint	Y		A2	34.2032	$1,423.71
21242	Reconstruction of jaw joint	Y		A2	34.7005	$1,444.41
21243	Reconstruction of jaw joint	Y		A2	34.7005	$1,444.41
21244	Reconstruction of lower jaw	Y		A2	36.289	$1,510.53
21245	Reconstruction of jaw	Y		A2	36.289	$1,510.53
21246	Reconstruction of jaw	Y		A2	36.289	$1,510.53
21248	Reconstruction of jaw	Y		A2	36.289	$1,510.53
21249	Reconstruction of jaw	Y		A2	36.289	$1,510.53
21260	Revise eye sockets	Y		G2	40.8046	$1,698.49
21267	Revise eye sockets	Y		A2	36.289	$1,510.53
21270	Augmentation, cheek bone	Y		A2	34.7005	$1,444.41
21275	Revision, orbitofacial bones	Y		A2	36.289	$1,510.53
21280	Revision of eyelid	Y		A2	34.7005	$1,444.41
21282	Revision of eyelid	Y		A2	16.2592	$676.79
21295	Revision of jaw muscle/bone	Y		A2	7.2786	$302.97
21296	Revision of jaw muscle/bone	Y		A2	19.6142	$816.44
21310	Treatment of nose fracture	Y		A2	1.6738	$69.67
21315	Treatment of nose fracture	Y		A2	13.0234	$542.10
21320	Treatment of nose fracture	Y		A2	14.7106	$612.33
21325	Treatment of nose fracture	Y		A2	21.3112	$887.08
21330	Treatment of nose fracture	Y		A2	21.8083	$907.77
21335	Treatment of nose fracture	Y		A2	23.397	$973.90
21336	Treat nasal septal fracture	Y		A2	22.1514	$922.05

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21337	Treat nasal septal fracture	Y		A2	14.7106	$612.33
21338	Treat nasoethmoid fracture	Y		A2	21.3112	$887.08
21339	Treat nasoethmoid fracture	Y		A2	21.8083	$907.77
21340	Treatment of nose fracture	Y		A2	34.2032	$1,423.71
21345	Treat nose/jaw fracture	Y		A2	23.397	$973.90
21355	Treat cheek bone fracture	Y		A2	33.5176	$1,395.17
21356	Treat cheek bone fracture	Y		A2	20.6256	$858.54
21360	Treat cheek bone fracture	Y		G2	23.6152	$982.98
21390	Treat eye socket fracture	Y		G2	40.8046	$1,698.49
21400	Treat eye socket fracture	Y		A2	7.9243	$329.85
21401	Treat eye socket fracture	Y		A2	15.0763	$627.55
21406	Treat eye socket fracture	Y		G2	40.8046	$1,698.49
21407	Treat eye socket fracture	Y		G2	40.8046	$1,698.49
21421	Treat mouth roof fracture	Y		A2	21.3112	$887.08
21440	Treat dental ridge fracture	Y		P3	6.967	$290.00
21445	Treat dental ridge fracture	Y		A2	21.3112	$887.08
21450	Treat lower jaw fracture	Y		A2	3.3386	$138.97
21451	Treat lower jaw fracture	Y		A2	8.0281	$334.17
21452	Treat lower jaw fracture	Y		A2	14.7106	$612.33
21453	Treat lower jaw fracture	Y		A2	33.5176	$1,395.17
21454	Treat lower jaw fracture	Y		A2	21.8083	$907.77
21461	Treat lower jaw fracture	Y		A2	34.2032	$1,423.71
21462	Treat lower jaw fracture	Y		A2	34.7005	$1,444.41
21465	Treat lower jaw fracture	Y		A2	34.2032	$1,423.71
21480	Reset dislocated jaw	Y		A2	1.6738	$69.67
21485	Reset dislocated jaw	Y		A2	14.7106	$612.33
21490	Repair dislocated jaw	Y		A2	33.5176	$1,395.17
21495	Treat hyoid bone fracture	Y		G2	16.2162	$675.00
21497	Interdental wiring	Y		A2	14.7106	$612.33
21501	Drain neck/chest lesion	Y		A2	16.6013	$691.03
21502	Drain chest lesion	Y		A2	18.3104	$762.17
21550	Biopsy of neck/chest	Y		G2	15.4463	$642.95

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HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
21555	Remove lesion, neck/chest	Y		A2	18.5759	$773.22
21556	Remove lesion, neck/chest	Y		A2	18.5759	$773.22
21557	Remove tumor, neck/chest	Y		G2	21.37	$889.53
21600	Partial removal of rib	Y		A2	25.133	$1,046.16
21610	Partial removal of rib	Y		A2	25.133	$1,046.16
21685	Hyoid myotomy & suspension	Y		G2	7.1678	$298.36
21700	Revision of neck muscle	Y		A2	18.3104	$762.17
21720	Revision of neck muscle	Y		A2	18.6763	$777.40
21725	Revision of neck muscle	Y		A2	1.5356	$63.92
21800	Treatment of rib fracture	Y		A2	1.7886	$74.45
21805	Treatment of rib fracture	Y		A2	21.1001	$878.29
21820	Treat sternum fracture	Y		A2	1.7886	$74.45
21920	Biopsy soft tissue of back	Y		P3	2.9732	$123.76
21925	Biopsy soft tissue of back	Y		A2	18.5759	$773.22
21930	Remove lesion, back or flank	Y		A2	18.5759	$773.22
21935	Remove tumor, back	Y		A2	18.9415	$788.44
22102	Remove part, lumbar vertebra	Y		G2	47.3326	$1,970.22
22103	Remove extra spine segment	Y		G2	47.3326	$1,970.22
22305	Treat spine process fracture	Y		A2	1.7886	$74.45
22310	Treat spine fracture	Y		A2	4.0478	$168.49
22315	Treat spine fracture	Y		A2	13.8801	$577.76
22505	Manipulation of spine	Y		A2	13.3876	$557.26
22520	Percut vertebroplasty thor	Y		A2	30.2357	$1,258.56
22521	Percut vertebroplasty lumb	Y		A2	30.2357	$1,258.56
22522	Percut vertebroplasty add'l	Y		A2	30.2357	$1,258.56
22523	Percut kyphoplasty, thor	Y		G2	83.0725	$3,457.89
22524	Percut kyphoplasty, lumbar	Y		G2	83.0725	$3,457.89
22525	Percut kyphoplasty, add-on	Y		G2	83.0725	$3,457.89
22900	Remove abdominal wall lesion	Y		A2	19.6274	$816.99
23000	Removal of calcium deposits	Y		A2	14.1331	$588.29
23020	Release shoulder joint	Y		A2	35.9371	$1,495.88
23030	Drain shoulder lesion	Y		A2	15.9556	$664.15

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23031	Drain shoulder bursa	Y		A2	16.967	$706.25
23035	Drain shoulder bone lesion	Y		A2	18.6763	$777.40
23040	Exploratory shoulder surgery	Y		A2	25.4986	$1,061.38
23044	Exploratory shoulder surgery	Y		A2	26.1845	$1,089.93
23065	Biopsy shoulder tissues	Y		P3	2.1432	$89.21
23066	Biopsy shoulder tissues	Y		A2	18.5759	$773.22
23075	Removal of shoulder lesion	Y		A2	14.1331	$588.29
23076	Removal of shoulder lesion	Y		A2	18.5759	$773.22
23077	Remove tumor of shoulder	Y		A2	18.9415	$788.44
23100	Biopsy of shoulder joint	Y		A2	18.3104	$762.17
23101	Shoulder joint surgery	Y		A2	28.27	$1,176.74
23105	Remove shoulder joint lining	Y		A2	26.1845	$1,089.93
23106	Incision of collarbone joint	Y		A2	26.1845	$1,089.93
23107	Explore treat shoulder joint	Y		A2	26.1845	$1,089.93
23120	Partial removal, collar bone	Y		A2	26.6816	$1,110.62
23125	Removal of collar bone	Y		A2	26.6816	$1,110.62
23130	Remove shoulder bone, part	Y		A2	37.4854	$1,560.33
23140	Removal of bone lesion	Y		A2	19.3619	$805.94
23145	Removal of bone lesion	Y		A2	26.6816	$1,110.62
23146	Removal of bone lesion	Y		A2	26.6816	$1,110.62
23150	Removal of humerus lesion	Y		A2	26.1845	$1,089.93
23155	Removal of humerus lesion	Y		A2	26.6816	$1,110.62
23156	Removal of humerus lesion	Y		A2	26.6816	$1,110.62
23170	Remove collar bone lesion	Y		A2	25.133	$1,046.16
23172	Remove shoulder blade lesion	Y		A2	25.133	$1,046.16
23174	Remove humerus lesion	Y		A2	25.133	$1,046.16
23180	Remove collar bone lesion	Y		A2	26.1845	$1,089.93
23182	Remove shoulder blade lesion	Y		A2	26.1845	$1,089.93
23184	Remove humerus lesion	Y		A2	26.1845	$1,089.93
23190	Partial removal of scapula	Y		A2	26.1845	$1,089.93
23195	Removal of head of humerus	Y		A2	26.6816	$1,110.62
23330	Remove shoulder foreign body	Y		A2	7.6995	$320.49

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23331	Remove shoulder foreign body	Y		A2	17.9301	$746.34
23350	Injection for shoulder x-ray	N		N1		
23395	Muscle transfer,shoulder/arm	Y		A2	37.4854	$1,560.33
23397	Muscle transfers	Y		A2	67.9899	$2,830.08
23400	Fixation of shoulder blade	Y		A2	28.27	$1,176.74
23405	Incision of tendon & muscle	Y		A2	25.133	$1,046.16
23406	Incise tendon(s) & muscle(s)	Y		A2	25.133	$1,046.16
23410	Repair rotator cuff, acute	Y		A2	37.4854	$1,560.33
23412	Repair rotator cuff, chronic	Y		A2	39.0741	$1,626.46
23415	Release of shoulder ligament	Y		A2	37.4854	$1,560.33
23420	Repair of shoulder	Y		A2	39.0741	$1,626.46
23430	Repair biceps tendon	Y		A2	36.9883	$1,539.64
23440	Remove/transplant tendon	Y		A2	36.9883	$1,539.64
23450	Repair shoulder capsule	Y		A2	66.4014	$2,763.96
23455	Repair shoulder capsule	Y		A2	67.9899	$2,830.08
23460	Repair shoulder capsule	Y		A2	66.4014	$2,763.96
23462	Repair shoulder capsule	Y		A2	39.0741	$1,626.46
23465	Repair shoulder capsule	Y		A2	66.4014	$2,763.96
23466	Repair shoulder capsule	Y		A2	39.0741	$1,626.46
23480	Revision of collar bone	Y		A2	36.9883	$1,539.64
23485	Revision of collar bone	Y		A2	67.9899	$2,830.08
23490	Reinforce clavicle	Y		A2	36.3027	$1,511.10
23491	Reinforce shoulder bones	Y		A2	65.2185	$2,714.72
23500	Treat clavicle fracture	Y		A2	1.7886	$74.45
23505	Treat clavicle fracture	Y		A2	13.8801	$577.76
23515	Treat clavicle fracture	Y		A2	48.9984	$2,039.56
23520	Treat clavicle dislocation	Y		A2	4.0478	$168.49
23525	Treat clavicle dislocation	Y		A2	4.0478	$168.49
23530	Treat clavicle dislocation	Y		A2	34.9047	$1,452.91
23532	Treat clavicle dislocation	Y		A2	22.1514	$922.05
23540	Treat clavicle dislocation	Y		A2	1.7886	$74.45
23545	Treat clavicle dislocation	Y		A2	4.0478	$168.49

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23550	Treat clavicle dislocation	Y		A2	34.9047	$1,452.91
23552	Treat clavicle dislocation	Y		A2	35.5904	$1,481.45
23570	Treat shoulder blade fx	Y		A2	1.7886	$74.45
23575	Treat shoulder blade fx	Y		A2	4.0478	$168.49
23585	Treat scapula fracture	Y		A2	48.9984	$2,039.56
23600	Treat humerus fracture	Y		P2	1.5954	$66.41
23605	Treat humerus fracture	Y		A2	13.8801	$577.76
23615	Treat humerus fracture	Y		A2	49.6843	$2,068.11
23616	Treat humerus fracture	Y		A2	49.6843	$2,068.11
23620	Treat humerus fracture	Y		P2	1.5954	$66.41
23625	Treat humerus fracture	Y		A2	13.8801	$577.76
23630	Treat humerus fracture	Y		A2	50.1814	$2,088.80
23650	Treat shoulder dislocation	Y		A2	1.7886	$74.45
23655	Treat shoulder dislocation	Y		A2	12.7419	$530.38
23660	Treat shoulder dislocation	Y		A2	34.9047	$1,452.91
23665	Treat dislocation/fracture	Y		A2	4.0478	$168.49
23670	Treat dislocation/fracture	Y		A2	48.9984	$2,039.56
23675	Treat dislocation/fracture	Y		A2	1.7886	$74.45
23680	Treat dislocation/fracture	Y		A2	34.9047	$1,452.91
23700	Fixation of shoulder	Y		A2	12.7419	$530.38
23800	Fusion of shoulder joint	Y		A2	65.9041	$2,743.26
23802	Fusion of shoulder joint	Y		A2	39.0741	$1,626.46
23921	Amputation follow-up surgery	Y		A2	13.1539	$547.53
23930	Drainage of arm lesion	Y		A2	15.9556	$664.15
23931	Drainage of arm bursa	Y		A2	16.6013	$691.03
23935	Drain arm/elbow bone lesion	Y		A2	18.3104	$762.17
24000	Exploratory elbow surgery	Y		A2	26.1845	$1,089.93
24006	Release elbow joint	Y		A2	26.1845	$1,089.93
24065	Biopsy arm/elbow soft tissue	Y		P3	2.8915	$120.36
24066	Biopsy arm/elbow soft tissue	Y		A2	14.1331	$588.29
24075	Remove arm/elbow lesion	Y		A2	14.1331	$588.29
24076	Remove arm/elbow lesion	Y		A2	18.5759	$773.22

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24077	Remove tumor of arm/elbow	Y		A2	18.9415	$788.44
24100	Biopsy elbow joint lining	Y		A2	17.6649	$735.30
24101	Explore/treat elbow joint	Y		A2	26.1845	$1,089.93
24102	Remove elbow joint lining	Y		A2	26.1845	$1,089.93
24105	Removal of elbow bursa	Y		A2	18.6763	$777.40
24110	Remove humerus lesion	Y		A2	18.3104	$762.17
24115	Remove/graft bone lesion	Y		A2	25.4986	$1,061.38
24116	Remove/graft bone lesion	Y		A2	25.4986	$1,061.38
24120	Remove elbow lesion	Y		A2	18.6763	$777.40
24125	Remove/graft bone lesion	Y		A2	25.4986	$1,061.38
24126	Remove/graft bone lesion	Y		A2	25.4986	$1,061.38
24130	Removal of head of radius	Y		A2	25.4986	$1,061.38
24134	Removal of arm bone lesion	Y		A2	25.133	$1,046.16
24136	Remove radius bone lesion	Y		A2	25.133	$1,046.16
24138	Remove elbow bone lesion	Y		A2	25.133	$1,046.16
24140	Partial removal of arm bone	Y		A2	25.4986	$1,061.38
24145	Partial removal of radius	Y		A2	25.4986	$1,061.38
24147	Partial removal of elbow	Y		A2	25.133	$1,046.16
24149	Radical resection of elbow	Y		G2	30.1128	$1,253.45
24152	Extensive radius surgery	Y		G2	44.5179	$1,853.06
24153	Extensive radius surgery	Y		G2	83.0725	$3,457.89
24155	Removal of elbow joint	Y		A2	36.3027	$1,511.10
24160	Remove elbow joint implant	Y		A2	25.133	$1,046.16
24164	Remove radius head implant	Y		A2	25.4986	$1,061.38
24200	Removal of arm foreign body	Y		P3	2.2044	$91.76
24201	Removal of arm foreign body	Y		A2	14.1331	$588.29
24220	Injection for elbow x-ray	N		N1		
24300	Manipulate elbow w/anesth	Y		G2	14.4521	$601.57
24301	Muscle/tendon transfer	Y		A2	26.1845	$1,089.93
24305	Arm tendon lengthening	Y		A2	26.1845	$1,089.93
24310	Revision of arm tendon	Y		A2	18.6763	$777.40
24320	Repair of arm tendon	Y		A2	36.3027	$1,511.10

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24330	Revision of arm muscles	Y		A2	65.2185	$2,714.72
24331	Revision of arm muscles	Y		A2	36.3027	$1,511.10
24332	Tenolysis, triceps	Y		G2	21.016	$874.79
24340	Repair of biceps tendon	Y		A2	36.3027	$1,511.10
24341	Repair arm tendon/muscle	Y		A2	36.3027	$1,511.10
24342	Repair of ruptured tendon	Y		A2	36.3027	$1,511.10
24343	Repr elbow lat ligmnt w/tiss	Y		G2	30.1128	$1,253.45
24344	Reconstruct elbow lat ligmnt	Y		G2	83.0725	$3,457.89
24345	Repr elbw med ligmnt w/tissu	Y		A2	25.133	$1,046.16
24346	Reconstruct elbow med ligmnt	Y		G2	44.5179	$1,853.06
24357	Repair elbow, perc	Y		G2	30.1128	$1,253.45
24358	Repair elbow w/deb, open	Y		G2	30.1128	$1,253.45
24359	Repair elbow deb/attch open	Y		G2	30.1128	$1,253.45
24360	Reconstruct elbow joint	Y		A2	32.4089	$1,349.02
24361	Reconstruct elbow joint	Y		H8	146.0461	$6,079.17
24362	Reconstruct elbow joint	Y		A2	44.5595	$1,854.79
24363	Replace elbow joint	Y		H8	147.6348	$6,145.30
24365	Reconstruct head of radius	Y		A2	32.4089	$1,349.02
24366	Reconstruct head of radius	Y		H8	146.0461	$6,079.17
24400	Revision of humerus	Y		A2	26.1845	$1,089.93
24410	Revision of humerus	Y		A2	26.1845	$1,089.93
24420	Revision of humerus	Y		A2	36.3027	$1,511.10
24430	Repair of humerus	Y		A2	65.2185	$2,714.72
24435	Repair humerus with graft	Y		A2	65.9041	$2,743.26
24470	Revision of elbow joint	Y		A2	36.3027	$1,511.10
24495	Decompression of forearm	Y		A2	25.133	$1,046.16
24498	Reinforce humerus	Y		A2	65.2185	$2,714.72
24500	Treat humerus fracture	Y		A2	1.7886	$74.45
24505	Treat humerus fracture	Y		A2	1.7886	$74.45
24515	Treat humerus fracture	Y		A2	49.6843	$2,068.11
24516	Treat humerus fracture	Y		A2	49.6843	$2,068.11
24530	Treat humerus fracture	Y		A2	1.7886	$74.45

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24535	Treat humerus fracture	Y		A2	4.0478	$168.49
24538	Treat humerus fracture	Y		A2	21.1001	$878.29
24545	Treat humerus fracture	Y		A2	49.6843	$2,068.11
24546	Treat humerus fracture	Y		A2	50.1814	$2,088.80
24560	Treat humerus fracture	Y		A2	1.7886	$74.45
24565	Treat humerus fracture	Y		A2	1.7886	$74.45
24566	Treat humerus fracture	Y		A2	21.1001	$878.29
24575	Treat humerus fracture	Y		A2	48.9984	$2,039.56
24576	Treat humerus fracture	Y		A2	1.7886	$74.45
24577	Treat humerus fracture	Y		A2	4.0478	$168.49
24579	Treat humerus fracture	Y		A2	48.9984	$2,039.56
24582	Treat humerus fracture	Y		A2	21.1001	$878.29
24586	Treat elbow fracture	Y		A2	49.6843	$2,068.11
24587	Treat elbow fracture	Y		A2	50.1814	$2,088.80
24600	Treat elbow dislocation	Y		A2	1.7886	$74.45
24605	Treat elbow dislocation	Y		A2	13.3876	$557.26
24615	Treat elbow dislocation	Y		A2	48.9984	$2,039.56
24620	Treat elbow fracture	Y		A2	13.8801	$577.76
24635	Treat elbow fracture	Y		A2	48.9984	$2,039.56
24640	Treat elbow dislocation	Y		P3	1.3674	$56.92
24650	Treat radius fracture	Y		P2	1.5954	$66.41
24655	Treat radius fracture	Y		A2	4.0478	$168.49
24665	Treat radius fracture	Y		A2	35.5904	$1,481.45
24666	Treat radius fracture	Y		A2	49.6843	$2,068.11
24670	Treat ulnar fracture	Y		A2	1.7886	$74.45
24675	Treat ulnar fracture	Y		A2	1.7886	$74.45
24685	Treat ulnar fracture	Y		A2	34.9047	$1,452.91
24800	Fusion of elbow joint	Y		A2	36.9883	$1,539.64
24802	Fusion/graft of elbow joint	Y		A2	37.4854	$1,560.33
24925	Amputation follow-up surgery	Y		A2	18.6763	$777.40
25000	Incision of tendon sheath	Y		A2	18.6763	$777.40
25001	Incise flexor carpi radialis	Y		G2	21.016	$874.79

NOTES:

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HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
25020	Decompress forearm 1 space	Y		A2	18.6763	$777.40
25023	Decompress forearm 1 space	Y		A2	25.4986	$1,061.38
25024	Decompress forearm 2 spaces	Y		A2	25.4986	$1,061.38
25025	Decompress forearm 2 spaces	Y		A2	25.4986	$1,061.38
25028	Drainage of forearm lesion	Y		A2	17.6649	$735.30
25031	Drainage of forearm bursa	Y		A2	18.3104	$762.17
25035	Treat forearm bone lesion	Y		A2	18.3104	$762.17
25040	Explore/treat wrist joint	Y		A2	26.6816	$1,110.62
25065	Biopsy forearm soft tissues	Y		P3	2.9391	$122.34
25066	Biopsy forearm soft tissues	Y		A2	18.5759	$773.22
25075	Removal forearm lesion subcu	Y		A2	14.1331	$588.29
25076	Removal forearm lesion deep	Y		A2	18.9415	$788.44
25077	Remove tumor, forearm/wrist	Y		A2	18.9415	$788.44
25085	Incision of wrist capsule	Y		A2	18.6763	$777.40
25100	Biopsy of wrist joint	Y		A2	18.3104	$762.17
25101	Explore/treat wrist joint	Y		A2	25.4986	$1,061.38
25105	Remove wrist joint lining	Y		A2	26.1845	$1,089.93
25107	Remove wrist joint cartilage	Y		A2	25.4986	$1,061.38
25109	Excise tendon forearm/wrist	Y		G2	21.016	$874.79
25110	Remove wrist tendon lesion	Y		A2	18.6763	$777.40
25111	Remove wrist tendon lesion	Y		A2	18.6763	$777.40
25112	Reremove wrist tendon lesion	Y		A2	19.3619	$805.94
25115	Remove wrist/forearm lesion	Y		A2	19.3619	$805.94
25116	Remove wrist/forearm lesion	Y		A2	19.3619	$805.94
25118	Excise wrist tendon sheath	Y		A2	25.133	$1,046.16
25119	Partial removal of ulna	Y		A2	25.4986	$1,061.38
25120	Removal of forearm lesion	Y		A2	25.4986	$1,061.38
25125	Remove/graft forearm lesion	Y		A2	25.4986	$1,061.38
25126	Remove/graft forearm lesion	Y		A2	25.4986	$1,061.38
25130	Removal of wrist lesion	Y		A2	25.4986	$1,061.38
25135	Remove & graft wrist lesion	Y		A2	25.4986	$1,061.38
25136	Remove & graft wrist lesion	Y		A2	25.4986	$1,061.38

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25145	Remove forearm bone lesion	Y		A2	25.133	$1,046.16
25150	Partial removal of ulna	Y		A2	25.133	$1,046.16
25151	Partial removal of radius	Y		A2	25.133	$1,046.16
25210	Removal of wrist bone	Y		A2	25.4986	$1,061.38
25215	Removal of wrist bones	Y		A2	26.1845	$1,089.93
25230	Partial removal of radius	Y		A2	26.1845	$1,089.93
25240	Partial removal of ulna	Y		A2	26.1845	$1,089.93
25246	Injection for wrist x-ray	N		N1		
25248	Remove forearm foreign body	Y		A2	18.3104	$762.17
25250	Removal of wrist prosthesis	Y		A2	24.4872	$1,019.28
25251	Removal of wrist prosthesis	Y		A2	24.4872	$1,019.28
25259	Manipulate wrist w/anesthes	Y		G2	17.7174	$737.49
25260	Repair forearm tendon/muscle	Y		A2	26.1845	$1,089.93
25263	Repair forearm tendon/muscle	Y		A2	25.133	$1,046.16
25265	Repair forearm tendon/muscle	Y		A2	25.4986	$1,061.38
25270	Repair forearm tendon/muscle	Y		A2	26.1845	$1,089.93
25272	Repair forearm tendon/muscle	Y		A2	25.4986	$1,061.38
25274	Repair forearm tendon/muscle	Y		A2	26.1845	$1,089.93
25275	Repair forearm tendon sheath	Y		A2	26.1845	$1,089.93
25280	Revise wrist/forearm tendon	Y		A2	26.1845	$1,089.93
25290	Incise wrist/forearm tendon	Y		A2	25.4986	$1,061.38
25295	Release wrist/forearm tendon	Y		A2	18.6763	$777.40
25300	Fusion of tendons at wrist	Y		A2	25.4986	$1,061.38
25301	Fusion of tendons at wrist	Y		A2	25.4986	$1,061.38
25310	Transplant forearm tendon	Y		A2	36.3027	$1,511.10
25312	Transplant forearm tendon	Y		A2	36.9883	$1,539.64
25315	Revise palsy hand tendon(s)	Y		A2	36.3027	$1,511.10
25316	Revise palsy hand tendon(s)	Y		A2	65.2185	$2,714.72
25320	Repair/revise wrist joint	Y		A2	36.3027	$1,511.10
25332	Revise wrist joint	Y		A2	32.4089	$1,349.02
25335	Realignment of hand	Y		A2	36.3027	$1,511.10
25337	Reconstruct ulna/radioulnar	Y		A2	37.4854	$1,560.33

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25350	Revision of radius	Y		A2	65.2185	$2,714.72
25355	Revision of radius	Y		A2	36.3027	$1,511.10
25360	Revision of ulna	Y		A2	25.4986	$1,061.38
25365	Revise radius & ulna	Y		A2	25.4986	$1,061.38
25370	Revise radius or ulna	Y		A2	36.3027	$1,511.10
25375	Revise radius & ulna	Y		A2	36.9883	$1,539.64
25390	Shorten radius or ulna	Y		A2	25.4986	$1,061.38
25391	Lengthen radius or ulna	Y		A2	36.9883	$1,539.64
25392	Shorten radius & ulna	Y		A2	25.4986	$1,061.38
25393	Lengthen radius & ulna	Y		A2	36.9883	$1,539.64
25394	Repair carpal bone, shorten	Y		G2	44.5179	$1,853.06
25400	Repair radius or ulna	Y		A2	36.3027	$1,511.10
25405	Repair/graft radius or ulna	Y		A2	65.9041	$2,743.26
25415	Repair radius & ulna	Y		A2	65.2185	$2,714.72
25420	Repair/graft radius & ulna	Y		A2	65.9041	$2,743.26
25425	Repair/graft radius or ulna	Y		A2	36.3027	$1,511.10
25426	Repair/graft radius & ulna	Y		A2	36.9883	$1,539.64
25430	Vasc graft into carpal bone	Y		G2	44.5179	$1,853.06
25431	Repair nonunion carpal bone	Y		G2	44.5179	$1,853.06
25440	Repair/graft wrist bone	Y		A2	65.9041	$2,743.26
25441	Reconstruct wrist joint	Y		H8	146.0461	$6,079.17
25442	Reconstruct wrist joint	Y		H8	146.0461	$6,079.17
25443	Reconstruct wrist joint	Y		A2	44.5595	$1,854.79
25444	Reconstruct wrist joint	Y		A2	44.5595	$1,854.79
25445	Reconstruct wrist joint	Y		A2	44.5595	$1,854.79
25446	Wrist replacement	Y		H8	147.6348	$6,145.30
25447	Repair wrist joint(s)	Y		A2	32.4089	$1,349.02
25449	Remove wrist joint implant	Y		A2	32.4089	$1,349.02
25450	Revision of wrist joint	Y		A2	36.3027	$1,511.10
25455	Revision of wrist joint	Y		A2	36.3027	$1,511.10
25490	Reinforce radius	Y		A2	36.3027	$1,511.10
25491	Reinforce ulna	Y		A2	36.3027	$1,511.10

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25492	Reinforce radius and ulna	Y		A2	36.3027	$1,511.10
25500	Treat fracture of radius	Y		P2	1.5954	$66.41
25505	Treat fracture of radius	Y		A2	4.0478	$168.49
25515	Treat fracture of radius	Y		A2	34.9047	$1,452.91
25520	Treat fracture of radius	Y		A2	4.0478	$168.49
25525	Treat fracture of radius	Y		A2	35.5904	$1,481.45
25526	Treat fracture of radius	Y		A2	36.0874	$1,502.14
25530	Treat fracture of ulna	Y		P2	1.5954	$66.41
25535	Treat fracture of ulna	Y		A2	1.7886	$74.45
25545	Treat fracture of ulna	Y		A2	34.9047	$1,452.91
25560	Treat fracture radius & ulna	Y		P2	1.5954	$66.41
25565	Treat fracture radius & ulna	Y		A2	4.0478	$168.49
25574	Treat fracture radius & ulna	Y		A2	48.9984	$2,039.56
25575	Treat fracture radius/ulna	Y		A2	48.9984	$2,039.56
25600	Treat fracture radius/ulna	Y		P2	1.5954	$66.41
25605	Treat fracture radius/ulna	Y		A2	4.0478	$168.49
25606	Treat fx distal radial	Y		A2	21.4657	$893.51
25607	Treat fx rad extra-articul	Y		A2	50.1814	$2,088.80
25608	Treat fx rad intra-articul	Y		A2	50.1814	$2,088.80
25609	Treat fx radial 3+ frag	Y		A2	50.1814	$2,088.80
25622	Treat wrist bone fracture	Y		P2	1.5954	$66.41
25624	Treat wrist bone fracture	Y		A2	4.0478	$168.49
25628	Treat wrist bone fracture	Y		A2	34.9047	$1,452.91
25630	Treat wrist bone fracture	Y		P2	1.5954	$66.41
25635	Treat wrist bone fracture	Y		A2	4.0478	$168.49
25645	Treat wrist bone fracture	Y		A2	34.9047	$1,452.91
25650	Treat wrist bone fracture	Y		P2	1.5954	$66.41
25651	Pin ulnar styloid fracture	Y		G2	24.7355	$1,029.62
25652	Treat fracture ulnar styloid	Y		G2	42.6541	$1,775.48
25660	Treat wrist dislocation	Y		A2	1.7886	$74.45
25670	Treat wrist dislocation	Y		A2	21.4657	$893.51
25671	Pin radioulnar dislocation	Y		A2	20.4543	$851.41

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25675	Treat wrist dislocation	Y		A2	1.7886	$74.45
25676	Treat wrist dislocation	Y		A2	21.1001	$878.29
25680	Treat wrist fracture	Y		A2	1.7886	$74.45
25685	Treat wrist fracture	Y		A2	21.4657	$893.51
25690	Treat wrist dislocation	Y		A2	13.8801	$577.76
25695	Treat wrist dislocation	Y		A2	21.1001	$878.29
25800	Fusion of wrist joint	Y		A2	65.9041	$2,743.26
25805	Fusion/graft of wrist joint	Y		A2	37.4854	$1,560.33
25810	Fusion/graft of wrist joint	Y		A2	66.4014	$2,763.96
25820	Fusion of hand bones	Y		A2	36.9883	$1,539.64
25825	Fuse hand bones with graft	Y		A2	66.4014	$2,763.96
25830	Fusion, radioulnar jnt/ulna	Y		A2	66.4014	$2,763.96
25907	Amputation follow-up surgery	Y		A2	18.6763	$777.40
25922	Amputate hand at wrist	Y		A2	18.6763	$777.40
25929	Amputation follow-up surgery	Y		A2	14.2208	$591.94
25931	Amputation follow-up surgery	Y		G2	21.016	$874.79
26010	Drainage of finger abscess	Y		P2	1.3735	$57.17
26011	Drainage of finger abscess	Y		A2	10.7834	$448.86
26020	Drain hand tendon sheath	Y		A2	14.6955	$611.70
26025	Drainage of palm bursa	Y		A2	14.0497	$584.82
26030	Drainage of palm bursa(s)	Y		A2	14.6955	$611.70
26034	Treat hand bone lesion	Y		A2	14.6955	$611.70
26035	Decompress fingers/hand	Y		G2	16.1961	$674.16
26037	Decompress fingers/hand	Y	CH	G2	16.1961	$674.16
26040	Release palm contracture	Y		A2	23.7552	$988.81
26045	Release palm contracture	Y		A2	23.0695	$960.27
26055	Incise finger tendon sheath	Y		A2	14.6955	$611.70
26060	Incision of finger tendon	Y		A2	14.6955	$611.70
26070	Explore/treat hand joint	Y		A2	14.6955	$611.70
26075	Explore/treat finger joint	Y		A2	15.747	$655.47
26080	Explore/treat finger joint	Y		A2	15.747	$655.47
26100	Biopsy hand joint lining	Y		A2	14.6955	$611.70

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26105	Biopsy finger joint lining	Y		A2	14.0497	$584.82
26110	Biopsy finger joint lining	Y		A2	14.0497	$584.82
26115	Removal hand lesion subcut	Y		A2	18.5759	$773.22
26116	Removal hand lesion, deep	Y		A2	18.5759	$773.22
26117	Remove tumor, hand/finger	Y		A2	18.9415	$788.44
26121	Release palm contracture	Y		A2	23.7552	$988.81
26123	Release palm contracture	Y		A2	23.7552	$988.81
26125	Release palm contracture	Y		A2	15.747	$655.47
26130	Remove wrist joint lining	Y		A2	15.0611	$626.92
26135	Revise finger joint, each	Y		A2	23.7552	$988.81
26140	Revise finger joint, each	Y		A2	14.6955	$611.70
26145	Tendon excision, palm/finger	Y		A2	15.0611	$626.92
26160	Remove tendon sheath lesion	Y		A2	15.0611	$626.92
26170	Removal of palm tendon, each	Y		A2	15.0611	$626.92
26180	Removal of finger tendon	Y		A2	15.0611	$626.92
26185	Remove finger bone	Y		A2	15.747	$655.47
26200	Remove hand bone lesion	Y		A2	14.6955	$611.70
26205	Remove/graft bone lesion	Y		A2	23.0695	$960.27
26210	Removal of finger lesion	Y		A2	14.6955	$611.70
26215	Remove/graft finger lesion	Y		A2	15.0611	$626.92
26230	Partial removal of hand bone	Y		A2	17.8208	$741.79
26235	Partial removal, finger bone	Y		A2	15.0611	$626.92
26236	Partial removal, finger bone	Y		A2	15.0611	$626.92
26250	Extensive hand surgery	Y		A2	15.0611	$626.92
26255	Extensive hand surgery	Y		A2	23.0695	$960.27
26260	Extensive finger surgery	Y		A2	15.0611	$626.92
26261	Extensive finger surgery	Y		A2	15.0611	$626.92
26262	Partial removal of finger	Y		A2	14.6955	$611.70
26320	Removal of implant from hand	Y		A2	14.1331	$588.29
26340	Manipulate finger w/anesth	Y		G2	4.6076	$191.79
26350	Repair finger/hand tendon	Y		A2	22.0581	$918.17
26352	Repair/graft hand tendon	Y		A2	23.7552	$988.81

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26356	Repair finger/hand tendon	Y		A2	23.7552	$988.81
26357	Repair finger/hand tendon	Y		A2	23.7552	$988.81
26358	Repair/graft hand tendon	Y		A2	23.7552	$988.81
26370	Repair finger/hand tendon	Y		A2	23.7552	$988.81
26372	Repair/graft hand tendon	Y		A2	23.7552	$988.81
26373	Repair finger/hand tendon	Y		A2	23.0695	$960.27
26390	Revise hand/finger tendon	Y		A2	23.7552	$988.81
26392	Repair/graft hand tendon	Y		A2	23.0695	$960.27
26410	Repair hand tendon	Y		A2	15.0611	$626.92
26412	Repair/graft hand tendon	Y		A2	23.0695	$960.27
26415	Excision, hand/finger tendon	Y		A2	23.7552	$988.81
26416	Graft hand or finger tendon	Y		A2	23.0695	$960.27
26418	Repair finger tendon	Y		A2	15.747	$655.47
26420	Repair/graft finger tendon	Y		A2	23.7552	$988.81
26426	Repair finger/hand tendon	Y		A2	23.0695	$960.27
26428	Repair/graft finger tendon	Y		A2	23.0695	$960.27
26432	Repair finger tendon	Y		A2	15.0611	$626.92
26433	Repair finger tendon	Y		A2	15.0611	$626.92
26434	Repair/graft finger tendon	Y		A2	23.0695	$960.27
26437	Realignment of tendons	Y		A2	15.0611	$626.92
26440	Release palm/finger tendon	Y		A2	15.0611	$626.92
26442	Release palm & finger tendon	Y		A2	23.0695	$960.27
26445	Release hand/finger tendon	Y		A2	15.0611	$626.92
26449	Release forearm/hand tendon	Y		A2	23.0695	$960.27
26450	Incision of palm tendon	Y		A2	15.0611	$626.92
26455	Incision of finger tendon	Y		A2	15.0611	$626.92
26460	Incise hand/finger tendon	Y		A2	15.0611	$626.92
26471	Fusion of finger tendons	Y		A2	14.6955	$611.70
26474	Fusion of finger tendons	Y		A2	14.6955	$611.70
26476	Tendon lengthening	Y		A2	14.0497	$584.82
26477	Tendon shortening	Y		A2	14.0497	$584.82
26478	Lengthening of hand tendon	Y		A2	14.0497	$584.82

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HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
26479	Shortening of hand tendon	Y		A2	14.0497	$584.82
26480	Transplant hand tendon	Y		A2	23.0695	$960.27
26483	Transplant/graft hand tendon	Y		A2	23.0695	$960.27
26485	Transplant palm tendon	Y		A2	22.7039	$945.05
26489	Transplant/graft palm tendon	Y		A2	23.0695	$960.27
26490	Revise thumb tendon	Y		A2	23.0695	$960.27
26492	Tendon transfer with graft	Y		A2	23.0695	$960.27
26494	Hand tendon/muscle transfer	Y		A2	23.0695	$960.27
26496	Revise thumb tendon	Y		A2	23.0695	$960.27
26497	Finger tendon transfer	Y		A2	23.0695	$960.27
26498	Finger tendon transfer	Y		A2	23.7552	$988.81
26499	Revision of finger	Y		A2	23.0695	$960.27
26500	Hand tendon reconstruction	Y		A2	15.747	$655.47
26502	Hand tendon reconstruction	Y		A2	23.7552	$988.81
26508	Release thumb contracture	Y		A2	15.0611	$626.92
26510	Thumb tendon transfer	Y		A2	23.0695	$960.27
26516	Fusion of knuckle joint	Y		A2	22.0581	$918.17
26517	Fusion of knuckle joints	Y		A2	23.0695	$960.27
26518	Fusion of knuckle joints	Y		A2	23.0695	$960.27
26520	Release knuckle contracture	Y		A2	15.0611	$626.92
26525	Release finger contracture	Y		A2	15.0611	$626.92
26530	Revise knuckle joint	Y		A2	31.2262	$1,299.79
26531	Revise knuckle with implant	Y		A2	46.148	$1,920.91
26535	Revise finger joint	Y		A2	32.4089	$1,349.02
26536	Revise/implant finger joint	Y		A2	44.5595	$1,854.79
26540	Repair hand joint	Y		A2	15.747	$655.47
26541	Repair hand joint with graft	Y		A2	25.841	$1,075.63
26542	Repair hand joint with graft	Y		A2	15.747	$655.47
26545	Reconstruct finger joint	Y		A2	23.7552	$988.81
26546	Repair nonunion hand	Y		A2	23.7552	$988.81
26548	Reconstruct finger joint	Y		A2	23.7552	$988.81
26550	Construct thumb replacement	Y		A2	22.7039	$945.05

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26555	Positional change of finger	Y		A2	23.0695	$960.27
26560	Repair of web finger	Y		A2	14.6955	$611.70
26561	Repair of web finger	Y		A2	23.0695	$960.27
26562	Repair of web finger	Y		A2	23.7552	$988.81
26565	Correct metacarpal flaw	Y		A2	24.2523	$1,009.50
26567	Correct finger deformity	Y		A2	24.2523	$1,009.50
26568	Lengthen metacarpal/finger	Y		A2	23.0695	$960.27
26580	Repair hand deformity	Y		A2	16.2441	$676.16
26587	Reconstruct extra finger	Y		A2	16.2441	$676.16
26590	Repair finger deformity	Y		A2	16.2441	$676.16
26591	Repair muscles of hand	Y		A2	23.0695	$960.27
26593	Release muscles of hand	Y		A2	15.0611	$626.92
26596	Excision constricting tissue	Y		A2	14.6955	$611.70
26600	Treat metacarpal fracture	Y		P2	1.5954	$66.41
26605	Treat metacarpal fracture	Y		A2	1.7886	$74.45
26607	Treat metacarpal fracture	Y		A2	13.8801	$577.76
26608	Treat metacarpal fracture	Y		A2	22.1514	$922.05
26615	Treat metacarpal fracture	Y		A2	35.5904	$1,481.45
26641	Treat thumb dislocation	Y		P2	1.5954	$66.41
26645	Treat thumb fracture	Y		A2	4.0478	$168.49
26650	Treat thumb fracture	Y		A2	21.1001	$878.29
26665	Treat thumb fracture	Y		A2	35.5904	$1,481.45
26670	Treat hand dislocation	Y		P2	1.5954	$66.41
26675	Treat hand dislocation	Y		A2	4.0478	$168.49
26676	Pin hand dislocation	Y		A2	21.1001	$878.29
26685	Treat hand dislocation	Y		A2	21.4657	$893.51
26686	Treat hand dislocation	Y		A2	48.9984	$2,039.56
26700	Treat knuckle dislocation	Y		P2	1.5954	$66.41
26705	Treat knuckle dislocation	Y		A2	1.7886	$74.45
26706	Pin knuckle dislocation	Y		A2	13.8801	$577.76
26715	Treat knuckle dislocation	Y		A2	22.1514	$922.05
26720	Treat finger fracture, each	Y		P2	1.5954	$66.41

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26725	Treat finger fracture, each	Y		P2	1.5954	$66.41
26727	Treat finger fracture, each	Y		A2	24.2371	$1,008.87
26735	Treat finger fracture, each	Y		A2	22.1514	$922.05
26740	Treat finger fracture, each	Y		P2	1.5954	$66.41
26742	Treat finger fracture, each	Y		A2	1.7886	$74.45
26746	Treat finger fracture, each	Y		A2	22.6486	$942.75
26750	Treat finger fracture, each	Y		P2	1.5954	$66.41
26755	Treat finger fracture, each	Y		G2	1.5954	$66.41
26756	Pin finger fracture, each	Y		A2	21.1001	$878.29
26765	Treat finger fracture, each	Y		A2	22.1514	$922.05
26770	Treat finger dislocation	Y		G2	1.5954	$66.41
26775	Treat finger dislocation	Y		P3	3.7489	$156.05
26776	Pin finger dislocation	Y		A2	21.1001	$878.29
26785	Treat finger dislocation	Y		A2	21.1001	$878.29
26820	Thumb fusion with graft	Y		A2	24.2523	$1,009.50
26841	Fusion of thumb	Y		A2	23.7552	$988.81
26842	Thumb fusion with graft	Y		A2	23.7552	$988.81
26843	Fusion of hand joint	Y		A2	23.0695	$960.27
26844	Fusion/graft of hand joint	Y		A2	23.0695	$960.27
26850	Fusion of knuckle	Y		A2	23.7552	$988.81
26852	Fusion of knuckle with graft	Y		A2	23.7552	$988.81
26860	Fusion of finger joint	Y		A2	23.0695	$960.27
26861	Fusion of finger jnt, add-on	Y		A2	22.7039	$945.05
26862	Fusion/graft of finger joint	Y		A2	23.7552	$988.81
26863	Fuse/graft added joint	Y		A2	23.0695	$960.27
26910	Amputate metacarpal bone	Y		A2	23.0695	$960.27
26951	Amputation of finger/thumb	Y		A2	14.6955	$611.70
26952	Amputation of finger/thumb	Y		A2	15.747	$655.47
26990	Drainage of pelvis lesion	Y		A2	17.6649	$735.30
26991	Drainage of pelvis bursa	Y		A2	17.6649	$735.30
27000	Incision of hip tendon	Y		A2	18.3104	$762.17
27001	Incision of hip tendon	Y		A2	25.4986	$1,061.38

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27003	Incision of hip tendon	Y		A2	25.4986	$1,061.38
27033	Exploration of hip joint	Y		A2	36.3027	$1,511.10
27035	Denervation of hip joint	Y		A2	36.9883	$1,539.64
27040	Biopsy of soft tissues	Y		A2	7.6995	$320.49
27041	Biopsy of soft tissues	Y		A2	8.1879	$340.82
27047	Remove hip/pelvis lesion	Y		A2	18.5759	$773.22
27048	Remove hip/pelvis lesion	Y		A2	18.9415	$788.44
27049	Remove tumor, hip/pelvis	Y		A2	18.9415	$788.44
27050	Biopsy of sacroiliac joint	Y		A2	18.6763	$777.40
27052	Biopsy of hip joint	Y		A2	18.6763	$777.40
27060	Removal of ischial bursa	Y		A2	19.859	$826.63
27062	Remove femur lesion/bursa	Y		A2	19.859	$826.63
27065	Removal of hip bone lesion	Y		A2	19.859	$826.63
27066	Removal of hip bone lesion	Y		A2	26.6816	$1,110.62
27067	Remove/graft hip bone lesion	Y		A2	26.6816	$1,110.62
27080	Removal of tail bone	Y		A2	25.133	$1,046.16
27086	Remove hip foreign body	Y		A2	7.6995	$320.49
27087	Remove hip foreign body	Y		A2	18.6763	$777.40
27093	Injection for hip x-ray	N		N1		
27095	Injection for hip x-ray	N		N1		
27097	Revision of hip tendon	Y		A2	25.4986	$1,061.38
27098	Transfer tendon to pelvis	Y		A2	25.4986	$1,061.38
27100	Transfer of abdominal muscle	Y		A2	36.9883	$1,539.64
27105	Transfer of spinal muscle	Y		A2	36.9883	$1,539.64
27110	Transfer of iliopsoas muscle	Y		A2	36.9883	$1,539.64
27111	Transfer of iliopsoas muscle	Y		A2	36.9883	$1,539.64
27193	Treat pelvic ring fracture	Y		A2	1.7886	$74.45
27194	Treat pelvic ring fracture	Y		A2	13.3876	$557.26
27200	Treat tail bone fracture	Y		P2	1.5954	$66.41
27202	Treat tail bone fracture	Y		A2	34.5389	$1,437.68
27220	Treat hip socket fracture	Y		G2	1.5954	$66.41
27230	Treat thigh fracture	Y		A2	1.7886	$74.45

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27238	Treat thigh fracture	Y		A2	4.0478	$168.49
27246	Treat thigh fracture	Y		A2	4.0478	$168.49
27250	Treat hip dislocation	Y		A2	1.7886	$74.45
27252	Treat hip dislocation	Y		A2	13.3876	$557.26
27256	Treat hip dislocation	Y		G2	1.5954	$66.41
27257	Treat hip dislocation	Y		A2	13.7533	$572.48
27265	Treat hip dislocation	Y		A2	1.7886	$74.45
27266	Treat hip dislocation	Y		A2	13.3876	$557.26
27267	Clix thigh fx	Y		G2	1.5954	$66.41
27275	Manipulation of hip joint	Y		A2	13.3876	$557.26
27301	Drain thigh/knee lesion	Y		A2	16.967	$706.25
27305	Incise thigh tendon & fascia	Y		A2	18.3104	$762.17
27306	Incision of thigh tendon	Y		A2	18.6763	$777.40
27307	Incision of thigh tendons	Y		A2	18.6763	$777.40
27310	Exploration of knee joint	Y		A2	26.1845	$1,089.93
27323	Biopsy, thigh soft tissues	Y		A2	7.6995	$320.49
27324	Biopsy, thigh soft tissues	Y		A2	17.9301	$746.34
27325	Neurectomy, hamstring	Y		A2	15.9308	$663.12
27326	Neurectomy, popliteal	Y		A2	15.9308	$663.12
27327	Removal of thigh lesion	Y		A2	18.5759	$773.22
27328	Removal of thigh lesion	Y		A2	18.9415	$788.44
27329	Remove tumor, thigh/knee	Y		A2	19.6274	$816.99
27330	Biopsy, knee joint lining	Y		A2	26.1845	$1,089.93
27331	Explore/treat knee joint	Y		A2	26.1845	$1,089.93
27332	Removal of knee cartilage	Y		A2	26.1845	$1,089.93
27333	Removal of knee cartilage	Y		A2	26.1845	$1,089.93
27334	Remove knee joint lining	Y		A2	26.1845	$1,089.93
27335	Remove knee joint lining	Y		A2	26.1845	$1,089.93
27340	Removal of kneecap bursa	Y		A2	18.6763	$777.40
27345	Removal of knee cyst	Y		A2	19.3619	$805.94
27347	Remove knee cyst	Y		A2	19.3619	$805.94
27350	Removal of kneecap	Y		A2	26.1845	$1,089.93

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27355	Remove femur lesion	Y		A2	25.4986	$1,061.38
27356	Remove femur lesion/graft	Y		A2	26.1845	$1,089.93
27357	Remove femur lesion/graft	Y		A2	26.6816	$1,110.62
27358	Remove femur lesion/fixation	Y		A2	26.6816	$1,110.62
27360	Partial removal, leg bone(s)	Y		A2	26.6816	$1,110.62
27370	Injection for knee x-ray	N		N1		
27372	Removal of foreign body	Y		A2	21.7129	$903.80
27380	Repair of kneecap tendon	Y		A2	17.6649	$735.30
27381	Repair/graft kneecap tendon	Y		A2	18.6763	$777.40
27385	Repair of thigh muscle	Y		A2	18.6763	$777.40
27386	Repair/graft of thigh muscle	Y		A2	18.6763	$777.40
27390	Incision of thigh tendon	Y		A2	17.6649	$735.30
27391	Incision of thigh tendons	Y		A2	18.3104	$762.17
27392	Incision of thigh tendons	Y		A2	18.6763	$777.40
27393	Lengthening of thigh tendon	Y		A2	25.133	$1,046.16
27394	Lengthening of thigh tendons	Y		A2	25.4986	$1,061.38
27395	Lengthening of thigh tendons	Y		A2	36.3027	$1,511.10
27396	Transplant of thigh tendon	Y		A2	25.4986	$1,061.38
27397	Transplants of thigh tendons	Y		A2	36.3027	$1,511.10
27400	Revise thigh muscles/tendons	Y		A2	36.3027	$1,511.10
27403	Repair of knee cartilage	Y		A2	26.1845	$1,089.93
27405	Repair of knee ligament	Y		A2	36.9883	$1,539.64
27407	Repair of knee ligament	Y		A2	65.9041	$2,743.26
27409	Repair of knee ligaments	Y		A2	36.9883	$1,539.64
27416	Osteochondral knee autograft	Y		G2	44.5179	$1,853.06
27418	Repair degenerated kneecap	Y		A2	36.3027	$1,511.10
27420	Revision of unstable kneecap	Y		A2	36.3027	$1,511.10
27422	Revision of unstable kneecap	Y		A2	39.0741	$1,626.46
27424	Revision/removal of kneecap	Y		A2	36.3027	$1,511.10
27425	Lat retinacular release open	Y		A2	28.27	$1,176.74
27427	Reconstruction, knee	Y		A2	36.3027	$1,511.10
27428	Reconstruction, knee	Y		A2	65.9041	$2,743.26

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27429	Reconstruction, knee	Y		A2	65.9041	$2,743.26
27430	Revision of thigh muscles	Y		A2	36.9883	$1,539.64
27435	Incision of knee joint	Y		A2	36.9883	$1,539.64
27437	Revise kneecap	Y		A2	31.9118	$1,328.33
27438	Revise kneecap with implant	Y		A2	44.5595	$1,854.79
27440	Revision of knee joint	Y		G2	37.7493	$1,571.31
27441	Revision of knee joint	Y		A2	32.4089	$1,349.02
27442	Revision of knee joint	Y		A2	32.4089	$1,349.02
27443	Revision of knee joint	Y		A2	32.4089	$1,349.02
27446	Revision of knee joint	Y		J8	153.7783	$6,401.02
27475	Surgery to stop leg growth	Y	CH	G2	30.1128	$1,253.45
27479	Surgery to stop leg growth	Y	CH	G2	30.1128	$1,253.45
27496	Decompression of thigh/knee	Y		A2	19.859	$826.63
27497	Decompression of thigh/knee	Y		A2	18.6763	$777.40
27498	Decompression of thigh/knee	Y		A2	18.6763	$777.40
27499	Decompression of thigh/knee	Y		A2	18.6763	$777.40
27500	Treatment of thigh fracture	Y		A2	4.0478	$168.49
27501	Treatment of thigh fracture	Y		A2	1.7886	$74.45
27502	Treatment of thigh fracture	Y		A2	13.8801	$577.76
27503	Treatment of thigh fracture	Y		A2	1.7886	$74.45
27508	Treatment of thigh fracture	Y		A2	1.7886	$74.45
27509	Treatment of thigh fracture	Y		A2	21.4657	$893.51
27510	Treatment of thigh fracture	Y		A2	4.0478	$168.49
27516	Treat thigh fx growth plate	Y		A2	1.7886	$74.45
27517	Treat thigh fx growth plate	Y		A2	1.7886	$74.45
27520	Treat kneecap fracture	Y		A2	1.7886	$74.45
27530	Treat knee fracture	Y		A2	1.7886	$74.45
27532	Treat knee fracture	Y		A2	13.8801	$577.76
27538	Treat knee fracture(s)	Y		A2	1.7886	$74.45
27550	Treat knee dislocation	Y		A2	1.7886	$74.45
27552	Treat knee dislocation	Y		A2	12.7419	$530.38
27560	Treat kneecap dislocation	Y		A2	1.7886	$74.45

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HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
27562	Treat kneecap dislocation	Y		A2	12.7419	$530.38
27566	Treat kneecap dislocation	Y		A2	34.5389	$1,437.68
27570	Fixation of knee joint	Y		A2	12.7419	$530.38
27594	Amputation follow-up surgery	Y		A2	18.6763	$777.40
27600	Decompression of lower leg	Y		A2	18.6763	$777.40
27601	Decompression of lower leg	Y		A2	18.6763	$777.40
27602	Decompression of lower leg	Y		A2	18.6763	$777.40
27603	Drain lower leg lesion	Y		A2	16.6013	$691.03
27604	Drain lower leg bursa	Y		A2	18.3104	$762.17
27605	Incision of achilles tendon	Y		A2	17.4698	$727.18
27606	Incision of achilles tendon	Y		A2	17.6649	$735.30
27607	Treat lower leg bone lesion	Y		A2	18.3104	$762.17
27610	Explore/treat ankle joint	Y		A2	25.133	$1,046.16
27612	Exploration of ankle joint	Y		A2	25.4986	$1,061.38
27613	Biopsy lower leg soft tissue	Y		P3	2.8168	$117.25
27614	Biopsy lower leg soft tissue	Y		A2	18.5759	$773.22
27615	Remove tumor, lower leg	Y		A2	25.4986	$1,061.38
27618	Remove lower leg lesion	Y		A2	14.1331	$588.29
27619	Remove lower leg lesion	Y		A2	18.9415	$788.44
27620	Explore/treat ankle joint	Y		A2	26.1845	$1,089.93
27625	Remove ankle joint lining	Y		A2	26.1845	$1,089.93
27626	Remove ankle joint lining	Y		A2	26.1845	$1,089.93
27630	Removal of tendon lesion	Y		A2	18.6763	$777.40
27635	Remove lower leg bone lesion	Y		A2	25.4986	$1,061.38
27637	Remove/graft leg bone lesion	Y		A2	25.4986	$1,061.38
27638	Remove/graft leg bone lesion	Y		A2	25.4986	$1,061.38
27640	Partial removal of tibia	Y		A2	35.9371	$1,495.88
27641	Partial removal of fibula	Y		A2	25.133	$1,046.16
27647	Extensive ankle/heel surgery	Y		A2	36.3027	$1,511.10
27648	Injection for ankle x-ray	N		N1		
27650	Repair achilles tendon	Y		A2	36.3027	$1,511.10
27652	Repair/graft achilles tendon	Y		A2	65.2185	$2,714.72

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HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
27654	Repair of achilles tendon	Y		A2	36.3027	$1,511.10
27656	Repair leg fascia defect	Y		A2	18.3104	$762.17
27658	Repair of leg tendon, each	Y		A2	17.6649	$735.30
27659	Repair of leg tendon, each	Y		A2	18.3104	$762.17
27664	Repair of leg tendon, each	Y		A2	18.3104	$762.17
27665	Repair of leg tendon, each	Y		A2	25.133	$1,046.16
27675	Repair lower leg tendons	Y		A2	18.3104	$762.17
27676	Repair lower leg tendons	Y		A2	25.4986	$1,061.38
27680	Release of lower leg tendon	Y		A2	25.4986	$1,061.38
27681	Release of lower leg tendons	Y		A2	25.133	$1,046.16
27685	Revision of lower leg tendon	Y		A2	25.4986	$1,061.38
27686	Revise lower leg tendons	Y		A2	25.4986	$1,061.38
27687	Revision of calf tendon	Y		A2	25.4986	$1,061.38
27690	Revise lower leg tendon	Y		A2	36.9883	$1,539.64
27691	Revise lower leg tendon	Y		A2	36.9883	$1,539.64
27692	Revise additional leg tendon	Y		A2	36.3027	$1,511.10
27695	Repair of ankle ligament	Y		A2	25.133	$1,046.16
27696	Repair of ankle ligaments	Y		A2	25.133	$1,046.16
27698	Repair of ankle ligament	Y		A2	25.133	$1,046.16
27700	Revision of ankle joint	Y		A2	32.4089	$1,349.02
27704	Removal of ankle implant	Y		A2	18.3104	$762.17
27705	Incision of tibia	Y		A2	35.9371	$1,495.88
27707	Incision of fibula	Y		A2	18.3104	$762.17
27709	Incision of tibia & fibula	Y		A2	25.133	$1,046.16
27720	Repair of tibia	Y	CH	G2	42.6541	$1,775.48
27726	Repair fibula nonunion	Y		G2	24.7355	$1,029.62
27730	Repair of tibia epiphysis	Y		A2	25.133	$1,046.16
27732	Repair of fibula epiphysis	Y		A2	25.133	$1,046.16
27734	Repair lower leg epiphyses	Y		A2	25.133	$1,046.16
27740	Repair of leg epiphyses	Y		A2	25.133	$1,046.16
27742	Repair of leg epiphyses	Y		A2	35.9371	$1,495.88
27745	Reinforce tibia	Y		A2	65.2185	$2,714.72

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27750	Treatment of tibia fracture	Y		A2	1.7886	$74.45
27752	Treatment of tibia fracture	Y		A2	13.8801	$577.76
27756	Treatment of tibia fracture	Y		A2	21.4657	$893.51
27758	Treatment of tibia fracture	Y		A2	35.5904	$1,481.45
27759	Treatment of tibia fracture	Y		A2	49.6843	$2,068.11
27760	Cltx medial ankle fx	Y		A2	1.7886	$74.45
27762	Cltx med ankle fx w/mnpj	Y		A2	13.8801	$577.76
27766	Optx medial ankle fx	Y		A2	34.9047	$1,452.91
27767	Cltx post ankle fx	Y		G2	1.5954	$66.41
27768	Cltx post ankle fx w/mnpj	Y		G2	1.5954	$66.41
27769	Optx post ankle fx	Y		G2	42.6541	$1,775.48
27780	Treatment of fibula fracture	Y		A2	1.7886	$74.45
27781	Treatment of fibula fracture	Y		A2	13.8801	$577.76
27784	Treatment of fibula fracture	Y		A2	34.9047	$1,452.91
27786	Treatment of ankle fracture	Y		A2	1.7886	$74.45
27788	Treatment of ankle fracture	Y		A2	1.7886	$74.45
27792	Treatment of ankle fracture	Y		A2	34.9047	$1,452.91
27808	Treatment of ankle fracture	Y		A2	1.7886	$74.45
27810	Treatment of ankle fracture	Y		A2	4.0478	$168.49
27814	Treatment of ankle fracture	Y		A2	34.9047	$1,452.91
27816	Treatment of ankle fracture	Y		A2	1.7886	$74.45
27818	Treatment of ankle fracture	Y		A2	4.0478	$168.49
27822	Treatment of ankle fracture	Y		A2	34.9047	$1,452.91
27823	Treatment of ankle fracture	Y		A2	48.9984	$2,039.56
27824	Treat lower leg fracture	Y		A2	1.7886	$74.45
27825	Treat lower leg fracture	Y		A2	13.8801	$577.76
27826	Treat lower leg fracture	Y		A2	34.9047	$1,452.91
27827	Treat lower leg fracture	Y		A2	48.9984	$2,039.56
27828	Treat lower leg fracture	Y		A2	49.6843	$2,068.11
27829	Treat lower leg joint	Y		A2	34.5389	$1,437.68
27830	Treat lower leg dislocation	Y		A2	1.7886	$74.45
27831	Treat lower leg dislocation	Y		A2	13.8801	$577.76

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27832	Treat lower leg dislocation	Y		A2	34.5389	$1,437.68
27840	Treat ankle dislocation	Y		A2	4.0478	$168.49
27842	Treat ankle dislocation	Y		A2	12.7419	$530.38
27846	Treat ankle dislocation	Y		A2	34.9047	$1,452.91
27848	Treat ankle dislocation	Y		A2	34.9047	$1,452.91
27860	Fixation of ankle joint	Y		A2	12.7419	$530.38
27870	Fusion of ankle joint, open	Y		A2	65.9041	$2,743.26
27871	Fusion of tibiofibular joint	Y		A2	65.9041	$2,743.26
27884	Amputation follow-up surgery	Y		A2	18.6763	$777.40
27889	Amputation of foot at ankle	Y		A2	25.4986	$1,061.38
27892	Decompression of leg	Y		A2	18.6763	$777.40
27893	Decompression of leg	Y		A2	18.6763	$777.40
27894	Decompression of leg	Y		A2	18.6763	$777.40
28001	Drainage of bursa of foot	Y		P3	2.8985	$120.65
28002	Treatment of foot infection	Y		A2	18.6763	$777.40
28003	Treatment of foot infection	Y		A2	18.6763	$777.40
28005	Treat foot bone lesion	Y		A2	18.4812	$769.28
28008	Incision of foot fascia	Y		A2	18.4812	$769.28
28010	Incision of toe tendon	Y		P3	2.0682	$86.09
28011	Incision of toe tendons	Y		A2	18.4812	$769.28
28020	Exploration of foot joint	Y		A2	18.1156	$754.06
28022	Exploration of foot joint	Y		A2	18.1156	$754.06
28024	Exploration of toe joint	Y		A2	18.1156	$754.06
28035	Decompression of tibia nerve	Y		A2	16.9823	$706.89
28043	Excision of foot lesion	Y		A2	18.5759	$773.22
28045	Excision of foot lesion	Y		A2	18.4812	$769.28
28046	Resection of tumor, foot	Y		A2	18.4812	$769.28
28050	Biopsy of foot joint lining	Y		A2	18.1156	$754.06
28052	Biopsy of foot joint lining	Y		A2	18.1156	$754.06
28054	Biopsy of toe joint lining	Y		A2	18.1156	$754.06
28055	Neurectomy, foot	Y		A2	16.9823	$706.89
28060	Partial removal, foot fascia	Y		A2	18.1156	$754.06

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28062	Removal of foot fascia	Y		A2	18.4812	$769.28
28070	Removal of foot joint lining	Y		A2	18.4812	$769.28
28072	Removal of foot joint lining	Y		A2	18.4812	$769.28
28080	Removal of foot lesion	Y		A2	18.4812	$769.28
28086	Excise foot tendon sheath	Y		A2	18.1156	$754.06
28088	Excise foot tendon sheath	Y		A2	18.1156	$754.06
28090	Removal of foot lesion	Y		A2	18.4812	$769.28
28092	Removal of toe lesions	Y		A2	18.4812	$769.28
28100	Removal of ankle/heel lesion	Y		A2	18.1156	$754.06
28102	Remove/graft foot lesion	Y		A2	39.7915	$1,656.32
28103	Remove/graft foot lesion	Y		A2	39.7915	$1,656.32
28104	Removal of foot lesion	Y		A2	18.1156	$754.06
28106	Remove/graft foot lesion	Y		A2	39.7915	$1,656.32
28107	Remove/graft foot lesion	Y		A2	39.7915	$1,656.32
28108	Removal of toe lesions	Y		A2	18.1156	$754.06
28110	Part removal of metatarsal	Y		A2	18.4812	$769.28
28111	Part removal of metatarsal	Y		A2	18.4812	$769.28
28112	Part removal of metatarsal	Y		A2	18.4812	$769.28
28113	Part removal of metatarsal	Y		A2	18.4812	$769.28
28114	Removal of metatarsal heads	Y		A2	18.4812	$769.28
28116	Revision of foot	Y		A2	18.4812	$769.28
28118	Removal of heel bone	Y		A2	19.1668	$797.82
28119	Removal of heel spur	Y		A2	19.1668	$797.82
28120	Part removal of ankle/heel	Y		A2	21.2526	$884.64
28122	Partial removal of foot bone	Y		A2	18.4812	$769.28
28124	Partial removal of toe	Y		P3	4.9259	$205.04
28126	Partial removal of toe	Y		A2	18.4812	$769.28
28130	Removal of ankle bone	Y		A2	18.4812	$769.28
28140	Removal of metatarsal	Y		A2	18.4812	$769.28
28150	Removal of toe	Y		A2	18.4812	$769.28
28153	Partial removal of toe	Y		A2	18.4812	$769.28
28160	Partial removal of toe	Y		A2	18.4812	$769.28

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28171	Extensive foot surgery	Y		A2	18.4812	$769.28
28173	Extensive foot surgery	Y		A2	18.4812	$769.28
28175	Extensive foot surgery	Y		A2	18.4812	$769.28
28190	Removal of foot foreign body	Y		P3	3.0412	$126.59
28192	Removal of foot foreign body	Y		A2	14.1331	$588.29
28193	Removal of foot foreign body	Y		A2	8.1879	$340.82
28200	Repair of foot tendon	Y		A2	18.4812	$769.28
28202	Repair/graft of foot tendon	Y		A2	18.4812	$769.28
28208	Repair of foot tendon	Y		A2	18.4812	$769.28
28210	Repair/graft of foot tendon	Y		A2	39.7915	$1,656.32
28220	Release of foot tendon	Y		P3	4.6878	$195.13
28222	Release of foot tendons	Y		A2	17.4698	$727.18
28225	Release of foot tendon	Y		A2	17.4698	$727.18
28226	Release of foot tendons	Y		A2	17.4698	$727.18
28230	Incision of foot tendon(s)	Y		P3	4.5516	$189.46
28232	Incision of toe tendon	Y		P3	4.3815	$182.38
28234	Incision of foot tendon	Y		A2	18.1156	$754.06
28238	Revision of foot tendon	Y		A2	39.7915	$1,656.32
28240	Release of big toe	Y		A2	18.1156	$754.06
28250	Revision of foot fascia	Y		A2	18.4812	$769.28
28260	Release of midfoot joint	Y		A2	18.4812	$769.28
28261	Revision of foot tendon	Y		A2	18.4812	$769.28
28262	Revision of foot and ankle	Y		A2	19.1668	$797.82
28264	Release of midfoot joint	Y		A2	38.7801	$1,614.22
28270	Release of foot contracture	Y		A2	18.4812	$769.28
28272	Release of toe joint, each	Y		P3	4.2184	$175.59
28280	Fusion of toes	Y		A2	18.1156	$754.06
28285	Repair of hammertoe	Y		A2	18.4812	$769.28
28286	Repair of hammertoe	Y		A2	19.1668	$797.82
28288	Partial removal of foot bone	Y		A2	18.4812	$769.28
28289	Repair hallux rigidus	Y		A2	18.4812	$769.28
28290	Correction of bunion	Y		A2	25.0575	$1,043.02

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28292	Correction of bunion	Y		A2	25.0575	$1,043.02
28293	Correction of bunion	Y		A2	25.4232	$1,058.24
28294	Correction of bunion	Y		A2	25.4232	$1,058.24
28296	Correction of bunion	Y		A2	25.4232	$1,058.24
28297	Correction of bunion	Y		A2	25.4232	$1,058.24
28298	Correction of bunion	Y		A2	25.4232	$1,058.24
28299	Correction of bunion	Y		A2	26.6061	$1,107.48
28300	Incision of heel bone	Y		A2	39.4258	$1,641.10
28302	Incision of ankle bone	Y		A2	18.1156	$754.06
28304	Incision of midfoot bones	Y		A2	39.4258	$1,641.10
28305	Incise/graft midfoot bones	Y		A2	39.7915	$1,656.32
28306	Incision of metatarsal	Y		A2	19.1668	$797.82
28307	Incision of metatarsal	Y		A2	19.1668	$797.82
28308	Incision of metatarsal	Y		A2	18.1156	$754.06
28309	Incision of metatarsals	Y		A2	40.4771	$1,684.86
28310	Revision of big toe	Y		A2	18.4812	$769.28
28312	Revision of toe	Y		A2	18.4812	$769.28
28313	Repair deformity of toe	Y		A2	18.1156	$754.06
28315	Removal of sesamoid bone	Y		A2	19.1668	$797.82
28320	Repair of foot bones	Y		A2	40.4771	$1,684.86
28322	Repair of metatarsals	Y		A2	40.4771	$1,684.86
28340	Resect enlarged toe tissue	Y		A2	19.1668	$797.82
28341	Resect enlarged toe	Y		A2	19.1668	$797.82
28344	Repair extra toe(s)	Y		A2	19.1668	$797.82
28345	Repair webbed toe(s)	Y		A2	19.1668	$797.82
28400	Treatment of heel fracture	Y		A2	1.7886	$74.45
28405	Treatment of heel fracture	Y		A2	13.8801	$577.76
28406	Treatment of heel fracture	Y		A2	21.1001	$878.29
28415	Treat heel fracture	Y		A2	48.9984	$2,039.56
28420	Treat/graft heel fracture	Y		A2	35.5904	$1,481.45
28430	Treatment of ankle fracture	Y		P2	1.5954	$66.41
28435	Treatment of ankle fracture	Y		A2	1.7886	$74.45

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28436	Treatment of ankle fracture	Y		A2	21.1001	$878.29
28445	Treat ankle fracture	Y		A2	34.9047	$1,452.91
28446	Osteochondral talus autogrft	Y		G2	49.1698	$2,046.69
28450	Treat midfoot fracture, each	Y		P2	1.5954	$66.41
28455	Treat midfoot fracture, each	Y		P2	1.5954	$66.41
28456	Treat midfoot fracture	Y		A2	21.1001	$878.29
28465	Treat midfoot fracture, each	Y		A2	34.9047	$1,452.91
28470	Treat metatarsal fracture	Y		P2	1.5954	$66.41
28475	Treat metatarsal fracture	Y		P2	1.5954	$66.41
28476	Treat metatarsal fracture	Y		A2	21.1001	$878.29
28485	Treat metatarsal fracture	Y		A2	35.5904	$1,481.45
28490	Treat big toe fracture	Y		P2	1.5954	$66.41
28495	Treat big toe fracture	Y		P2	1.5954	$66.41
28496	Treat big toe fracture	Y		A2	21.1001	$878.29
28505	Treat big toe fracture	Y		A2	21.4657	$893.51
28510	Treatment of toe fracture	Y		P3	1.3132	$54.66
28515	Treatment of toe fracture	Y		P2	1.5954	$66.41
28525	Treat toe fracture	Y		A2	21.4657	$893.51
28530	Treat sesamoid bone fracture	Y		P3	1.2519	$52.11
28531	Treat sesamoid bone fracture	Y		A2	21.4657	$893.51
28540	Treat foot dislocation	Y		P2	1.5954	$66.41
28545	Treat foot dislocation	Y		A2	20.4543	$851.41
28546	Treat foot dislocation	Y		A2	21.1001	$878.29
28555	Repair foot dislocation	Y		A2	34.5389	$1,437.68
28570	Treat foot dislocation	Y		P3	1.6466	$68.54
28575	Treat foot dislocation	Y		A2	13.8801	$577.76
28576	Treat foot dislocation	Y		A2	21.4657	$893.51
28585	Repair foot dislocation	Y		A2	21.4657	$893.51
28600	Treat foot dislocation	Y		P2	1.5954	$66.41
28605	Treat foot dislocation	Y		A2	1.7886	$74.45
28606	Treat foot dislocation	Y		A2	21.1001	$878.29
28615	Repair foot dislocation	Y		A2	34.9047	$1,452.91

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28630	Treat toe dislocation	Y	CH	P3	1.4695	$61.17
28635	Treat toe dislocation	Y		A2	12.7419	$530.38
28636	Treat toe dislocation	Y		A2	21.4657	$893.51
28645	Repair toe dislocation	Y		A2	21.4657	$893.51
28660	Treat toe dislocation	Y		P3	1.0818	$45.03
28665	Treat toe dislocation	Y		A2	12.7419	$530.38
28666	Treat toe dislocation	Y		A2	21.4657	$893.51
28675	Repair of toe dislocation	Y		A2	21.4657	$893.51
28705	Fusion of foot bones	Y		A2	40.4771	$1,684.86
28715	Fusion of foot bones	Y		A2	65.9041	$2,743.26
28725	Fusion of foot bones	Y		A2	40.4771	$1,684.86
28730	Fusion of foot bones	Y		A2	40.4771	$1,684.86
28735	Fusion of foot bones	Y		A2	40.4771	$1,684.86
28737	Revision of foot bones	Y		A2	40.9744	$1,705.56
28740	Fusion of foot bones	Y		A2	40.4771	$1,684.86
28750	Fusion of big toe joint	Y		A2	40.4771	$1,684.86
28755	Fusion of big toe joint	Y		A2	19.1668	$797.82
28760	Fusion of big toe joint	Y		A2	40.4771	$1,684.86
28810	Amputation toe & metatarsal	Y		A2	18.1156	$754.06
28820	Amputation of toe	Y		A2	18.1156	$754.06
28825	Partial amputation of toe	Y		A2	18.1156	$754.06
28890	High energy eswt, plantar f	Y		P3	3.5856	$149.25
29000	Application of body cast	N		G2	1.0503	$43.72
29010	Application of body cast	N	CH	P3	1.6058	$66.84
29015	Application of body cast	N		P2	2.2686	$94.43
29020	Application of body cast	N		G2	1.0503	$43.72
29025	Application of body cast	N		P2	1.0503	$43.72
29035	Application of body cast	N		P2	2.2686	$94.43
29040	Application of body cast	N		G2	1.0503	$43.72
29044	Application of body cast	N		P2	2.2686	$94.43
29046	Application of body cast	N		G2	2.2686	$94.43
29049	Application of figure eight	N		P3	0.762	$31.72

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29055	Application of shoulder cast	N		P2	2.2686	$94.43
29058	Application of shoulder cast	N	CH	P3	1.0273	$42.76
29065	Application of long arm cast	N		P3	1.0273	$42.76
29075	Application of forearm cast	N		P3	0.9934	$41.35
29085	Apply hand/wrist cast	N	CH	P3	1.0205	$42.48
29086	Apply finger cast	N		P3	0.905	$37.67
29105	Apply long arm splint	N		P3	0.8913	$37.10
29125	Apply forearm splint	N		P3	0.7959	$33.13
29126	Apply forearm splint	N		P3	0.8368	$34.83
29130	Application of finger splint	N		P3	0.3606	$15.01
29131	Application of finger splint	N		P3	0.5035	$20.96
29200	Strapping of chest	N		P3	0.524	$21.81
29220	Strapping of low back	N		P3	0.524	$21.81
29240	Strapping of shoulder	N		P3	0.517	$21.52
29260	Strapping of elbow or wrist	N		P3	0.524	$21.81
29280	Strapping of hand or finger	N		P3	0.524	$21.81
29305	Application of hip cast	N		P2	2.2686	$94.43
29325	Application of hip casts	N		P2	2.2686	$94.43
29345	Application of long leg cast	N		P3	1.3403	$55.79
29355	Application of long leg cast	N		P3	1.3336	$55.51
29358	Apply long leg cast brace	N		P3	1.7076	$71.08
29365	Application of long leg cast	N		P3	1.2586	$52.39
29405	Apply short leg cast	N		P3	0.9458	$39.37
29425	Apply short leg cast	N		P3	0.9526	$39.65
29435	Apply short leg cast	N		P3	1.2043	$50.13
29440	Addition of walker to cast	N		P3	0.524	$21.81
29445	Apply rigid leg cast	N		P3	1.2247	$50.98
29450	Application of leg cast	N		P2	1.0503	$43.72
29505	Application, long leg splint	N		P3	0.8913	$37.10
29515	Application lower leg splint	N		P3	0.7757	$32.29
29520	Strapping of hip	N		P3	0.4898	$20.39
29530	Strapping of knee	N		P3	0.517	$21.52

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29540	Strapping of ankle and/or ft	N		P3	0.3947	$16.43
29550	Strapping of toes	N		P3	0.4082	$16.99
29580	Application of paste boot	N		P3	0.5444	$22.66
29590	Application of foot splint	N		P3	0.4356	$18.13
29700	Removal/revision of cast	N		P3	0.7145	$29.74
29705	Removal/revision of cast	N		P3	0.6258	$26.05
29710	Removal/revision of cast	N		P3	1.1635	$48.43
29715	Removal/revision of cast	N	CH	P3	0.7416	$30.87
29720	Repair of body cast	N		P3	0.9321	$38.80
29730	Windowing of cast	N		P3	0.6056	$25.21
29740	Wedging of cast	N		P3	0.7757	$32.29
29750	Wedging of clubfoot cast	N		P3	0.9526	$39.65
29800	Jaw arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29804	Jaw arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29805	Shoulder arthroscopy, dx	Y		A2	24.2258	$1,008.40
29806	Shoulder arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29807	Shoulder arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29819	Shoulder arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29820	Shoulder arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29821	Shoulder arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29822	Shoulder arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29823	Shoulder arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29824	Shoulder arthroscopy/surgery	Y		A2	25.4085	$1,057.63
29825	Shoulder arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29826	Shoulder arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29827	Arthroscop rotator cuff repr	Y		A2	38.788	$1,614.55
29828	Arthroscopy biceps tenodesis	Y		G2	46.2547	$1,925.35
29830	Elbow arthroscopy	Y		A2	24.2258	$1,008.40
29834	Elbow arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29835	Elbow arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29836	Elbow arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29837	Elbow arthroscopy/surgery	Y		A2	24.2258	$1,008.40

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29838	Elbow arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29840	Wrist arthroscopy	Y		A2	24.2258	$1,008.40
29843	Wrist arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29844	Wrist arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29845	Wrist arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29846	Wrist arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29847	Wrist arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29848	Wrist endoscopy/surgery	Y		A2	28.9626	$1,205.57
29850	Knee arthroscopy/surgery	Y		A2	24.9115	$1,036.94
29851	Knee arthroscopy/surgery	Y		A2	38.2909	$1,593.86
29855	Tibial arthroscopy/surgery	Y		A2	38.2909	$1,593.86
29856	Tibial arthroscopy/surgery	Y		A2	38.2909	$1,593.86
29860	Hip arthroscopy, dx	Y		A2	38.2909	$1,593.86
29861	Hip arthroscopy/surgery	Y		A2	38.2909	$1,593.86
29862	Hip arthroscopy/surgery	Y		A2	42.3421	$1,762.49
29863	Hip arthroscopy/surgery	Y		A2	38.2909	$1,593.86
29866	Autgrft implnt, knee w/scope	Y		G2	46.2547	$1,925.35
29870	Knee arthroscopy, dx	Y		A2	24.2258	$1,008.40
29871	Knee arthroscopy/drainage	Y		A2	24.2258	$1,008.40
29873	Knee arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29874	Knee arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29875	Knee arthroscopy/surgery	Y		A2	24.9115	$1,036.94
29876	Knee arthroscopy/surgery	Y		A2	24.9115	$1,036.94
29877	Knee arthroscopy/surgery	Y		A2	24.9115	$1,036.94
29879	Knee arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29880	Knee arthroscopy/surgery	Y		A2	24.9115	$1,036.94
29881	Knee arthroscopy/surgery	Y		A2	24.9115	$1,036.94
29882	Knee arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29883	Knee arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29884	Knee arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29885	Knee arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29886	Knee arthroscopy/surgery	Y		A2	24.2258	$1,008.40

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29887	Knee arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29888	Knee arthroscopy/surgery	Y		A2	65.2185	$2,714.72
29889	Knee arthroscopy/surgery	Y		A2	65.2185	$2,714.72
29891	Ankle arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29892	Ankle arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29893	Scope, plantar fasciotomy	Y		A2	22.7414	$946.61
29894	Ankle arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29895	Ankle arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29897	Ankle arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29898	Ankle arthroscopy/surgery	Y		A2	24.2258	$1,008.40
29899	Ankle arthroscopy/surgery	Y		A2	37.6053	$1,565.32
29900	Mcp joint arthroscopy, dx	Y		A2	24.2258	$1,008.40
29901	Mcp joint arthroscopy, surg	Y		A2	24.2258	$1,008.40
29902	Mcp joint arthroscopy, surg	Y		A2	24.2258	$1,008.40
29904	Subtalar arthro w/fb rmvl	Y		G2	28.4154	$1,182.79
29905	Subtalar arthro w/exc	Y		G2	28.4154	$1,182.79
29906	Subtalar arthro w/deb	Y		G2	28.4154	$1,182.79
29907	Subtalar arthro w/fusion	Y		G2	46.2547	$1,925.35
30000	Drainage of nose lesion	Y	CH	P3	2.9732	$123.76
30020	Drainage of nose lesion	Y	CH	P3	2.9936	$124.61
30100	Intranasal biopsy	Y		P3	1.8167	$75.62
30110	Removal of nose polyp(s)	Y		P3	2.8303	$117.81
30115	Removal of nose polyp(s)	Y		A2	14.7106	$612.33
30117	Removal of intranasal lesion	Y		A2	15.0763	$627.55
30118	Removal of intranasal lesion	Y		A2	20.6256	$858.54
30120	Revision of nose	Y		A2	19.6142	$816.44
30124	Removal of nose lesion	Y		R2	7.1678	$298.36
30125	Removal of nose lesion	Y		A2	33.152	$1,379.95
30130	Excise inferior turbinate	Y		A2	15.0763	$627.55
30140	Resect inferior turbinate	Y		A2	20.2599	$843.32
30150	Partial removal of nose	Y		A2	33.5176	$1,395.17
30160	Removal of nose	Y		A2	34.2032	$1,423.71

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30200	Injection treatment of nose	Y		P3	1.4491	$60.32
30210	Nasal sinus therapy	Y		P3	1.8234	$75.90
30220	Insert nasal septal button	Y		A2	8.0281	$334.17
30300	Remove nasal foreign body	N		P2	0.6357	$26.46
30310	Remove nasal foreign body	Y		A2	14.0649	$585.45
30320	Remove nasal foreign body	Y		A2	14.7106	$612.33
30400	Reconstruction of nose	Y		A2	34.2032	$1,423.71
30410	Reconstruction of nose	Y		A2	34.7005	$1,444.41
30420	Reconstruction of nose	Y		A2	34.7005	$1,444.41
30430	Revision of nose	Y		A2	20.6256	$858.54
30435	Revision of nose	Y		A2	34.7005	$1,444.41
30450	Revision of nose	Y		A2	36.289	$1,510.53
30460	Revision of nose	Y		A2	36.289	$1,510.53
30462	Revision of nose	Y		A2	38.2547	$1,592.35
30465	Repair nasal stenosis	Y		A2	38.2547	$1,592.35
30520	Repair of nasal septum	Y		A2	21.3112	$887.08
30540	Repair nasal defect	Y		A2	34.7005	$1,444.41
30545	Repair nasal defect	Y		A2	34.7005	$1,444.41
30560	Release of nasal adhesions	Y		A2	3.3386	$138.97
30580	Repair upper jaw fistula	Y		A2	34.2032	$1,423.71
30600	Repair mouth/nose fistula	Y		A2	34.2032	$1,423.71
30620	Intranasal reconstruction	Y		A2	36.289	$1,510.53
30630	Repair nasal septum defect	Y		A2	23.397	$973.90
30801	Ablate inf turbinate, superf	Y		A2	7.2786	$302.97
30802	Cauterization, inner nose	Y		A2	14.0649	$585.45
30901	Control of nosebleed	Y	CH	P3	1.0001	$41.63
30903	Control of nosebleed	Y		A2	1.2267	$51.06
30905	Control of nosebleed	Y		A2	1.2267	$51.06
30906	Repeat control of nosebleed	Y		A2	1.2267	$51.06
30915	Ligation, nasal sinus artery	Y		A2	21.6634	$901.74
30920	Ligation, upper jaw artery	Y		A2	22.0291	$916.96
30930	Ther fx, nasal inf turbinate	Y		A2	15.7622	$656.10

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31000	Irrigation, maxillary sinus	Y		P3	2.2792	$94.87
31002	Irrigation, sphenoid sinus	Y		R2	7.1678	$298.36
31020	Exploration, maxillary sinus	Y		A2	20.2599	$843.32
31030	Exploration, maxillary sinus	Y		A2	33.5176	$1,395.17
31032	Explore sinus, remove polyps	Y		A2	34.2032	$1,423.71
31040	Exploration behind upper jaw	Y		R2	23.6152	$982.98
31050	Exploration, sphenoid sinus	Y		A2	33.152	$1,379.95
31051	Sphenoid sinus surgery	Y		A2	34.2032	$1,423.71
31070	Exploration of frontal sinus	Y		A2	20.2599	$843.32
31075	Exploration of frontal sinus	Y		A2	34.2032	$1,423.71
31080	Removal of frontal sinus	Y		A2	34.2032	$1,423.71
31081	Removal of frontal sinus	Y		A2	34.2032	$1,423.71
31084	Removal of frontal sinus	Y		A2	34.2032	$1,423.71
31085	Removal of frontal sinus	Y		A2	34.2032	$1,423.71
31086	Removal of frontal sinus	Y		A2	34.2032	$1,423.71
31087	Removal of frontal sinus	Y		A2	34.2032	$1,423.71
31090	Exploration of sinuses	Y		A2	34.7005	$1,444.41
31200	Removal of ethmoid sinus	Y		A2	33.152	$1,379.95
31201	Removal of ethmoid sinus	Y		A2	34.7005	$1,444.41
31205	Removal of ethmoid sinus	Y		A2	33.5176	$1,395.17
31231	Nasal endoscopy, dx	Y		P2	1.7991	$74.89
31233	Nasal/sinus endoscopy, dx	Y		A2	1.8429	$76.71
31235	Nasal/sinus endoscopy, dx	Y		A2	17.4486	$726.30
31237	Nasal/sinus endoscopy, surg	Y		A2	18.0944	$753.18
31238	Nasal/sinus endoscopy, surg	Y		A2	17.4486	$726.30
31239	Nasal/sinus endoscopy, surg	Y		A2	24.4906	$1,019.42
31240	Nasal/sinus endoscopy, surg	Y		A2	18.0944	$753.18
31254	Revision of ethmoid sinus	Y		A2	23.8049	$990.88
31255	Removal of ethmoid sinus	Y		A2	24.9876	$1,040.11
31256	Exploration maxillary sinus	Y		A2	23.8049	$990.88
31267	Endoscopy, maxillary sinus	Y		A2	23.8049	$990.88
31276	Sinus endoscopy, surgical	Y		A2	23.8049	$990.88

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31287	Nasal/sinus endoscopy, surg	Y		A2	23.8049	$990.88
31288	Nasal/sinus endoscopy, surg	Y		A2	23.8049	$990.88
31300	Removal of larynx lesion	Y		A2	21.8083	$907.77
31320	Diagnostic incision, larynx	Y		A2	33.152	$1,379.95
31400	Revision of larynx	Y		A2	33.152	$1,379.95
31420	Removal of epiglottis	Y		A2	33.152	$1,379.95
31500	Insert emergency airway	N		G2	2.3146	$96.35
31502	Change of windpipe airway	N		G2	1.349	$56.15
31505	Diagnostic laryngoscopy	Y		P2	0.754	$31.39
31510	Laryngoscopy with biopsy	Y		A2	18.0944	$753.18
31511	Remove foreign body, larynx	Y		A2	1.8429	$76.71
31512	Removal of larynx lesion	Y		A2	18.0944	$753.18
31513	Injection into vocal cord	Y		A2	1.8429	$76.71
31515	Laryngoscopy for aspiration	Y		A2	17.4486	$726.30
31520	Dx laryngoscopy, newborn	Y		G2	1.7991	$74.89
31525	Dx laryngoscopy excl nb	Y		A2	17.4486	$726.30
31526	Dx laryngoscopy w/oper scope	Y		A2	18.0944	$753.18
31527	Laryngoscopy for treatment	Y		A2	22.7935	$948.78
31528	Laryngoscopy and dilation	Y		A2	18.0944	$753.18
31529	Laryngoscopy and dilation	Y		A2	18.0944	$753.18
31530	Laryngoscopy w/fb removal	Y		A2	18.0944	$753.18
31531	Laryngoscopy w/fb & op scope	Y		A2	18.4601	$768.40
31535	Laryngoscopy w/biopsy	Y		A2	18.0944	$753.18
31536	Laryngoscopy w/bx & op scope	Y		A2	18.4601	$768.40
31540	Laryngoscopy w/exc of tumor	Y		A2	18.4601	$768.40
31541	Larynscop w/tumr exc + scope	Y		A2	19.1459	$796.95
31545	Remove vc lesion w/scope	Y		A2	24.4906	$1,019.42
31546	Remove vc lesion scope/graft	Y		A2	24.4906	$1,019.42
31560	Laryngoscop w/arytenoidectom	Y		A2	24.9876	$1,040.11
31561	Larynscop, remve cart + scop	Y		A2	24.9876	$1,040.11
31570	Laryngoscope w/vc inj	Y		A2	18.0944	$753.18
31571	Laryngoscop w/vc inj + scope	Y		A2	23.439	$975.65

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31575	Diagnostic laryngoscopy	Y		P3	1.2586	$52.39
31576	Laryngoscopy with biopsy	Y		A2	18.0944	$753.18
31577	Remove foreign body, larynx	Y		A2	4.487	$186.77
31578	Removal of larynx lesion	Y		A2	23.439	$975.65
31579	Diagnostic laryngoscopy	Y		P3	2.1703	$90.34
31580	Revision of larynx	Y		A2	34.7005	$1,444.41
31582	Revision of larynx	Y		A2	34.7005	$1,444.41
31588	Revision of larynx	Y		A2	34.7005	$1,444.41
31590	Reinnervate larynx	Y		A2	34.7005	$1,444.41
31595	Larynx nerve surgery	Y		A2	33.152	$1,379.95
31603	Incision of windpipe	Y		A2	7.2786	$302.97
31605	Incision of windpipe	Y		G2	7.1678	$298.36
31611	Surgery/speech prosthesis	Y		A2	20.6256	$858.54
31612	Puncture/clear windpipe	Y		A2	19.6142	$816.44
31613	Repair windpipe opening	Y		A2	20.2599	$843.32
31614	Repair windpipe opening	Y		A2	33.152	$1,379.95
31615	Visualization of windpipe	Y		A2	7.2786	$302.97
31620	Endobronchial us add-on	N		N1		
31622	Dx bronchoscope/wash	Y		A2	9.342	$388.86
31623	Dx bronchoscope/brush	Y		A2	9.9877	$415.74
31624	Dx bronchoscope/lavage	Y		A2	9.9877	$415.74
31625	Bronchoscopy w/biopsy(s)	Y		A2	9.9877	$415.74
31628	Bronchoscopy/lung bx, each	Y		A2	9.9877	$415.74
31629	Bronchoscopy/needle bx, each	Y		A2	9.9877	$415.74
31630	Bronchoscopy dilate/fx repr	Y		A2	21.25	$884.53
31631	Bronchoscopy, dilate w/stent	Y		A2	21.25	$884.53
31632	Bronchoscopy/lung bx, add'l	Y		G2	9.9191	$412.88
31633	Bronchoscopy/needle bx add'l	Y		G2	9.9191	$412.88
31635	Bronchoscopy w/fb removal	Y		A2	9.9877	$415.74
31636	Bronchoscopy, bronch stents	Y		A2	21.25	$884.53
31637	Bronchoscopy, stent add-on	Y		A2	9.342	$388.86
31638	Bronchoscopy, revise stent	Y		A2	21.25	$884.53

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31640	Bronchoscopy w/tumor excise	Y		A2	21.25	$884.53
31641	Bronchoscopy, treat blockage	Y		A2	21.25	$884.53
31643	Diag bronchoscope/catheter	Y		A2	9.9877	$415.74
31645	Bronchoscopy, clear airways	Y		A2	9.342	$388.86
31646	Bronchoscopy, reclear airway	Y		A2	9.342	$388.86
31656	Bronchoscopy, inj for x-ray	Y		A2	9.342	$388.86
31715	Injection for bronchus x-ray	N		N1		
31717	Bronchial brush biopsy	Y		A2	4.487	$186.77
31720	Clearance of airways	N		A2	0.5622	$23.40
31730	Intro, windpipe wire/tube	Y		A2	4.487	$186.77
31750	Repair of windpipe	Y		A2	34.7005	$1,444.41
31755	Repair of windpipe	Y		A2	33.152	$1,379.95
31820	Closure of windpipe lesion	Y		A2	19.6142	$816.44
31825	Repair of windpipe defect	Y		A2	20.2599	$843.32
31830	Revise windpipe scar	Y		A2	20.2599	$843.32
32400	Needle biopsy chest lining	Y		A2	8.799	$366.26
32405	Biopsy, lung or mediastinum	Y		A2	8.799	$366.26
32420	Puncture/clear lung	Y		A2	5.2058	$216.69
32421	Thoracentesis for aspiration	Y		A2	5.2058	$216.69
32422	Thoracentesis w/tube insert	Y		G2	5.2436	$218.26
32550	Insert pleural cath	Y		G2	29.2487	$1,217.48
32960	Therapeutic pneumothorax	Y		G2	5.2436	$218.26
32998	Perq rf ablate tx, pul tumor	Y		G2	46.968	$1,955.04
33010	Drainage of heart sac	Y		A2	5.2058	$216.69
33011	Repeat drainage of heart sac	Y		A2	5.2058	$216.69
33206	Insertion of heart pacemaker	Y		J8	166.7099	$6,939.30
33207	Insertion of heart pacemaker	Y		J8	166.7099	$6,939.30
33208	Insertion of heart pacemaker	Y		J8	205.0085	$8,533.48
33210	Insertion of heart electrode	Y		G2	44.5465	$1,854.25
33211	Insertion of heart electrode	Y		G2	44.5465	$1,854.25
33212	Insertion of pulse generator	Y		H8	137.2399	$5,712.61
33213	Insertion of pulse generator	Y		H8	154.7887	$6,443.08

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33214	Upgrade of pacemaker system	Y		J8	205.0085	$8,533.48
33215	Reposition pacing-defib lead	Y		G2	22.0862	$919.34
33216	Insert lead pace-defib, one	Y		G2	44.5465	$1,854.25
33217	Insert lead pace-defib, dual	Y		G2	44.5465	$1,854.25
33218	Repair lead pace-defib, one	Y		G2	22.0862	$919.34
33220	Repair lead pace-defib, dual	Y		G2	22.0862	$919.34
33222	Revise pocket, pacemaker	Y		A2	13.8551	$576.72
33223	Revise pocket, pacing-defib	Y		A2	13.8551	$576.72
33224	Insert pacing lead & connect	Y		J8	304.9807	$12,694.82
33225	L ventric pacing lead add-on	Y		J8	304.9807	$12,694.82
33226	Reposition l ventric lead	Y		G2	22.0862	$919.34
33233	Removal of pacemaker system	Y		A2	19.1133	$795.59
33234	Removal of pacemaker system	Y		G2	22.0862	$919.34
33235	Removal pacemaker electrode	Y		G2	22.0862	$919.34
33240	Insert pulse generator	Y		J8	488.6042	$20,338.15
33241	Remove pulse generator	Y		G2	22.0862	$919.34
33249	Eltrd/insert pace-defib	Y		J8	627.7677	$26,130.83
33282	Implant pat-active ht record	N		J8	111.072	$4,623.37
33284	Remove pat-active ht record	Y		G2	7.7288	$321.71
33508	Endoscopic vein harvest	N		N1		
34490	Removal of vein clot	Y		G2	38.7632	$1,613.52
35188	Repair blood vessel lesion	Y		A2	32.6724	$1,359.99
35207	Repair blood vessel lesion	Y		A2	32.6724	$1,359.99
35460	Repair venous blockage	Y	CH	G2	47.8135	$1,990.24
35473	Repair arterial blockage	Y		G2	47.8135	$1,990.24
35475	Repair arterial blockage	Y	CH	G2	47.8135	$1,990.24
35476	Repair venous blockage	Y		G2	47.8135	$1,990.24
35492	Atherectomy, percutaneous	Y		G2	86.8524	$3,615.23
35572	Harvest femoropopliteal vein	N		N1		
35761	Exploration of artery/vein	Y		G2	29.272	$1,218.45
35875	Removal of clot in graft	Y		A2	36.7236	$1,528.62
35876	Removal of clot in graft	Y		A2	36.7236	$1,528.62

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36000	Place needle in vein	N		N1		
36002	Pseudoaneurysm injection trt	N		G2	2.2192	$92.37
36005	Injection ext venography	N		N1		
36010	Place catheter in vein	N		N1		
36011	Place catheter in vein	N		N1		
36012	Place catheter in vein	N		N1		
36013	Place catheter in artery	N		N1		
36014	Place catheter in artery	N		N1		
36015	Place catheter in artery	N		N1		
36100	Establish access to artery	N		N1		
36120	Establish access to artery	N		N1		
36140	Establish access to artery	N		N1		
36145	Artery to vein shunt	N		N1		
36160	Establish access to aorta	N		N1		
36200	Place catheter in aorta	N		N1		
36215	Place catheter in artery	N		N1		
36216	Place catheter in artery	N		N1		
36217	Place catheter in artery	N		N1		
36218	Place catheter in artery	N		N1		
36245	Place catheter in artery	N		N1		
36246	Place catheter in artery	N		N1		
36247	Place catheter in artery	N		N1		
36248	Place catheter in artery	N		N1		
36260	Insertion of infusion pump	Y		A2	24.4783	$1,018.91
36261	Revision of infusion pump	Y		A2	19.1133	$795.59
36262	Removal of infusion pump	Y		A2	18.4675	$768.71
36400	Bl draw < 3 yrs fem/jugular	N		N1		
36405	Bl draw < 3 yrs scalp vein	N		N1		
36406	Bl draw < 3 yrs other vein	N		N1		
36410	Non-routine bl draw > 3 yrs	N		N1		
36416	Capillary blood draw	N		N1		
36420	Vein access cutdown < 1 yr	N	CH	R2	0.2132	$8.87

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36425	Vein access cutdown > 1 yr	N		R2	0.2132	$8.87
36430	Blood transfusion service	N		P3	0.5035	$20.96
36440	Bl push transfuse, 2 yr or <	N		R2	3.1968	$133.07
36450	Bl exchange/transfuse, nb	N		R2	3.1968	$133.07
36455	Bl exchange/transfuse non-nb	N		G2	3.1968	$133.07
36468	Injection(s), spider veins	Y		R2	0.8257	$34.37
36469	Injection(s), spider veins	Y		R2	0.8257	$34.37
36470	Injection therapy of vein	Y		P2	0.8257	$34.37
36471	Injection therapy of veins	Y		P2	0.8257	$34.37
36475	Endovenous rf, 1st vein	Y		A2	39.3648	$1,638.56
36476	Endovenous rf, vein add-on	Y		A2	26.7661	$1,114.14
36478	Endovenous laser, 1st vein	Y		A2	26.7661	$1,114.14
36479	Endovenous laser vein addon	Y		A2	26.7661	$1,114.14
36481	Insertion of catheter, vein	N		N1		
36500	Insertion of catheter, vein	N		N1		
36510	Insertion of catheter, vein	N		N1		
36511	Apheresis wbc	N		G2	11.5481	$480.69
36512	Apheresis rbc	N		G2	11.5481	$480.69
36513	Apheresis platelets	N		G2	11.5481	$480.69
36514	Apheresis plasma	N		G2	11.5481	$480.69
36515	Apheresis, adsorp/reinfuse	N		P2	29.9042	$1,244.76
36516	Apheresis, selective	N		P2	29.9042	$1,244.76
36522	Photopheresis	N		G2	29.9042	$1,244.76
36555	Insert non-tunnel cv cath	Y		A2	9.9255	$413.15
36556	Insert non-tunnel cv cath	Y		A2	9.9255	$413.15
36557	Insert tunneled cv cath	Y		A2	20.4375	$850.71
36558	Insert tunneled cv cath	Y		A2	20.4375	$850.71
36560	Insert tunneled cv cath	Y		A2	24.4783	$1,018.91
36561	Insert tunneled cv cath	Y		A2	24.4783	$1,018.91
36563	Insert tunneled cv cath	Y		A2	24.4783	$1,018.91
36565	Insert tunneled cv cath	Y		A2	24.4783	$1,018.91
36566	Insert tunneled cv cath	Y		A2	24.4783	$1,018.91

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36568	Insert picc cath	Y		A2	9.9255	$413.15
36569	Insert picc cath	Y		A2	9.9255	$413.15
36570	Insert picvad cath	Y		A2	20.8031	$865.93
36571	Insert picvad cath	Y		A2	20.8031	$865.93
36575	Repair tunneled cv cath	Y		A2	7.0729	$294.41
36576	Repair tunneled cv cath	Y		A2	10.5713	$440.03
36578	Replace tunneled cv cath	Y		A2	20.4375	$850.71
36580	Replace cvad cath	Y		A2	9.9255	$413.15
36581	Replace tunneled cv cath	Y		A2	20.4375	$850.71
36582	Replace tunneled cv cath	Y		A2	24.4783	$1,018.91
36583	Replace tunneled cv cath	Y		A2	24.4783	$1,018.91
36584	Replace picc cath	Y		A2	9.9255	$413.15
36585	Replace picvad cath	Y		A2	20.8031	$865.93
36589	Removal tunneled cv cath	Y		A2	6.4271	$267.53
36590	Removal tunneled cv cath	Y		A2	9.9255	$413.15
36591	Draw blood off venous device	N		N1		
36592	Collect blood from picc	N		N1		
36593	Declot vascular device	Y		P3	0.4627	$19.26
36595	Mech remov tunneled cv cath	Y		G2	23.8522	$992.85
36596	Mech remov tunneled cv cath	Y		G2	10.6969	$445.26
36597	Reposition venous catheter	Y		G2	10.6969	$445.26
36598	Inj w/fluor, eval cv device	Y		P3	1.3607	$56.64
36600	Withdrawal of arterial blood	N		N1		
36620	Insertion catheter, artery	N		N1		
36625	Insertion catheter, artery	N		N1		
36640	Insertion catheter, artery	Y		A2	23.4669	$976.81
36680	Insert needle, bone cavity	Y		G2	1.4133	$58.83
36800	Insertion of cannula	Y		A2	25.3797	$1,056.43
36810	Insertion of cannula	Y		A2	25.3797	$1,056.43
36815	Insertion of cannula	Y		A2	25.3797	$1,056.43
36818	Av fuse, uppr arm, cephalic	Y		A2	31.9865	$1,331.44
36819	Av fuse, uppr arm, basilic	Y		A2	31.9865	$1,331.44

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36820	Av fusion/forearm vein	Y		A2	31.9865	$1,331.44
36821	Av fusion direct any site	Y		A2	31.9865	$1,331.44
36825	Artery-vein autograft	Y		A2	32.6724	$1,359.99
36830	Artery-vein nonautograft	Y		A2	32.6724	$1,359.99
36831	Open thrombect av fistula	Y		A2	36.7236	$1,528.62
36832	Av fistula revision, open	Y		A2	32.6724	$1,359.99
36833	Av fistula revision	Y		A2	32.6724	$1,359.99
36834	Repair a-v aneurysm	Y		A2	31.9865	$1,331.44
36835	Artery to vein shunt	Y		A2	26.0653	$1,084.97
36860	External cannula declotting	Y		A2	2.4202	$100.74
36861	Cannula declotting	Y		A2	25.3797	$1,056.43
36870	Percut thrombect av fistula	Y		A2	40.7017	$1,694.21
37184	Prim art mech thrombectomy	Y		G2	38.7632	$1,613.52
37185	Prim art m-thrombect add-on	Y		G2	38.7632	$1,613.52
37186	Sec art m-thrombect add-on	Y		G2	38.7632	$1,613.52
37187	Venous mech thrombectomy	Y		G2	38.7632	$1,613.52
37188	Venous m-thrombectomy add-on	Y		G2	38.7632	$1,613.52
37200	Transcatheter biopsy	Y		G2	28.7523	$1,196.81
37203	Transcatheter retrieval	Y		G2	28.7523	$1,196.81
37250	Iv us first vessel add-on	N		N1		
37251	Iv us each add vessel add-on	N		N1		
37500	Endoscopy ligate perf veins	Y		A2	34.6277	$1,441.38
37607	Ligation of a-v fistula	Y		A2	22.0291	$916.96
37609	Temporal artery procedure	Y		A2	14.1331	$588.29
37650	Revision of major vein	Y		A2	21.6634	$901.74
37700	Revise leg vein	Y		A2	21.6634	$901.74
37718	Ligate/strip short leg vein	Y		A2	22.0291	$916.96
37722	Ligate/strip long leg vein	Y		A2	34.6277	$1,441.38
37735	Removal of leg veins/lesion	Y		A2	34.6277	$1,441.38
37760	Ligation, leg veins, open	Y		A2	22.0291	$916.96
37765	Phleb veins - extrem - to 20	Y		R2	25.4866	$1,060.88

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37766	Phleb veins - extrem 20+	Y		R2	25.4866	$1,060.88
37780	Revision of leg vein	Y		A2	22.0291	$916.96
37785	Ligate/divide/excise vein	Y		A2	22.0291	$916.96
37790	Penile venous occlusion	Y		A2	27.6211	$1,149.73
38200	Injection for spleen x-ray	N		N1		
38204	Bl donor search management	N		N1		
38206	Harvest auto stem cells	N		G2	11.5481	$480.69
38220	Bone marrow aspiration	Y		P3	1.6329	$67.97
38221	Bone marrow biopsy	Y		P3	1.6601	$69.10
38230	Bone marrow collection	N		G2	29.9042	$1,244.76
38241	Bone marrow/stem transplant	N		G2	29.9042	$1,244.76
38300	Drainage, lymph node lesion	Y		A2	10.7834	$448.86
38305	Drainage, lymph node lesion	Y		A2	16.6013	$691.03
38308	Incision of lymph channels	Y		A2	20.0913	$836.30
38500	Biopsy/removal, lymph nodes	Y		A2	20.0913	$836.30
38505	Needle biopsy, lymph nodes	Y		A2	6.8644	$285.73
38510	Biopsy/removal, lymph nodes	Y		A2	20.0913	$836.30
38520	Biopsy/removal, lymph nodes	Y		A2	20.0913	$836.30
38525	Biopsy/removal, lymph nodes	Y		A2	20.0913	$836.30
38530	Biopsy/removal, lymph nodes	Y		A2	20.0913	$836.30
38542	Explore deep node(s), neck	Y		A2	37.2512	$1,550.58
38550	Removal, neck/armpit lesion	Y		A2	20.4572	$851.53
38555	Removal, neck/armpit lesion	Y		A2	21.1428	$880.07
38570	Laparoscopy, lymph node biop	Y		A2	41.3052	$1,719.33
38571	Laparoscopy, lymphadenectomy	Y		A2	59.5282	$2,477.86
38572	Laparoscopy, lymphadenectomy	Y		A2	41.3052	$1,719.33
38700	Removal of lymph nodes, neck	Y		G2	23.3905	$973.63
38740	Remove armpit lymph nodes	Y		A2	37.2512	$1,550.58
38745	Remove armpit lymph nodes	Y		A2	38.3027	$1,594.35
38760	Remove groin lymph nodes	Y		A2	20.0913	$836.30
38790	Inject for lymphatic x-ray	N		N1		

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38792	Identify sentinel node	N		N1		
38794	Access thoracic lymph duct	N		N1		
40490	Biopsy of lip	Y		P3	1.3674	$56.92
40500	Partial excision of lip	Y		A2	14.7106	$612.33
40510	Partial excision of lip	Y		A2	20.2599	$843.32
40520	Partial excision of lip	Y		A2	14.7106	$612.33
40525	Reconstruct lip with flap	Y		A2	20.2599	$843.32
40527	Reconstruct lip with flap	Y		A2	20.2599	$843.32
40530	Partial removal of lip	Y		A2	20.2599	$843.32
40650	Repair lip	Y		A2	8.0281	$334.17
40652	Repair lip	Y		A2	8.0281	$334.17
40654	Repair lip	Y		A2	8.0281	$334.17
40700	Repair cleft lip/nasal	Y		A2	36.289	$1,510.53
40701	Repair cleft lip/nasal	Y		A2	36.289	$1,510.53
40702	Repair cleft lip/nasal	Y		R2	40.8046	$1,698.49
40720	Repair cleft lip/nasal	Y		A2	36.289	$1,510.53
40761	Repair cleft lip/nasal	Y		A2	33.5176	$1,395.17
40800	Drainage of mouth lesion	Y		P2	1.3735	$57.17
40801	Drainage of mouth lesion	Y		A2	7.9243	$329.85
40804	Removal, foreign body, mouth	N		P2	0.6357	$26.46
40805	Removal, foreign body, mouth	Y		P3	3.6673	$152.65
40806	Incision of lip fold	Y		P3	1.5241	$63.44
40808	Biopsy of mouth lesion	Y		P3	2.4154	$100.54
40810	Excision of mouth lesion	Y		P3	2.5379	$105.64
40812	Excise/repair mouth lesion	Y		P3	3.15	$131.12
40814	Excise/repair mouth lesion	Y		A2	14.7106	$612.33
40816	Excision of mouth lesion	Y		A2	20.2599	$843.32
40818	Excise oral mucosa for graft	Y		A2	3.3386	$138.97
40819	Excise lip or cheek fold	Y		A2	7.2786	$302.97
40820	Treatment of mouth lesion	Y		P3	3.5515	$147.83
40830	Repair mouth laceration	Y		G2	3.3033	$137.50
40831	Repair mouth laceration	Y		A2	7.2786	$302.97

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40840	Reconstruction of mouth	Y		A2	20.2599	$843.32
40842	Reconstruction of mouth	Y		A2	20.6256	$858.54
40843	Reconstruction of mouth	Y		A2	20.6256	$858.54
40844	Reconstruction of mouth	Y		A2	34.7005	$1,444.41
40845	Reconstruction of mouth	Y		A2	34.7005	$1,444.41
41000	Drainage of mouth lesion	Y		P3	1.7963	$74.77
41005	Drainage of mouth lesion	Y		A2	3.3386	$138.97
41006	Drainage of mouth lesion	Y		A2	19.6142	$816.44
41007	Drainage of mouth lesion	Y		A2	14.0649	$585.45
41008	Drainage of mouth lesion	Y		A2	14.0649	$585.45
41009	Drainage of mouth lesion	Y		A2	3.3386	$138.97
41010	Incision of tongue fold	Y		A2	7.2786	$302.97
41015	Drainage of mouth lesion	Y		A2	3.3386	$138.97
41016	Drainage of mouth lesion	Y		A2	7.2786	$302.97
41017	Drainage of mouth lesion	Y		A2	7.2786	$302.97
41018	Drainage of mouth lesion	Y		A2	7.2786	$302.97
41019	Place needles h&n for rt	Y		G2	23.6152	$982.98
41100	Biopsy of tongue	Y		P3	1.8981	$79.01
41105	Biopsy of tongue	Y		P3	1.8981	$79.01
41108	Biopsy of floor of mouth	Y		P3	1.7689	$73.63
41110	Excision of tongue lesion	Y		P3	2.5922	$107.90
41112	Excision of tongue lesion	Y		A2	14.7106	$612.33
41113	Excision of tongue lesion	Y		A2	14.7106	$612.33
41114	Excision of tongue lesion	Y		A2	20.2599	$843.32
41115	Excision of tongue fold	Y		P3	3.0345	$126.31
41116	Excision of mouth lesion	Y		A2	14.0649	$585.45
41120	Partial removal of tongue	Y		A2	21.8083	$907.77
41250	Repair tongue laceration	Y		A2	1.6738	$69.67
41251	Repair tongue laceration	Y		A2	3.3386	$138.97
41252	Repair tongue laceration	Y		A2	7.9243	$329.85
41500	Fixation of tongue	Y		A2	19.6142	$816.44
41510	Tongue to lip surgery	Y		A2	14.0649	$585.45

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41512	Tongue suspension	Y	CH	G2	7.1678	$298.36
41520	Reconstruction, tongue fold	Y		A2	7.9243	$329.85
41530	Tongue base vol reduction	Y		G2	23.6152	$982.98
41800	Drainage of gum lesion	Y		A2	1.5356	$63.92
41805	Removal foreign body, gum	Y		P3	3.293	$137.07
41806	Removal foreign body,jawbone	Y		P3	4.2114	$175.30
41820	Excision, gum, each quadrant	Y		R2	7.1678	$298.36
41821	Excision of gum flap	Y		G2	7.1678	$298.36
41822	Excision of gum lesion	Y		P3	3.3883	$141.04
41823	Excision of gum lesion	Y		P3	4.8375	$201.36
41825	Excision of gum lesion	Y		P3	2.4834	$103.37
41826	Excision of gum lesion	Y		P3	3.4494	$143.58
41827	Excision of gum lesion	Y		A2	20.2599	$843.32
41828	Excision of gum lesion	Y		P3	3.225	$134.24
41830	Removal of gum tissue	Y		P3	4.4632	$185.78
41850	Treatment of gum lesion	Y		R2	16.2162	$675.00
41870	Gum graft	Y		G2	23.6152	$982.98
41872	Repair gum	Y		P3	4.2455	$176.72
41874	Repair tooth socket	Y		P3	3.9938	$166.24
42000	Drainage mouth roof lesion	Y		A2	3.3386	$138.97
42100	Biopsy roof of mouth	Y		P3	1.6262	$67.69
42104	Excision lesion, mouth roof	Y		P3	2.5105	$104.50
42106	Excision lesion, mouth roof	Y		P3	3.0616	$127.44
42107	Excision lesion, mouth roof	Y		A2	20.2599	$843.32
42120	Remove palate/lesion	Y		A2	34.2032	$1,423.71
42140	Excision of uvula	Y		A2	7.9243	$329.85
42145	Repair palate, pharynx/uvula	Y		A2	21.8083	$907.77
42160	Treatment mouth roof lesion	Y		P3	2.7214	$113.28
42180	Repair palate	Y		A2	3.3386	$138.97
42182	Repair palate	Y		A2	33.152	$1,379.95
42200	Reconstruct cleft palate	Y		A2	34.7005	$1,444.41
42205	Reconstruct cleft palate	Y		A2	34.7005	$1,444.41

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42215	Reconstruct cleft palate	Y		A2	36.289	$1,510.53
42220	Reconstruct cleft palate	Y		A2	34.7005	$1,444.41
42225	Reconstruct cleft palate	Y	CH	G2	40.8046	$1,698.49
42226	Lengthening of palate	Y		A2	34.7005	$1,444.41
42227	Lengthening of palate	Y	CH	G2	40.8046	$1,698.49
42235	Repair palate	Y		A2	16.2592	$676.79
42260	Repair nose to lip fistula	Y		A2	21.3112	$887.08
42280	Preparation, palate mold	Y		P3	1.7622	$73.35
42281	Insertion, palate prosthesis	Y		G2	16.2162	$675.00
42300	Drainage of salivary gland	Y		A2	14.0649	$585.45
42305	Drainage of salivary gland	Y		A2	14.7106	$612.33
42310	Drainage of salivary gland	Y		A2	3.3386	$138.97
42320	Drainage of salivary gland	Y		A2	3.3386	$138.97
42330	Removal of salivary stone	Y		P3	2.5038	$104.22
42335	Removal of salivary stone	Y		P3	4.1843	$174.17
42340	Removal of salivary stone	Y		A2	14.7106	$612.33
42400	Biopsy of salivary gland	Y		P3	1.3607	$56.64
42405	Biopsy of salivary gland	Y		A2	20.2599	$843.32
42408	Excision of salivary cyst	Y		A2	15.0763	$627.55
42409	Drainage of salivary cyst	Y		A2	15.0763	$627.55
42410	Excise parotid gland/lesion	Y		A2	33.5176	$1,395.17
42415	Excise parotid gland/lesion	Y		A2	36.289	$1,510.53
42420	Excise parotid gland/lesion	Y		A2	36.289	$1,510.53
42425	Excise parotid gland/lesion	Y		A2	36.289	$1,510.53
42440	Excise submaxillary gland	Y		A2	33.5176	$1,395.17
42450	Excise sublingual gland	Y		A2	20.2599	$843.32
42500	Repair salivary duct	Y		A2	20.6256	$858.54
42505	Repair salivary duct	Y		A2	34.2032	$1,423.71
42507	Parotid duct diversion	Y		A2	33.5176	$1,395.17
42508	Parotid duct diversion	Y		A2	34.2032	$1,423.71
42509	Parotid duct diversion	Y		A2	34.2032	$1,423.71

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42510	Parotid duct diversion	Y		A2	34.2032	$1,423.71
42550	Injection for salivary x-ray	N		N1		
42600	Closure of salivary fistula	Y		A2	14.0649	$585.45
42650	Dilation of salivary duct	Y		P3	0.9458	$39.37
42660	Dilation of salivary duct	Y		P3	1.1294	$47.01
42665	Ligation of salivary duct	Y		A2	23.397	$973.90
42700	Drainage of tonsil abscess	Y		A2	3.3386	$138.97
42720	Drainage of throat abscess	Y		A2	14.0649	$585.45
42725	Drainage of throat abscess	Y		A2	33.152	$1,379.95
42800	Biopsy of throat	Y		P3	1.8097	$75.33
42802	Biopsy of throat	Y		A2	14.0649	$585.45
42804	Biopsy of upper nose/throat	Y		A2	14.0649	$585.45
42806	Biopsy of upper nose/throat	Y		A2	20.2599	$843.32
42808	Excise pharynx lesion	Y		A2	20.2599	$843.32
42809	Remove pharynx foreign body	N		G2	0.6357	$26.46
42810	Excision of neck cyst	Y		A2	20.6256	$858.54
42815	Excision of neck cyst	Y		A2	34.7005	$1,444.41
42820	Remove tonsils and adenoids	Y		A2	20.6256	$858.54
42821	Remove tonsils and adenoids	Y		A2	21.8083	$907.77
42825	Removal of tonsils	Y		A2	21.3112	$887.08
42826	Removal of tonsils	Y		A2	21.3112	$887.08
42830	Removal of adenoids	Y		A2	21.3112	$887.08
42831	Removal of adenoids	Y		A2	21.3112	$887.08
42835	Removal of adenoids	Y		A2	21.3112	$887.08
42836	Removal of adenoids	Y		A2	21.3112	$887.08
42860	Excision of tonsil tags	Y		A2	20.6256	$858.54
42870	Excision of lingual tonsil	Y		A2	20.6256	$858.54
42890	Partial removal of pharynx	Y		A2	36.289	$1,510.53
42892	Revision of pharyngeal walls	Y		A2	36.289	$1,510.53
42900	Repair throat wound	Y		A2	7.2786	$302.97
42950	Reconstruction of throat	Y		A2	20.2599	$843.32
42955	Surgical opening of throat	Y		A2	20.2599	$843.32

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HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
42960	Control throat bleeding	Y		A2	1.2267	$51.06
42962	Control throat bleeding	Y		A2	33.152	$1,379.95
42970	Control nose/throat bleeding	Y		R2	1.0831	$45.08
42972	Control nose/throat bleeding	Y		A2	15.0763	$627.55
43030	Throat muscle surgery	Y		G2	16.2162	$675.00
43130	Removal of esophagus pouch	Y	CH	G2	40.8046	$1,698.49
43200	Esophagus endoscopy	Y		A2	8.1367	$338.69
43201	Esoph scope w/submucous inj	Y		A2	8.1367	$338.69
43202	Esophagus endoscopy, biopsy	Y		A2	8.1367	$338.69
43204	Esoph scope w/sclerosis inj	Y		A2	8.1367	$338.69
43205	Esophagus endoscopy/ligation	Y		A2	8.1367	$338.69
43215	Esophagus endoscopy	Y		A2	8.1367	$338.69
43216	Esophagus endoscopy/lesion	Y		A2	8.1367	$338.69
43217	Esophagus endoscopy	Y		A2	8.1367	$338.69
43219	Esophagus endoscopy	Y		A2	20.5593	$855.78
43220	Esoph endoscopy, dilation	Y		A2	8.1367	$338.69
43226	Esoph endoscopy, dilation	Y		A2	8.1367	$338.69
43227	Esoph endoscopy, repair	Y		A2	8.7825	$365.57
43228	Esoph endoscopy, ablation	Y		A2	19.8302	$825.43
43231	Esoph endoscopy w/us exam	Y		A2	8.7825	$365.57
43232	Esoph endoscopy w/us fn bx	Y		A2	8.7825	$365.57
43234	Upper gi endoscopy, exam	Y		A2	8.1367	$338.69
43235	Uppr gi endoscopy, diagnosis	Y		A2	8.1367	$338.69
43236	Uppr gi scope w/submuc inj	Y		A2	8.7825	$365.57
43237	Endoscopic us exam, esoph	Y		A2	8.7825	$365.57
43238	Uppr gi endoscopy w/us fn bx	Y		A2	8.7825	$365.57
43239	Upper gi endoscopy, biopsy	Y		A2	8.7825	$365.57
43240	Esoph endoscope w/drain cyst	Y		A2	8.7825	$365.57
43241	Upper gi endoscopy with tube	Y		A2	8.7825	$365.57
43242	Uppr gi endoscopy w/us fn bx	Y		A2	8.7825	$365.57
43243	Upper gi endoscopy & inject	Y		A2	8.7825	$365.57
43244	Upper gi endoscopy/ligation	Y		A2	8.7825	$365.57

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43245	Uppr gi scope dilate strictr	Y		A2	8.7825	$365.57
43246	Place gastrostomy tube	Y		A2	8.7825	$365.57
43247	Operative upper gi endoscopy	Y		A2	8.7825	$365.57
43248	Uppr gi endoscopy/guide wire	Y		A2	8.7825	$365.57
43249	Esopb endoscopy, dilation	Y		A2	8.7825	$365.57
43250	Upper gi endoscopy/tumor	Y		A2	8.7825	$365.57
43251	Operative upper gi endoscopy	Y		A2	8.7825	$365.57
43255	Operative upper gi endoscopy	Y		A2	8.7825	$365.57
43256	Uppr gi endoscopy w/stent	Y		A2	21.5707	$897.88
43257	Uppr gi scope w/thrml txmnt	Y		A2	20.1958	$840.65
43258	Operative upper gi endoscopy	Y		A2	9.1481	$380.79
43259	Endoscopic ultrasound exam	Y		A2	9.1481	$380.79
43260	Endo cholangiopancreatograph	Y		A2	18.5638	$772.72
43261	Endo cholangiopancreatograph	Y		A2	18.5638	$772.72
43262	Endo cholangiopancreatograph	Y		A2	18.5638	$772.72
43263	Endo cholangiopancreatograph	Y		A2	18.5638	$772.72
43264	Endo cholangiopancreatograph	Y		A2	18.5638	$772.72
43265	Endo cholangiopancreatograph	Y		A2	18.5638	$772.72
43267	Endo cholangiopancreatograph	Y		A2	18.5638	$772.72
43268	Endo cholangiopancreatograph	Y		A2	21.2048	$882.65
43269	Endo cholangiopancreatograph	Y		A2	21.2048	$882.65
43271	Endo cholangiopancreatograph	Y		A2	18.5638	$772.72
43272	Endo cholangiopancreatograph	Y		A2	18.5638	$772.72
43273	Endoscopic pancreatoscopy	Y		G2	21.3538	$888.85
43450	Dilate esophagus	Y		A2	6.3431	$264.03
43453	Dilate esophagus	Y		A2	6.3431	$264.03
43456	Dilate esophagus	Y		A2	6.3568	$264.60
43458	Dilate esophagus	Y		A2	8.1504	$339.26
43600	Biopsy of stomach	Y		A2	8.1367	$338.69
43653	Laparoscopy, gastrostomy	Y		A2	41.3052	$1,719.33
43752	Nasal/orogastric w/stent	N	CH	G2	1.2074	$50.26
43760	Change gastrostomy tube	Y		A2	2.5206	$104.92

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43761	Reposition gastrostomy tube	Y		A2	8.1367	$338.69
43870	Repair stomach opening	Y		A2	8.1367	$338.69
43886	Revise gastric port, open	Y		G2	20.0306	$833.77
43887	Remove gastric port, open	Y		G2	4.1852	$174.21
43888	Change gastric port, open	Y		G2	20.0306	$833.77
44100	Biopsy of bowel	Y		A2	8.1367	$338.69
44312	Revision of ileostomy	Y		A2	16.9256	$704.53
44340	Revision of colostomy	Y		A2	17.9371	$746.63
44360	Small bowel endoscopy	Y		A2	9.3696	$390.01
44361	Small bowel endoscopy/biopsy	Y		A2	9.3696	$390.01
44363	Small bowel endoscopy	Y		A2	9.3696	$390.01
44364	Small bowel endoscopy	Y		A2	9.3696	$390.01
44365	Small bowel endoscopy	Y		A2	9.3696	$390.01
44366	Small bowel endoscopy	Y		A2	9.3696	$390.01
44369	Small bowel endoscopy	Y		A2	9.3696	$390.01
44370	Small bowel endoscopy/stent	Y		A2	26.3075	$1,095.05
44372	Small bowel endoscopy	Y		A2	9.3696	$390.01
44373	Small bowel endoscopy	Y		A2	9.3696	$390.01
44376	Small bowel endoscopy	Y		A2	9.3696	$390.01
44377	Small bowel endoscopy/biopsy	Y		A2	9.3696	$390.01
44378	Small bowel endoscopy	Y		A2	9.3696	$390.01
44379	S bowel endoscope w/stent	Y		A2	26.3075	$1,095.05
44380	Small bowel endoscopy	Y		A2	8.7238	$363.13
44382	Small bowel endoscopy	Y		A2	8.7238	$363.13
44383	Ileoscopy w/stent	Y		A2	26.3075	$1,095.05
44385	Endoscopy of bowel pouch	Y		A2	8.4005	$349.67
44386	Endoscopy, bowel pouch/biop	Y		A2	8.4005	$349.67
44388	Colonoscopy	Y		A2	8.4005	$349.67
44389	Colonoscopy with biopsy	Y		A2	8.4005	$349.67
44390	Colonoscopy for foreign body	Y		A2	8.4005	$349.67
44391	Colonoscopy for bleeding	Y		A2	8.4005	$349.67
44392	Colonoscopy & polypectomy	Y		A2	8.4005	$349.67

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44393	Colonoscopy, lesion removal	Y		A2	8.4005	$349.67
44394	Colonoscopy w/snare	Y		A2	8.4005	$349.67
44397	Colonoscopy w/stent	Y		A2	20.5593	$855.78
44500	Intro, gastrointestinal tube	Y		G2	6.0325	$251.10
44701	Intraop colon lavage add-on	N		N1		
45000	Drainage of pelvic abscess	Y		A2	11.162	$464.62
45005	Drainage of rectal abscess	Y		A2	11.9272	$496.47
45020	Drainage of rectal abscess	Y		A2	11.9272	$496.47
45100	Biopsy of rectum	Y		A2	18.8836	$786.03
45108	Removal of anorectal lesion	Y		A2	19.5294	$812.91
45150	Excision of rectal stricture	Y		A2	19.5294	$812.91
45160	Excision of rectal lesion	Y		A2	19.5294	$812.91
45170	Excision of rectal lesion	Y		A2	19.5294	$812.91
45190	Destruction, rectal tumor	Y		A2	24.6321	$1,025.31
45300	Proctosigmoidoscopy dx	Y		P3	1.5308	$63.72
45303	Proctosigmoidoscopy dilate	Y		P2	8.7672	$364.93
45305	Proctosigmoidoscopy w/bx	Y		A2	8.4783	$352.91
45307	Proctosigmoidoscopy fb	Y		A2	17.8602	$743.43
45308	Proctosigmoidoscopy removal	Y		A2	8.4783	$352.91
45309	Proctosigmoidoscopy removal	Y		A2	8.4783	$352.91
45315	Proctosigmoidoscopy removal	Y		A2	8.4783	$352.91
45317	Proctosigmoidoscopy bleed	Y		A2	8.4783	$352.91
45320	Proctosigmoidoscopy ablate	Y		A2	17.8602	$743.43
45321	Proctosigmoidoscopy volvul	Y		A2	17.8602	$743.43
45327	Proctosigmoidoscopy w/stent	Y		A2	20.5593	$855.78
45330	Diagnostic sigmoidoscopy	Y		P3	1.6872	$70.23
45331	Sigmoidoscopy and biopsy	Y		A2	5.913	$246.13
45332	Sigmoidoscopy w/fb removal	Y		A2	5.913	$246.13
45333	Sigmoidoscopy & polypectomy	Y		A2	8.4783	$352.91
45334	Sigmoidoscopy for bleeding	Y		A2	8.4783	$352.91
45335	Sigmoidoscopy w/submuc inj	Y		A2	5.913	$246.13
45337	Sigmoidoscopy & decompress	Y		A2	5.913	$246.13

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45338	Sigmoidoscopy w/tumr remove	Y		A2	8.4783	$352.91
45339	Sigmoidoscopy w/ablate tumr	Y		A2	8.4783	$352.91
45340	Sig w/balloon dilation	Y		A2	8.4783	$352.91
45341	Sigmoidoscopy w/ultrasound	Y		A2	8.4783	$352.91
45342	Sigmoidoscopy w/us guide bx	Y		A2	8.4783	$352.91
45345	Sigmoidoscopy w/stent	Y		A2	20.5593	$855.78
45355	Surgical colonoscopy	Y		A2	8.4005	$349.67
45378	Diagnostic colonoscopy	Y		A2	9.0462	$376.55
45379	Colonoscopy w/fb removal	Y		A2	9.0462	$376.55
45380	Colonoscopy and biopsy	Y		A2	9.0462	$376.55
45381	Colonoscopy, submucous inj	Y		A2	9.0462	$376.55
45382	Colonoscopy/control bleeding	Y		A2	9.0462	$376.55
45383	Lesion removal colonoscopy	Y		A2	9.0462	$376.55
45384	Lesion remove colonoscopy	Y		A2	9.0462	$376.55
45385	Lesion removal colonoscopy	Y		A2	9.0462	$376.55
45386	Colonoscopy dilate stricture	Y		A2	9.0462	$376.55
45387	Colonoscopy w/stent	Y		A2	20.5593	$855.78
45391	Colonoscopy w/endoscope us	Y		A2	9.0462	$376.55
45392	Colonoscopy w/endoscopic fnb	Y		A2	9.0462	$376.55
45500	Repair of rectum	Y		A2	19.5294	$812.91
45505	Repair of rectum	Y		A2	25.2591	$1,051.41
45520	Treatment of rectal prolapse	Y		P2	0.8257	$34.37
45541	Correct rectal prolapse	Y	CH	G2	30.2809	$1,260.44
45560	Repair of rectocele	Y		A2	25.2591	$1,051.41
45900	Reduction of rectal prolapse	Y		A2	5.9068	$245.87
45905	Dilation of anal sphincter	Y		A2	18.8836	$786.03
45910	Dilation of rectal narrowing	Y		A2	18.8836	$786.03
45915	Remove rectal obstruction	Y		A2	11.162	$464.62
45990	Surg dx exam, anorectal	Y		A2	18.7642	$781.06
46020	Placement of seton	Y		A2	19.895	$828.13
46030	Removal of rectal marker	Y		A2	5.9068	$245.87
46040	Incision of rectal abscess	Y		A2	19.895	$828.13

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46045	Incision of rectal abscess	Y		A2	19.5294	$812.91
46050	Incision of anal abscess	Y		A2	11.162	$464.62
46060	Incision of rectal abscess	Y		A2	19.5294	$812.91
46070	Incision of anal septum	Y		G2	12.5051	$520.52
46080	Incision of anal sphincter	Y		A2	19.895	$828.13
46083	Incise external hemorrhoid	Y		P2	1.8851	$78.47
46200	Removal of anal fissure	Y		A2	19.5294	$812.91
46210	Removal of anal crypt	Y		A2	19.5294	$812.91
46211	Removal of anal crypts	Y		A2	19.5294	$812.91
46220	Removal of anal tag	Y		A2	18.8836	$786.03
46221	Ligation of hemorrhoid(s)	Y		P3	2.9391	$122.34
46230	Removal of anal tags	Y		A2	18.8836	$786.03
46250	Hemorrhoidectomy	Y		A2	19.895	$828.13
46255	Hemorrhoidectomy	Y		A2	19.895	$828.13
46257	Remove hemorrhoids & fissure	Y		A2	19.895	$828.13
46258	Remove hemorrhoids & fistula	Y		A2	19.895	$828.13
46260	Hemorrhoidectomy	Y		A2	19.895	$828.13
46261	Remove hemorrhoids & fissure	Y		A2	20.5809	$856.68
46262	Remove hemorrhoids & fistula	Y		A2	20.5809	$856.68
46270	Removal of anal fistula	Y		A2	19.895	$828.13
46275	Removal of anal fistula	Y		A2	19.895	$828.13
46280	Removal of anal fistula	Y		A2	20.5809	$856.68
46285	Removal of anal fistula	Y		A2	18.8836	$786.03
46288	Repair anal fistula	Y		A2	20.5809	$856.68
46320	Removal of hemorrhoid clot	Y		P3	1.9731	$82.13
46500	Injection into hemorrhoid(s)	Y		P3	2.8507	$118.66
46505	Chemodenervation anal musc	Y		G2	22.6412	$942.44
46600	Diagnostic anoscopy	N		P2	0.6357	$26.46
46604	Anoscopy and dilation	Y		P2	8.7672	$364.93
46606	Anoscopy and biopsy	Y		P3	2.9391	$122.34
46608	Anoscopy, remove for body	Y		A2	8.4783	$352.91
46610	Anoscopy, remove lesion	Y		A2	17.8602	$743.43

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46611	Anoscopy	Y		A2	8.4783	$352.91
46612	Anoscopy, remove lesions	Y		A2	17.8602	$743.43
46614	Anoscopy, control bleeding	Y		P3	1.4765	$61.46
46615	Anoscopy	Y		A2	18.5059	$770.31
46700	Repair of anal stricture	Y		A2	19.895	$828.13
46706	Repr of anal fistula w/glue	Y		A2	24.6133	$1,024.53
46750	Repair of anal sphincter	Y		A2	25.6247	$1,066.63
46753	Reconstruction of anus	Y		A2	19.895	$828.13
46754	Removal of suture from anus	Y		A2	19.5294	$812.91
46760	Repair of anal sphincter	Y		A2	25.2591	$1,051.41
46761	Repair of anal sphincter	Y		A2	25.6247	$1,066.63
46762	Implant artificial sphincter	Y		A2	28.3962	$1,181.99
46900	Destruction, anal lesion(s)	Y		P2	2.6563	$110.57
46910	Destruction, anal lesion(s)	Y		P3	2.9936	$124.61
46916	Cryosurgery, anal lesion(s)	Y		P2	1.4295	$59.50
46917	Laser surgery, anal lesions	Y		A2	17.2324	$717.30
46922	Excision of anal lesion(s)	Y		A2	17.2324	$717.30
46924	Destruction, anal lesion(s)	Y		A2	17.2324	$717.30
46930*	Destroy internal hemorrhoids	Y		P3	2.2657	$94.31
46937	Cryotherapy of rectal lesion	Y		A2	19.5294	$812.91
46938	Cryotherapy of rectal lesion	Y		A2	25.2591	$1,051.41
46940	Treatment of anal fissure	Y		P3	2.3065	$96.01
46942	Treatment of anal fissure	Y		P3	2.2861	$95.16
46945	Ligation of hemorrhoids	Y		P3	3.6264	$150.95
46946	Ligation of hemorrhoids	Y		A2	11.2814	$469.59
46947	Hemorrhoidopexy by stapling	Y		A2	28.3962	$1,181.99
47000	Needle biopsy of liver	Y		A2	8.799	$366.26
47001	Needle biopsy, liver add-on	N		N1		
47382	Percut ablate liver rf	Y		G2	46.968	$1,955.04
47500	Injection for liver x-rays	N		N1		
47505	Injection for liver x-rays	N		N1		
47510	Insert catheter, bile duct	Y		A2	24.3882	$1,015.16

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HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
47511	Insert bile duct drain	Y		A2	28.9586	$1,205.40
47525	Change bile duct catheter	Y		A2	13.3422	$555.37
47530	Revise/reinsert bile tube	Y		A2	13.3422	$555.37
47552	Biliary endoscopy thru skin	Y		A2	24.3882	$1,015.16
47553	Biliary endoscopy thru skin	Y		A2	24.7539	$1,030.38
47554	Biliary endoscopy thru skin	Y		A2	24.7539	$1,030.38
47555	Biliary endoscopy thru skin	Y		A2	24.7539	$1,030.38
47556	Biliary endoscopy thru skin	Y		A2	28.9586	$1,205.40
47560	Laparoscopy w/cholangio	Y		A2	29.7641	$1,238.93
47561	Laparo w/cholangio/biopsy	Y		A2	29.7641	$1,238.93
47562	Laparoscopic cholecystectomy	Y		G2	44.872	$1,867.80
47563	Laparo cholecystectomy/graph	Y		G2	44.872	$1,867.80
47564	Laparo cholecystectomy/explr	Y		G2	44.872	$1,867.80
47630	Remove bile duct stone	Y		A2	24.7539	$1,030.38
48102	Needle biopsy, pancreas	Y		A2	8.799	$366.26
49080	Puncture, peritoneal cavity	Y		A2	5.2058	$216.69
49081	Removal of abdominal fluid	Y		A2	5.2058	$216.69
49180	Biopsy, abdominal mass	Y		A2	8.799	$366.26
49250	Excision of umbilicus	Y		A2	21.4438	$892.60
49320	Diag laparo separate proc	Y		A2	29.7641	$1,238.93
49321	Laparoscopy, biopsy	Y		A2	30.4497	$1,267.47
49322	Laparoscopy, aspiration	Y		A2	30.4497	$1,267.47
49324	Lap insertion perm ip cath	Y		G2	35.7999	$1,490.17
49325	Lap revision perm ip cath	Y		G2	35.7999	$1,490.17
49326	Lap w/omentopexy add-on	Y		G2	35.7999	$1,490.17
49400	Air injection into abdomen	N		N1		
49402	Remove foreign body, adbomen	Y		A2	20.3926	$848.84
49419	Insrt abdom cath for chemotx	Y		A2	24.3683	$1,014.33
49420	Insert abdom drain, temp	Y		A2	23.8393	$992.31
49421	Insert abdom drain, perm	Y		A2	23.8393	$992.31
49422	Remove perm cannula/catheter	Y		A2	18.4675	$768.71
49423	Exchange drainage catheter	Y		G2	15.2527	$634.89

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49424	Assess cyst, contrast inject	N		N1		
49426	Revise abdomen-venous shunt	Y		A2	20.3926	$848.84
49427	Injection, abdominal shunt	N		N1		
49429	Removal of shunt	Y		G2	22.0862	$919.34
49435	Insert subq exten to ip cath	Y	CH	G2	15.2527	$634.89
49436	Embedded ip cath exit-site	Y	CH	G2	15.2527	$634.89
49440	Place gastrostomy tube perc	Y		G2	8.3118	$345.98
49441	Place duod/jej tube perc	Y		G2	8.3118	$345.98
49442	Place cecostomy tube perc	Y	CH	G2	12.5051	$520.52
49446	Change g-tube to g-j perc	Y		G2	8.3118	$345.98
49450	Replace g/c tube perc	Y		G2	6.0325	$251.10
49451	Replace duod/jej tube perc	Y		G2	6.0325	$251.10
49452	Replace g-j tube perc	Y		G2	6.0325	$251.10
49460	Fix g/colon tube w/device	Y		G2	6.0325	$251.10
49465	Fluoro exam of g/colon tube	N		N1		
49495	Rpr ing hernia baby, reduc	Y		A2	26.6443	$1,109.07
49496	Rpr ing hernia baby, blocked	Y		A2	26.6443	$1,109.07
49500	Rpr ing hernia, init, reduce	Y		A2	26.6443	$1,109.07
49501	Rpr ing hernia, init blocked	Y		A2	30.6957	$1,277.71
49505	Prp i/hern init reduc >5 yr	Y		A2	26.6443	$1,109.07
49507	Prp i/hern init block >5 yr	Y		A2	30.6957	$1,277.71
49520	Rerepair ing hernia, reduce	Y		A2	28.7301	$1,195.89
49521	Rerepair ing hernia, blocked	Y		A2	30.6957	$1,277.71
49525	Repair ing hernia, sliding	Y		A2	26.6443	$1,109.07
49540	Repair lumbar hernia	Y		A2	25.593	$1,065.31
49550	Rpr rem hernia, init, reduce	Y		A2	27.1416	$1,129.77
49553	Rpr fem hernia, init blocked	Y		A2	30.6957	$1,277.71
49555	Rerepair fem hernia, reduce	Y		A2	27.1416	$1,129.77
49557	Rerepair fem hernia, blocked	Y		A2	30.6957	$1,277.71
49560	Rpr ventral hern init, reduc	Y		A2	26.6443	$1,109.07
49561	Rpr ventral hern init, block	Y		A2	30.6957	$1,277.71
49565	Rerepair ventrl hern, reduce	Y		A2	26.6443	$1,109.07

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49566	Rerepair ventrl hern, block	Y		A2	30.6957	$1,277.71
49568	Hernia repair w/mesh	Y		A2	28.7301	$1,195.89
49570	Rpr epigastric hern, reduce	Y		A2	26.6443	$1,109.07
49572	Rpr epigastric hern, blocked	Y		A2	30.6957	$1,277.71
49580	Rpr umbil hern, reduc < 5 yr	Y		A2	26.6443	$1,109.07
49582	Rpr umbil hern, block < 5 yr	Y		A2	30.6957	$1,277.71
49585	Rpr umbil hern, reduc > 5 yr	Y		A2	26.6443	$1,109.07
49587	Rpr umbil hern, block > 5 yr	Y		A2	30.6957	$1,277.71
49590	Repair spigelian hernia	Y		A2	25.9587	$1,080.53
49600	Repair umbilical lesion	Y		A2	26.6443	$1,109.07
49650	Lap ing hernia repair init	Y		A2	37.2541	$1,550.70
49651	Lap ing hernia repair recur	Y		A2	39.3396	$1,637.51
49652	Lap vent/abd hernia repair	Y		G2	44.872	$1,867.80
49653	Lap vent/abd hern proc comp	Y		G2	44.872	$1,867.80
49654	Lap inc hernia repair	Y		G2	44.872	$1,867.80
49655	Lap inc hern repair comp	Y		G2	44.872	$1,867.80
49656	Lap inc hernia repair recur	Y		G2	44.872	$1,867.80
49657	Lap inc hern recur comp	Y		G2	44.872	$1,867.80
50080	Removal of kidney stone	Y	CH	G2	43.7185	$1,819.78
50081	Removal of kidney stone	Y	CH	G2	43.7185	$1,819.78
50200	Biopsy of kidney	Y		A2	8.799	$366.26
50382	Change ureter stent, percut	Y		G2	24.3263	$1,012.58
50384	Remove ureter stent, percut	Y		G2	16.3183	$679.25
50385	Change stent via transureth	Y		G2	24.3263	$1,012.58
50386	Remove stent via transureth	Y	CH	P2	6.7645	$281.57
50387	Change ext/int ureter stent	Y		G2	15.2527	$634.89
50389	Remove renal tube w/fluoro	Y		G2	6.7645	$281.57
50390	Drainage of kidney lesion	Y		A2	8.799	$366.26
50391	Instll rx agnt into rnal tub	Y	CH	P3	0.8641	$35.97
50392	Insert kidney drain	Y		A2	14.1415	$588.64
50393	Insert ureteral tube	Y		A2	20.1475	$838.64
50394	Injection for kidney x-ray	N		N1		

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50395	Create passage to kidney	Y		A2	20.1475	$838.64
50396	Measure kidney pressure	Y		A2	2.1653	$90.13
50398	Change kidney tube	Y		A2	13.3422	$555.37
50551	Kidney endoscopy	Y		A2	6.9761	$290.38
50553	Kidney endoscopy	Y		A2	20.1475	$838.64
50555	Kidney endoscopy & biopsy	Y		A2	6.9761	$290.38
50557	Kidney endoscopy & treatment	Y		A2	20.1475	$838.64
50561	Kidney endoscopy & treatment	Y		A2	20.1475	$838.64
50562	Renal scope w/tumor resect	Y		G2	6.7645	$281.57
50570	Kidney endoscopy	Y		G2	6.7645	$281.57
50572	Kidney endoscopy	Y		G2	6.7645	$281.57
50574	Kidney endoscopy & biopsy	Y		G2	6.7645	$281.57
50575	Kidney endoscopy	Y		G2	34.3181	$1,428.49
50576	Kidney endoscopy & treatment	Y		G2	16.3183	$679.25
50580	Kidney endoscopy & treatment	Y		G2	16.3183	$679.25
50590	Fragmenting of kidney stone	Y		G2	39.5668	$1,646.97
50592	Perc rf ablate renal tumor	Y		G2	46.968	$1,955.04
50684	Injection for ureter x-ray	N		N1		
50686	Measure ureter pressure	Y	CH	P2	1.0213	$42.51
50688	Change of ureter tube/stent	Y		A2	13.3422	$555.37
50690	Injection for ureter x-ray	N		N1		
50727	Revise ureter	Y	CH	G2	19.0903	$794.63
50947	Laparo new ureter/bladder	Y		A2	41.3052	$1,719.33
50948	Laparo new ureter/bladder	Y		A2	41.3052	$1,719.33
50951	Endoscopy of ureter	Y		A2	6.9761	$290.38
50953	Endoscopy of ureter	Y		A2	6.9761	$290.38
50955	Ureter endoscopy & biopsy	Y		A2	20.1475	$838.64
50957	Ureter endoscopy & treatment	Y		A2	20.1475	$838.64
50961	Ureter endoscopy & treatment	Y		A2	20.1475	$838.64
50970	Ureter endoscopy	Y		A2	6.9761	$290.38
50972	Ureter endoscopy & catheter	Y		A2	6.9761	$290.38
50974	Ureter endoscopy & biopsy	Y		A2	14.1415	$588.64

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50976	Ureter endoscopy & treatment	Y		A2	14.1415	$588.64
50980	Ureter endoscopy & treatment	Y		A2	20.1475	$838.64
51020	Incise & treat bladder	Y		A2	21.8446	$909.28
51030	Incise & treat bladder	Y		A2	21.8446	$909.28
51040	Incise & drain bladder	Y		A2	21.8446	$909.28
51045	Incise bladder/drain ureter	Y		A2	7.3547	$306.14
51050	Removal of bladder stone	Y		A2	21.8446	$909.28
51065	Remove ureter calculus	Y		A2	21.8446	$909.28
51080	Drainage of bladder abscess	Y		A2	15.9556	$664.15
51100	Drain bladder by needle	Y		P3	0.5444	$22.66
51101	Drain bladder by trocar/cath	Y		P2	1.0213	$42.51
51102	Drain bl w/cath insertion	Y		A2	16.2205	$675.18
51500	Removal of bladder cyst	Y		A2	26.6443	$1,109.07
51520	Removal of bladder lesion	Y		A2	21.8446	$909.28
51535	Repair of ureter lesion	Y	CH	G2	24.3263	$1,012.58
51600	Injection for bladder x-ray	N		N1		
51605	Preparation for bladder xray	N		N1		
51610	Injection for bladder x-ray	N		N1		
51700	Irrigation of bladder	Y		P3	0.8163	$33.98
51701	Insert bladder catheter	N	CH	P3	0.5852	$24.36
51702	Insert temp bladder cath	N		P2	0.6357	$26.46
51703	Insert bladder cath, complex	Y		P2	1.0213	$42.51
51705	Change of bladder tube	Y	CH	P3	1.0818	$45.03
51710	Change of bladder tube	Y		A2	6.4271	$267.53
51715	Endoscopic injection/implant	Y		A2	25.0227	$1,041.57
51720	Treatment of bladder lesion	Y		P3	0.8709	$36.25
51725	Simple cystometrogram	Y	CH	P3	2.3065	$96.01
51726	Complex cystometrogram	Y		A2	3.3336	$138.76
51736	Urine flow measurement	Y		P3	0.4966	$20.67
51741	Electro-uroflowmetry, first	Y		P3	0.6804	$28.32
51772	Urethra pressure profile	Y		A2	2.8879	$120.21
51784	Anal/urinary muscle study	Y		P2	1.0213	$42.51

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51785	Anal/urinary muscle study	Y		A2	1.7963	$74.77
51792	Urinary reflex study	Y		P2	1.0213	$42.51
51795	Urine voiding pressure study	Y		P2	1.8851	$78.47
51797	Intraabdominal pressure test	Y	CH	P3	1.3336	$55.51
51798	Us urine capacity measure	N		P3	0.2993	$12.46
51880	Repair of bladder opening	Y		A2	20.1475	$838.64
51992	Laparo sling operation	Y		A2	37.7511	$1,571.39
52000	Cystoscopy	Y		A2	6.9761	$290.38
52001	Cystoscopy, removal of clots	Y		A2	14.5201	$604.40
52005	Cystoscopy & ureter catheter	Y		A2	20.7933	$865.52
52007	Cystoscopy and biopsy	Y		A2	20.7933	$865.52
52010	Cystoscopy & duct catheter	Y		A2	7.3547	$306.14
52204	Cystoscopy w/biopsy(s)	Y		A2	20.7933	$865.52
52214	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52224	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52234	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52235	Cystoscopy and treatment	Y		A2	21.1589	$880.74
52240	Cystoscopy and treatment	Y		A2	21.1589	$880.74
52250	Cystoscopy and radiotracer	Y		A2	21.8446	$909.28
52260	Cystoscopy and treatment	Y		A2	14.7873	$615.52
52265	Cystoscopy and treatment	Y	CH	P3	4.13	$171.91
52270	Cystoscopy & revise urethra	Y		A2	14.7873	$615.52
52275	Cystoscopy & revise urethra	Y		A2	20.7933	$865.52
52276	Cystoscopy and treatment	Y		A2	21.1589	$880.74
52277	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52281	Cystoscopy and treatment	Y		A2	14.7873	$615.52
52282	Cystoscopy, implant stent	Y		A2	33.3898	$1,389.85
52283	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52285	Cystoscopy and treatment	Y		A2	14.7873	$615.52
52290	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52300	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52301	Cystoscopy and treatment	Y		A2	21.1589	$880.74

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52305	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52310	Cystoscopy and treatment	Y		A2	14.5201	$604.40
52315	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52317	Remove bladder stone	Y		A2	20.1475	$838.64
52318	Remove bladder stone	Y		A2	20.7933	$865.52
52320	Cystoscopy and treatment	Y		A2	22.3416	$929.97
52325	Cystoscopy, stone removal	Y		A2	21.8446	$909.28
52327	Cystoscopy, inject material	Y		A2	28.2871	$1,177.45
52330	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52332	Cystoscopy and treatment	Y		A2	20.7933	$865.52
52334	Create passage to kidney	Y		A2	21.1589	$880.74
52341	Cysto w/ureter stricture tx	Y		A2	21.1589	$880.74
52342	Cysto w/up stricture tx	Y		A2	21.1589	$880.74
52343	Cysto w/renal stricture tx	Y		A2	21.1589	$880.74
52344	Cysto/uretero, stricture tx	Y		A2	21.1589	$880.74
52345	Cysto/uretero w/up stricture	Y		A2	21.1589	$880.74
52346	Cystouretero w/renal strict	Y		A2	21.1589	$880.74
52351	Cystouretero & or pyeloscope	Y		A2	21.1589	$880.74
52352	Cystouretero w/stone remove	Y		A2	21.8446	$909.28
52353	Cystouretero w/lithotripsy	Y		A2	29.3384	$1,221.21
52354	Cystouretero w/biopsy	Y		A2	21.8446	$909.28
52355	Cystouretero w/excise tumor	Y		A2	21.8446	$909.28
52400	Cystouretero w/congen repr	Y		A2	21.1589	$880.74
52402	Cystourethro cut ejacul duct	Y		A2	21.1589	$880.74
52450	Incision of prostate	Y		A2	21.1589	$880.74
52500	Revision of bladder neck	Y		A2	21.1589	$880.74
52601	Prostatectomy (turp)	Y		A2	29.3384	$1,221.21
52630	Remove prostate regrowth	Y		A2	28.2871	$1,177.45
52640	Relieve bladder contracture	Y		A2	20.7933	$865.52
52647	Laser surgery of prostate	Y		A2	40.4401	$1,683.32
52648	Laser surgery of prostate	Y		A2	40.4401	$1,683.32
52700	Drainage of prostate abscess	Y		A2	20.7933	$865.52

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HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
53000	Incision of urethra	Y		A2	16.3114	$678.96
53010	Incision of urethra	Y		A2	16.3114	$678.96
53020	Incision of urethra	Y		A2	16.3114	$678.96
53025	Incision of urethra	Y		R2	19.2116	$799.68
53040	Drainage of urethra abscess	Y		A2	16.9571	$705.84
53060	Drainage of urethra abscess	Y		P3	1.3674	$56.92
53080	Drainage of urinary leakage	Y		A2	17.3228	$721.06
53085	Drainage of urinary leakage	Y		G2	19.2116	$799.68
53200	Biopsy of urethra	Y		A2	16.3114	$678.96
53210	Removal of urethra	Y		A2	26.2054	$1,090.80
53215	Removal of urethra	Y		A2	18.5057	$770.30
53220	Treatment of urethra lesion	Y		A2	24.6571	$1,026.35
53230	Removal of urethra lesion	Y		A2	24.6571	$1,026.35
53235	Removal of urethra lesion	Y		A2	17.3228	$721.06
53240	Surgery for urethra pouch	Y		A2	24.6571	$1,026.35
53250	Removal of urethra gland	Y		A2	16.9571	$705.84
53260	Treatment of urethra lesion	Y		A2	16.9571	$705.84
53265	Treatment of urethra lesion	Y		A2	16.9571	$705.84
53270	Removal of urethra gland	Y		A2	16.9571	$705.84
53275	Repair of urethra defect	Y		A2	16.9571	$705.84
53400	Revise urethra, stage 1	Y		A2	25.0227	$1,041.57
53405	Revise urethra, stage 2	Y		A2	24.6571	$1,026.35
53410	Reconstruction of urethra	Y		A2	24.6571	$1,026.35
53420	Reconstruct urethra, stage 1	Y		A2	25.0227	$1,041.57
53425	Reconstruct urethra, stage 2	Y		A2	24.6571	$1,026.35
53430	Reconstruction of urethra	Y		A2	24.6571	$1,026.35
53431	Reconstruct urethra/bladder	Y		A2	24.6571	$1,026.35
53440	Male sling procedure	N		H8	119.9371	$4,992.38
53442	Remove/revise male sling	Y		A2	24.0113	$999.47
53444	Insert tandem cuff	N		H8	119.9371	$4,992.38
53445	Insert uro/ves nck sphincter	N		H8	222.2765	$9,252.26
53446	Remove uro sphincter	Y		A2	24.0113	$999.47

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53447	Remove/replace ur sphincter	N		H8	222.2765	$9,252.26
53449	Repair uro sphincter	Y		A2	24.0113	$999.47
53450	Revision of urethra	Y		A2	24.0113	$999.47
53460	Revision of urethra	Y		A2	16.3114	$678.96
53502	Repair of urethra injury	Y		A2	16.9571	$705.84
53505	Repair of urethra injury	Y		A2	24.6571	$1,026.35
53510	Repair of urethra injury	Y		A2	16.9571	$705.84
53515	Repair of urethra injury	Y		A2	24.6571	$1,026.35
53520	Repair of urethra defect	Y		A2	24.6571	$1,026.35
53600	Dilate urethra stricture	Y		P3	0.6258	$26.05
53601	Dilate urethra stricture	Y	CH	P3	0.7212	$30.02
53605	Dilate urethra stricture	Y		A2	14.7873	$615.52
53620	Dilate urethra stricture	Y		P3	0.905	$37.67
53621	Dilate urethra stricture	Y		P3	0.9593	$39.93
53660	Dilation of urethra	Y	CH	P3	0.7145	$29.74
53661	Dilation of urethra	Y	CH	P3	0.6871	$28.60
53665	Dilation of urethra	Y		A2	16.3114	$678.96
53850	Prostatic microwave thermotx	Y	CH	P3	25.5411	$1,063.15
53852	Prostatic rf thermotx	Y	CH	P3	24.0579	$1,001.41
54000	Slitting of prepuce	Y		A2	16.9571	$705.84
54001	Slitting of prepuce	Y		A2	16.9571	$705.84
54015	Drain penis lesion	Y		A2	17.6526	$734.79
54050	Destruction, penis lesion(s)	Y		P2	0.8257	$34.37
54055	Destruction, penis lesion(s)	Y		P3	1.1702	$48.71
54056	Cryosurgery, penis lesion(s)	Y		P2	0.8257	$34.37
54057	Laser surg, penis lesion(s)	Y		A2	17.2324	$717.30
54060	Excision of penis lesion(s)	Y		A2	17.2324	$717.30
54065	Destruction, penis lesion(s)	Y		A2	17.2324	$717.30
54100	Biopsy of penis	Y		A2	13.4876	$561.42
54105	Biopsy of penis	Y		A2	17.9301	$746.34
54110	Treatment of penis lesion	Y		A2	27.2553	$1,134.50
54111	Treat penis lesion, graft	Y		A2	27.2553	$1,134.50

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54112	Treat penis lesion, graft	Y		A2	27.2553	$1,134.50
54115	Treatment of penis lesion	Y		A2	15.9556	$664.15
54120	Partial removal of penis	Y		A2	27.2553	$1,134.50
54150	Circumcision w/regionl block	Y		A2	18.559	$772.52
54160	Circumcision, neonate	Y		A2	19.2048	$799.40
54161	Circum 28 days or older	Y		A2	19.2048	$799.40
54162	Lysis penil circumic lesion	Y		A2	19.2048	$799.40
54163	Repair of circumcision	Y		A2	19.2048	$799.40
54164	Frenulotomy of penis	Y		A2	19.2048	$799.40
54200	Treatment of penis lesion	Y		P3	1.0681	$44.46
54205	Treatment of penis lesion	Y		A2	28.3068	$1,178.27
54220	Treatment of penis lesion	Y		A2	2.1653	$90.13
54230	Prepare penis study	N		N1		
54231	Dynamic cavernosometry	Y		P3	1.0477	$43.61
54235	Penile injection	Y		P3	0.7553	$31.44
54240	Penis study	Y		P3	0.8368	$34.83
54250	Penis study	Y		P3	0.6941	$28.89
54300	Revision of penis	Y		A2	27.6211	$1,149.73
54304	Revision of penis	Y		A2	27.6211	$1,149.73
54308	Reconstruction of urethra	Y		A2	27.6211	$1,149.73
54312	Reconstruction of urethra	Y		A2	27.6211	$1,149.73
54316	Reconstruction of urethra	Y		A2	27.6211	$1,149.73
54318	Reconstruction of urethra	Y		A2	27.6211	$1,149.73
54322	Reconstruction of urethra	Y		A2	27.6211	$1,149.73
54324	Reconstruction of urethra	Y		A2	27.6211	$1,149.73
54326	Reconstruction of urethra	Y		A2	27.6211	$1,149.73
54328	Revise penis/urethra	Y		A2	27.6211	$1,149.73
54340	Secondary urethral surgery	Y		A2	27.6211	$1,149.73
54344	Secondary urethral surgery	Y		A2	27.6211	$1,149.73
54348	Secondary urethral surgery	Y		A2	27.6211	$1,149.73
54352	Reconstruct urethra/penis	Y		A2	27.6211	$1,149.73
54360	Penis plastic surgery	Y		A2	27.6211	$1,149.73

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54380	Repair penis	Y		A2	27.6211	$1,149.73
54385	Repair penis	Y		A2	27.6211	$1,149.73
54400	Insert semi-rigid prosthesis	N		H8	120.3027	$5,007.60
54401	Insert self-contd prosthesis	N		H8	223.2879	$9,294.36
54405	Insert multi-comp penis pros	N		H8	223.2879	$9,294.36
54406	Remove muti-comp penis pros	Y		A2	27.6211	$1,149.73
54408	Repair multi-comp penis pros	Y		A2	27.6211	$1,149.73
54410	Remove/replace penis prosth	N		H8	223.2879	$9,294.36
54415	Remove self-contd penis pros	Y		A2	27.6211	$1,149.73
54416	Remv/repl penis contain pros	N		H8	223.2879	$9,294.36
54420	Revision of penis	Y		A2	28.3068	$1,178.27
54435	Revision of penis	Y		A2	28.3068	$1,178.27
54440	Repair of penis	Y		A2	28.3068	$1,178.27
54450	Preputial stretching	Y		A2	3.3336	$138.76
54500	Biopsy of testis	Y		A2	12.8036	$532.95
54505	Biopsy of testis	Y		A2	18.559	$772.52
54512	Excise lesion testis	Y		A2	19.2048	$799.40
54520	Removal of testis	Y		A2	19.5705	$814.62
54522	Orchiectomy, partial	Y		A2	19.5705	$814.62
54530	Removal of testis	Y		A2	26.6443	$1,109.07
54550	Exploration for testis	Y		A2	26.6443	$1,109.07
54560	Exploration for testis	Y		G2	22.2081	$924.41
54600	Reduce testis torsion	Y		A2	20.2561	$843.16
54620	Suspension of testis	Y		A2	19.5705	$814.62
54640	Suspension of testis	Y		A2	26.6443	$1,109.07
54660	Revision of testis	Y		A2	19.2048	$799.40
54670	Repair testis injury	Y		A2	19.5705	$814.62
54680	Relocation of testis(es)	Y		A2	19.5705	$814.62
54690	Laparoscopy, orchiectomy	Y		A2	41.3052	$1,719.33
54692	Laparoscopy, orchiopexy	Y		G2	69.1693	$2,879.17
54700	Drainage of scrotum	Y		A2	19.2048	$799.40
54800	Biopsy of epididymis	Y		A2	4.001	$166.54

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54830	Remove epididymis lesion	Y		A2	19.5705	$814.62
54840	Remove epididymis lesion	Y		A2	20.2561	$843.16
54860	Removal of epididymis	Y		A2	19.5705	$814.62
54861	Removal of epididymis	Y		A2	20.2561	$843.16
54865	Explore epididymis	Y		A2	18.559	$772.52
54900	Fusion of spermatic ducts	Y		A2	20.2561	$843.16
54901	Fusion of spermatic ducts	Y		A2	20.2561	$843.16
55000	Drainage of hydrocele	Y		P3	1.0477	$43.61
55040	Removal of hydrocele	Y		A2	25.9587	$1,080.53
55041	Removal of hydroceles	Y		A2	27.1416	$1,129.77
55060	Repair of hydrocele	Y		A2	20.2561	$843.16
55100	Drainage of scrotum abscess	Y		A2	10.7834	$448.86
55110	Explore scrotum	Y		A2	19.2048	$799.40
55120	Removal of scrotum lesion	Y		A2	19.2048	$799.40
55150	Removal of scrotum	Y		A2	18.559	$772.52
55175	Revision of scrotum	Y		A2	18.559	$772.52
55180	Revision of scrotum	Y		A2	19.2048	$799.40
55200	Incision of sperm duct	Y		A2	19.2048	$799.40
55250	Removal of sperm duct(s)	Y		A2	19.2048	$799.40
55300	Prepare, sperm duct x-ray	N		N1		
55400	Repair of sperm duct	Y		A2	18.559	$772.52
55450	Ligation of sperm duct	Y		P3	3.1229	$129.99
55500	Removal of hydrocele	Y		A2	19.5705	$814.62
55520	Removal of sperm cord lesion	Y		A2	20.2561	$843.16
55530	Revise spermatic cord veins	Y		A2	20.2561	$843.16
55535	Revise spermatic cord veins	Y		A2	26.6443	$1,109.07
55540	Revise hernia & sperm veins	Y		A2	27.1416	$1,129.77
55550	Laparo ligate spermatic vein	Y		A2	41.3052	$1,719.33
55600	Incise sperm duct pouch	Y		R2	22.2081	$924.41
55680	Remove sperm pouch lesion	Y		A2	18.559	$772.52
55700	Biopsy of prostate	Y		A2	10.7289	$446.59
55705	Biopsy of prostate	Y		A2	10.7289	$446.59

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55706	Prostate saturation sampling	Y		G2	11.6705	$485.78
55720	Drainage of prostate abscess	Y		A2	20.1475	$838.64
55725	Drainage of prostate abscess	Y		A2	20.7933	$865.52
55860	Surgical exposure, prostate	Y		G2	19.0903	$794.63
55870	Electroejaculation	Y		P3	1.2927	$53.81
55873	Cryoablate prostate	Y		H8	150.5482	$6,266.57
55875	Transperi needle place, pros	Y		A2	33.3898	$1,389.85
55876	Place rt device/marker, pros	N		P3	1.1565	$48.14
55920	Place needles pelvic for rt	Y		G2	23.7919	$990.34
56405	I & d of vulva/perineum	Y		P3	0.8641	$35.97
56420	Drainage of gland abscess	Y	CH	P3	1.0955	$45.60
56440	Surgery for vulva lesion	Y		A2	16.8017	$699.37
56441	Lysis of labial lesion(s)	Y		A2	16.1559	$672.49
56442	Hymenotomy	Y		A2	16.1559	$672.49
56501	Destroy, vulva lesions, sim	Y		P3	1.1431	$47.58
56515	Destroy vulva lesion/s compl	Y		A2	18.2438	$759.40
56605	Biopsy of vulva/perineum	Y		P3	0.6599	$27.47
56606	Biopsy of vulva/perineum	Y		P3	0.2722	$11.33
56620	Partial removal of vulva	Y		A2	18.3503	$763.83
56625	Complete removal of vulva	Y		A2	19.9387	$829.95
56700	Partial removal of hymen	Y		A2	16.1559	$672.49
56740	Remove vagina gland lesion	Y		A2	17.1673	$714.59
56800	Repair of vagina	Y		A2	17.1673	$714.59
56805	Repair clitoris	Y		G2	19.0043	$791.05
56810	Repair of perineum	Y		A2	18.3503	$763.83
56820	Exam of vulva w/scope	Y		P3	0.8709	$36.25
56821	Exam/biopsy of vulva w/scope	Y	CH	P3	1.1226	$46.73
57000	Exploration of vagina	Y		A2	16.1559	$672.49
57010	Drainage of pelvic abscess	Y		A2	16.8017	$699.37
57020	Drainage of pelvic fluid	Y		A2	7.1318	$296.86
57022	I & d vaginal hematoma, pp	Y	CH	R2	11.8407	$492.87
57023	I & d vag hematoma, non-ob	Y		A2	15.9556	$664.15

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57061	Destroy vag lesions, simple	Y		P3	1.041	$43.33
57065	Destroy vag lesions, complex	Y		A2	16.1559	$672.49
57100	Biopsy of vagina	Y		P3	0.6941	$28.89
57105	Biopsy of vagina	Y		A2	16.8017	$699.37
57130	Remove vagina lesion	Y		A2	16.8017	$699.37
57135	Remove vagina lesion	Y		A2	16.8017	$699.37
57150	Treat vagina infection	Y		P3	0.4014	$16.71
57155	Insert uteri tandems/ovoids	Y		A2	7.1318	$296.86
57160	Insert pessary/other device	Y		P3	0.7008	$29.17
57170	Fitting of diaphragm/cap	Y		P2	0.1429	$5.95
57180	Treat vaginal bleeding	Y		A2	2.1026	$87.52
57200	Repair of vagina	Y		A2	16.1559	$672.49
57210	Repair vagina/perineum	Y		A2	16.8017	$699.37
57220	Revision of urethra	Y		A2	34.5634	$1,438.70
57230	Repair of urethral lesion	Y		A2	27.9726	$1,164.36
57240	Repair bladder & vagina	Y		A2	29.1553	$1,213.59
57250	Repair rectum & vagina	Y		A2	29.1553	$1,213.59
57260	Repair of vagina	Y		A2	29.1553	$1,213.59
57265	Extensive repair of vagina	Y		A2	37.3348	$1,554.06
57267	Insert mesh/pelvic flr addon	Y		A2	30.744	$1,279.72
57268	Repair of bowel bulge	Y		A2	27.9726	$1,164.36
57287	Revise/remove sling repair	Y		G2	33.4112	$1,390.74
57288	Repair bladder defect	Y		A2	35.7463	$1,487.94
57289	Repair bladder & vagina	Y		A2	29.1553	$1,213.59
57291	Construction of vagina	Y		A2	29.1553	$1,213.59
57295	Revise vag graft via vagina	Y	CH	G2	19.0043	$791.05
57300	Repair rectum-vagina fistula	Y		A2	27.9726	$1,164.36
57320	Repair bladder-vagina lesion	Y		G2	33.4112	$1,390.74
57400	Dilation of vagina	Y		A2	16.8017	$699.37
57410	Pelvic examination	Y		A2	16.8017	$699.37
57415	Remove vaginal foreign body	Y		A2	16.8017	$699.37
57420	Exam of vagina w/scope	Y		P3	0.905	$37.67

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57421	Exam/biopsy of vag w/scope	Y		P3	1.1769	$48.99
57452	Exam of cervix w/scope	Y		P3	0.8437	$35.12
57454	Bx/curett of cervix w/scope	Y		P3	1.0681	$44.46
57455	Biopsy of cervix w/scope	Y		P3	1.0955	$45.60
57456	Endocerv curettage w/scope	Y		P3	1.0547	$43.90
57460	Bx of cervix w/scope, leep	Y		P3	2.8507	$118.66
57461	Conz of cervix w/scope, leep	Y		P3	3.0753	$128.01
57500	Biopsy of cervix	Y		P3	1.3336	$55.51
57505	Endocervical curettage	Y		P3	0.9117	$37.95
57510	Cauterization of cervix	Y		P3	0.9662	$40.22
57511	Cryocautery of cervix	Y	CH	P3	1.1565	$48.14
57513	Laser surgery of cervix	Y		A2	16.8017	$699.37
57520	Conization of cervix	Y		A2	16.8017	$699.37
57522	Conization of cervix	Y		A2	16.8017	$699.37
57530	Removal of cervix	Y		A2	27.9726	$1,164.36
57550	Removal of residual cervix	Y		A2	27.9726	$1,164.36
57556	Remove cervix, repair bowel	Y		A2	35.7463	$1,487.94
57558	D&c of cervical stump	Y		A2	17.1673	$714.59
57700	Revision of cervix	Y		A2	16.1559	$672.49
57720	Revision of cervix	Y		A2	17.1673	$714.59
57800	Dilation of cervical canal	Y		P3	0.5035	$20.96
58100	Biopsy of uterus lining	Y		P3	0.8368	$34.83
58110	Bx done w/colposcopy add-on	N		N1		
58120	Dilation and curettage	Y		A2	16.8017	$699.37
58145	Myomectomy vag method	Y		A2	29.1553	$1,213.59
58301	Remove intrauterine device	Y		P3	0.7688	$32.00
58321	Artificial insemination	Y		P3	0.7279	$30.30
58322	Artificial insemination	Y		P3	0.7212	$30.02
58323	Sperm washing	Y		P3	0.1088	$4.53
58340	Catheter for hysterography	N		N1		
58345	Reopen fallopian tube	Y		R2	19.0043	$791.05
58346	Insert heyman uteri capsule	Y		A2	16.8017	$699.37

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58350	Reopen fallopian tube	Y		A2	27.9726	$1,164.36
58353	Endometr ablate, thermal	Y		A2	30.744	$1,279.72
58356	Endometrial cryoablation	Y	CH	P3	26.4733	$1,101.95
58545	Laparoscopic myomectomy	Y		A2	34.5011	$1,436.11
58546	Laparo-myomectomy, complex	Y		A2	41.3052	$1,719.33
58550	Laparo-asst vag hysterectomy	Y		A2	59.5282	$2,477.86
58552	Laparo-vag hyst incl t/o	Y		G2	44.872	$1,867.80
58555	Hysteroscopy, dx, sep proc	Y		A2	18.0211	$750.13
58558	Hysteroscopy, biopsy	Y		A2	19.0326	$792.23
58559	Hysteroscopy, lysis	Y		A2	18.6669	$777.01
58560	Hysteroscopy, resect septum	Y		A2	29.3629	$1,222.23
58561	Hysteroscopy, remove myoma	Y		A2	29.3629	$1,222.23
58562	Hysteroscopy, remove fb	Y		A2	19.0326	$792.23
58563	Hysteroscopy, ablation	Y		A2	34.0999	$1,419.41
58565	Hysteroscopy, sterilization	Y		A2	39.3004	$1,635.88
58600	Division of fallopian tube	Y		G2	33.4112	$1,390.74
58615	Occlude fallopian tube(s)	Y		G2	19.0043	$791.05
58660	Laparoscopy, lysis	Y		A2	37.7511	$1,571.39
58661	Laparoscopy, remove adnexa	Y		A2	37.7511	$1,571.39
58662	Laparoscopy, excise lesions	Y		A2	37.7511	$1,571.39
58670	Laparoscopy, tubal cautery	Y		A2	36.5682	$1,522.15
58671	Laparoscopy, tubal block	Y		A2	36.5682	$1,522.15
58672	Laparoscopy, fimbrioplasty	Y		A2	37.7511	$1,571.39
58673	Laparoscopy, salpingostomy	Y		A2	37.7511	$1,571.39
58800	Drainage of ovarian cyst(s)	Y		A2	17.1673	$714.59
58805	Drainage of ovarian cyst(s)	Y		G2	33.4112	$1,390.74
58820	Drain ovary abscess, open	Y		A2	27.9726	$1,164.36
58900	Biopsy of ovary(s)	Y		A2	17.1673	$714.59
58970	Retrieval of oocyte	Y		A2	3.8931	$162.05
58974	Transfer of embryo	Y		A2	3.8931	$162.05
58976	Transfer of embryo	Y		A2	3.8931	$162.05
59000	Amniocentesis, diagnostic	Y		P3	1.1702	$48.71

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59001	Amniocentesis, therapeutic	Y		R2	6.3905	$266.00
59012	Fetal cord puncture,prenatal	Y		G2	3.3172	$138.08
59015	Chorion biopsy	Y		P3	1.0614	$44.18
59020	Fetal contract stress test	Y		P3	0.7075	$29.45
59025	Fetal non-stress test	Y		P3	0.4286	$17.84
59070	Transabdom amnioinfus w/us	Y		G2	1.447	$60.23
59072	Umbilical cord occlud w/us	Y		G2	3.3172	$138.08
59076	Fetal shunt placement, w/us	Y		G2	3.3172	$138.08
59100	Remove uterus lesion	Y		R2	33.4112	$1,390.74
59150	Treat ectopic pregnancy	Y		G2	44.872	$1,867.80
59151	Treat ectopic pregnancy	Y		G2	44.872	$1,867.80
59160	D & c after delivery	Y		A2	17.1673	$714.59
59200	Insert cervical dilator	Y		P3	0.6395	$26.62
59300	Episiotomy or vaginal repair	Y		P3	1.5241	$63.44
59320	Revision of cervix	Y		A2	16.1559	$672.49
59412	Antepartum manipulation	Y		G2	19.0043	$791.05
59414	Deliver placenta	Y		G2	19.0043	$791.05
59812	Treatment of miscarriage	Y		A2	18.3503	$763.83
59820	Care of miscarriage	Y		A2	18.3503	$763.83
59821	Treatment of miscarriage	Y		A2	18.3503	$763.83
59840	Abortion	Y		A2	18.3503	$763.83
59841	Abortion	Y		A2	18.3503	$763.83
59866	Abortion (mpr)	Y		G2	3.3172	$138.08
59870	Evacuate mole of uterus	Y		A2	18.3503	$763.83
59871	Remove cerclage suture	Y		A2	18.3503	$763.83
60000	Drain thyroid/tongue cyst	Y		A2	7.2786	$302.97
60100	Biopsy of thyroid	Y		P3	0.8505	$35.40
60200	Remove thyroid lesion	Y		A2	37.2512	$1,550.58
60210	Partial thyroid excision	Y	CH	G2	46.2705	$1,926.01
60212	Partial thyroid excision	Y	CH	G2	46.2705	$1,926.01
60220	Partial removal of thyroid	Y	CH	G2	46.2705	$1,926.01
60225	Partial removal of thyroid	Y	CH	G2	46.2705	$1,926.01

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60280	Remove thyroid duct lesion	Y		A2	38.3027	$1,594.35
60281	Remove thyroid duct lesion	Y		A2	38.3027	$1,594.35
60300	Aspir/inj thyroid cyst	Y		P3	1.2519	$52.11
61000	Remove cranial cavity fluid	Y		R2	7.0445	$293.23
61001	Remove cranial cavity fluid	Y		R2	7.0445	$293.23
61020	Remove brain cavity fluid	Y		A2	6.3337	$263.64
61026	Injection into brain canal	Y		A2	6.3337	$263.64
61050	Remove brain canal fluid	Y		A2	6.3337	$263.64
61055	Injection into brain canal	Y		A2	6.3337	$263.64
61070	Brain canal shunt procedure	Y		A2	5.5748	$232.05
61215	Insert brain-fluid device	Y		A2	31.9664	$1,330.60
61330	Decompress eye socket	Y		G2	40.8046	$1,698.49
61334	Explore orbit/remove object	Y		G2	40.8046	$1,698.49
61770	Incise skull for treatment	Y	CH	G2	35.2572	$1,467.58
61790	Treat trigeminal nerve	Y		A2	16.2965	$678.34
61791	Treat trigeminal tract	Y		A2	13.1904	$549.05
61795	Brain surgery using computer	N		N1		
61880	Revise/remove neuroelectrode	Y		G2	18.1585	$755.85
61885	Insrt/redo neurostim 1 array	N		H8	307.8623	$12,814.77
61886	Implant neurostim arrays	N		H8	416.6914	$17,344.78
61888	Revise/remove neuroreceiver	Y		A2	22.4358	$933.89
62160	Neuroendoscopy add-on	N	CH	N1		
62194	Replace/irrigate catheter	Y		A2	7.1861	$299.12
62225	Replace/irrigate catheter	Y		A2	13.3422	$555.37
62230	Replace/revise brain shunt	Y		A2	31.6005	$1,315.37
62252	Csf shunt reprogram	N		P3	1.2382	$51.54
62263	Epidural lysis mult sessions	Y		A2	7.1861	$299.12
62264	Epidural lysis on single day	Y		A2	13.0823	$544.55
62267	Interdiscal perq aspir, dx	Y		G2	4.3656	$181.72
62268	Drain spinal cord cyst	Y		A2	6.3337	$263.64
62269	Needle biopsy, spinal cord	Y		A2	8.799	$366.26
62270	Spinal fluid tap, diagnostic	Y		A2	3.4539	$143.77

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62272	Drain cerebro spinal fluid	Y		A2	3.4539	$143.77
62273	Inject epidural patch	Y		A2	4.5624	$189.91
62280	Treat spinal cord lesion	Y		A2	7.1861	$299.12
62281	Treat spinal cord lesion	Y		A2	7.1861	$299.12
62282	Treat spinal canal lesion	Y		A2	7.1861	$299.12
62284	Injection for myelogram	N		N1		
62287	Percutaneous diskectomy	Y		A2	34.0942	$1,419.17
62290	Inject for spine disk x-ray	N		N1		
62291	Inject for spine disk x-ray	N		N1		
62292	Injection into disk lesion	Y		R2	7.0445	$293.23
62294	Injection into spinal artery	Y		A2	6.3337	$263.64
62310	Inject spine c/t	Y		A2	7.1861	$299.12
62311	Inject spine l/s (cd)	Y		A2	7.1861	$299.12
62318	Inject spine w/cath, c/t	Y		A2	7.1861	$299.12
62319	Inject spine w/cath l/s (cd)	Y		A2	7.1861	$299.12
62350	Implant spinal canal cath	Y		A2	31.6005	$1,315.37
62355	Remove spinal canal catheter	Y		A2	13.728	$571.43
62360	Insert spine infusion device	Y		A2	31.6005	$1,315.37
62361	Implant spine infusion pump	Y		H8	284.6686	$11,849.33
62362	Implant spine infusion pump	Y		H8	284.6686	$11,849.33
62365	Remove spine infusion device	Y		A2	28.9915	$1,206.77
62367	Analyze spine infusion pump	N		P3	0.4219	$17.56
62368	Analyze spine infusion pump	N		P3	0.5852	$24.36
63600	Remove spinal cord lesion	Y		A2	15.9308	$663.12
63610	Stimulation of spinal cord	Y		A2	15.285	$636.24
63615	Remove lesion of spinal cord	Y		R2	17.843	$742.71
63650	Implant neuroelectrodes	N		H8	83.1378	$3,460.61
63655	Implant neuroelectrodes	N		J8	118.6297	$4,937.96
63660	Revise/remove neuroelectrode	Y		A2	15.5217	$646.09
63685	Insrt/redo spine n generator	N		H8	307.8623	$12,814.77
63688	Revise/remove neuroreceiver	Y		A2	22.4358	$933.89
63744	Revision of spinal shunt	Y		A2	31.9664	$1,330.60

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63746	Removal of spinal shunt	Y		A2	13.728	$571.43
64400	N block inj, trigeminal	Y		P3	1.2586	$52.39
64402	N block inj, facial	Y		P3	1.2111	$50.41
64405	N block inj, occipital	Y		P3	1.1159	$46.45
64408	N block inj, vagus	Y		P3	1.2043	$50.13
64410	N block inj, phrenic	Y		A2	7.1861	$299.12
64412	N block inj, spinal accessor	Y		P3	1.9731	$82.13
64413	N block inj, cervical plexus	Y		P3	1.1159	$46.45
64415	N block inj, brachial plexus	Y		A2	3.4539	$143.77
64416	N block cont infuse, b plex	Y		G2	7.0445	$293.23
64417	N block inj, axillary	Y		A2	3.4539	$143.77
64418	N block inj, suprascapular	Y		P3	1.5512	$64.57
64420	N block inj, intercost, sng	Y		A2	3.4539	$143.77
64421	N block inj, intercost, mlt	Y		A2	7.1861	$299.12
64425	N block inj, ilio-ing/hypogi	Y		P3	1.1839	$49.28
64430	N block inj, pudendal	Y		A2	6.0776	$252.98
64435	N block inj, paracervical	Y		P3	1.3132	$54.66
64445	N block inj, sciatic, sng	Y		P3	1.3266	$55.22
64446	N blk inj, sciatic, cont inf	Y		G2	7.0445	$293.23
64447	N block inj fem, single	Y		R2	3.5462	$147.61
64448	N block inj fem, cont inf	Y		G2	7.0445	$293.23
64449	N block inj, lumbar plexus	Y		G2	7.0445	$293.23
64450	N block, other peripheral	Y		P3	0.9797	$40.78
64455*	N block inj, plantar digit	Y		P3	0.4082	$16.99
64470	Inj paravertebral c/t	Y		A2	7.1861	$299.12
64472	Inj paravertebral c/t add-on	Y		A2	4.5624	$189.91
64475	Inj paravertebral l/s	Y		A2	7.1861	$299.12
64476	Inj paravertebral l/s add-on	Y		A2	3.7989	$158.13
64479	Inj foramen epidural c/t	Y		A2	7.1861	$299.12
64480	Inj foramen epidural add-on	Y		A2	4.5624	$189.91
64483	Inj foramen epidural l/s	Y		A2	7.1861	$299.12
64484	Inj foramen epidural add-on	Y		A2	4.5624	$189.91

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64505	N block, spenopalatine gangl	Y		P3	0.7892	$32.85
64508	N block, carotid sinus s/p	Y		P3	2.1499	$89.49
64510	N block, stellate ganglion	Y		A2	7.1861	$299.12
64517	N block inj, hypogas plxs	Y		A2	6.0776	$252.98
64520	N block, lumbar/thoracic	Y		A2	7.1861	$299.12
64530	N block inj, celiac pelus	Y		A2	7.1861	$299.12
64553	Implant neuroelectrodes	N		H8	82.4923	$3,433.74
64555	Implant neuroelectrodes	N		J8	87.152	$3,627.70
64560	Implant neuroelectrodes	N		J8	87.152	$3,627.70
64561	Implant neuroelectrodes	N		H8	83.5037	$3,475.84
64565	Implant neuroelectrodes	N		J8	87.152	$3,627.70
64573	Implant neuroelectrodes	N		H8	215.7453	$8,980.40
64575	Implant neuroelectrodes	N		H8	112.898	$4,699.38
64577	Implant neuroelectrodes	N		H8	112.898	$4,699.38
64580	Implant neuroelectrodes	N		H8	112.898	$4,699.38
64581	Implant neuroelectrodes	N		H8	113.9094	$4,741.48
64585	Revise/remove neuroelectrode	Y		A2	15.5217	$646.09
64590	Insrt/redo pn/gastr stimul	N		H8	307.8623	$12,814.77
64595	Revise/rmv pn/gastr stimul	Y		A2	22.4358	$933.89
64600	Injection treatment of nerve	Y		A2	13.0823	$544.55
64605	Injection treatment of nerve	Y		A2	13.0823	$544.55
64610	Injection treatment of nerve	Y		A2	13.0823	$544.55
64612	Destroy nerve, face muscle	Y		P3	1.4561	$60.61
64613	Destroy nerve, neck muscle	Y		P3	1.3064	$54.38
64614	Destroy nerve, extrem musc	Y		P3	1.4832	$61.74
64620	Injection treatment of nerve	Y		A2	7.1861	$299.12
64622	Destr paravertebrl nerve l/s	Y		A2	13.0823	$544.55
64623	Destr paravertebral n add-on	Y		A2	7.1861	$299.12
64626	Destr paravertebrl nerve c/t	Y		A2	7.1861	$299.12
64627	Destr paravertebral n add-on	Y		A2	3.7989	$158.13
64630	Injection treatment of nerve	Y		A2	7.2942	$303.62
64632*	N block inj, common digit	Y		P3	0.7416	$30.87

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64640	Injection treatment of nerve	Y		P3	1.8506	$77.03
64650	Chemodenerv eccrine glands	Y		P3	0.7757	$32.29
64653	Chemodenerv eccrine glands	Y		P3	0.898	$37.38
64680	Injection treatment of nerve	Y		A2	7.5171	$312.90
64681	Injection treatment of nerve	Y		A2	13.728	$571.43
64702	Revise finger/toe nerve	Y		A2	15.285	$636.24
64704	Revise hand/foot nerve	Y		A2	15.285	$636.24
64708	Revise arm/leg nerve	Y		A2	15.9308	$663.12
64712	Revision of sciatic nerve	Y		A2	15.9308	$663.12
64713	Revision of arm nerve(s)	Y		A2	15.9308	$663.12
64714	Revise low back nerve(s)	Y		A2	15.9308	$663.12
64716	Revision of cranial nerve	Y		A2	16.2965	$678.34
64718	Revise ulnar nerve at elbow	Y		A2	15.9308	$663.12
64719	Revise ulnar nerve at wrist	Y		A2	15.9308	$663.12
64721	Carpal tunnel surgery	Y		A2	15.9308	$663.12
64722	Relieve pressure on nerve(s)	Y		A2	15.285	$636.24
64726	Release foot/toe nerve	Y		A2	15.285	$636.24
64727	Internal nerve revision	Y		A2	15.285	$636.24
64732	Incision of brow nerve	Y		A2	15.9308	$663.12
64734	Incision of cheek nerve	Y		A2	15.9308	$663.12
64736	Incision of chin nerve	Y		A2	15.9308	$663.12
64738	Incision of jaw nerve	Y		A2	15.9308	$663.12
64740	Incision of tongue nerve	Y		A2	15.9308	$663.12
64742	Incision of facial nerve	Y		A2	15.9308	$663.12
64744	Incise nerve, back of head	Y		A2	15.9308	$663.12
64746	Incise diaphragm nerve	Y		A2	15.9308	$663.12
64761	Incision of pelvis nerve	Y		G2	17.843	$742.71
64763	Incise hip/thigh nerve	Y		G2	17.843	$742.71
64766	Incise hip/thigh nerve	Y		G2	35.2572	$1,467.58
64771	Sever cranial nerve	Y		A2	15.9308	$663.12
64772	Incision of spinal nerve	Y		A2	15.9308	$663.12
64774	Remove skin nerve lesion	Y		A2	15.9308	$663.12

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64776	Remove digit nerve lesion	Y		A2	16.2965	$678.34
64778	Digit nerve surgery add-on	Y		A2	15.9308	$663.12
64782	Remove limb nerve lesion	Y		A2	16.2965	$678.34
64783	Limb nerve surgery add-on	Y		A2	15.9308	$663.12
64784	Remove nerve lesion	Y		A2	16.2965	$678.34
64786	Remove sciatic nerve lesion	Y		A2	29.3571	$1,221.99
64787	Implant nerve end	Y		A2	15.9308	$663.12
64788	Remove skin nerve lesion	Y		A2	16.2965	$678.34
64790	Removal of nerve lesion	Y		A2	16.2965	$678.34
64792	Removal of nerve lesion	Y		A2	29.3571	$1,221.99
64795	Biopsy of nerve	Y		A2	15.9308	$663.12
64802	Remove sympathetic nerves	Y		A2	15.9308	$663.12
64820	Remove sympathetic nerves	Y		G2	17.843	$742.71
64821	Remove sympathetic nerves	Y		A2	23.7552	$988.81
64822	Remove sympathetic nerves	Y		G2	26.8737	$1,118.62
64823	Remove sympathetic nerves	Y		G2	26.8737	$1,118.62
64831	Repair of digit nerve	Y		A2	30.0428	$1,250.53
64832	Repair nerve add-on	Y		A2	28.3457	$1,179.89
64834	Repair of hand or foot nerve	Y		A2	28.9915	$1,206.77
64835	Repair of hand or foot nerve	Y		A2	29.3571	$1,221.99
64836	Repair of hand or foot nerve	Y		A2	29.3571	$1,221.99
64837	Repair nerve add-on	Y		A2	28.3457	$1,179.89
64840	Repair of leg nerve	Y		A2	28.9915	$1,206.77
64856	Repair/transpose nerve	Y		A2	28.9915	$1,206.77
64857	Repair arm/leg nerve	Y		A2	28.9915	$1,206.77
64858	Repair sciatic nerve	Y		A2	28.9915	$1,206.77
64859	Nerve surgery	Y		A2	28.3457	$1,179.89
64861	Repair of arm nerves	Y		A2	29.3571	$1,221.99
64862	Repair of low back nerves	Y		A2	29.3571	$1,221.99
64864	Repair of facial nerve	Y		A2	29.3571	$1,221.99
64865	Repair of facial nerve	Y		A2	30.0428	$1,250.53
64870	Fusion of facial/other nerve	Y		A2	30.0428	$1,250.53

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64872	Subsequent repair of nerve	Y		A2	28.9915	$1,206.77
64874	Repair & revise nerve add-on	Y		A2	29.3571	$1,221.99
64876	Repair nerve/shorten bone	Y		A2	29.3571	$1,221.99
64885	Nerve graft, head or neck	Y		A2	28.9915	$1,206.77
64886	Nerve graft, head or neck	Y		A2	28.9915	$1,206.77
64890	Nerve graft, hand or foot	Y		A2	28.9915	$1,206.77
64891	Nerve graft, hand or foot	Y		A2	28.9915	$1,206.77
64892	Nerve graft, arm or leg	Y		A2	28.9915	$1,206.77
64893	Nerve graft, arm or leg	Y		A2	28.9915	$1,206.77
64895	Nerve graft, hand or foot	Y		A2	29.3571	$1,221.99
64896	Nerve graft, hand or foot	Y		A2	29.3571	$1,221.99
64897	Nerve graft, arm or leg	Y		A2	29.3571	$1,221.99
64898	Nerve graft, arm or leg	Y		A2	29.3571	$1,221.99
64901	Nerve graft add-on	Y		A2	28.9915	$1,206.77
64902	Nerve graft add-on	Y		A2	28.9915	$1,206.77
64905	Nerve pedicle transfer	Y		A2	28.9915	$1,206.77
64907	Nerve pedicle transfer	Y		A2	28.3457	$1,179.89
64910	Nerve repair w/allograft	Y		G2	35.2572	$1,467.58
65091	Revise eye	Y		A2	30.622	$1,274.64
65093	Revise eye with implant	Y		A2	30.622	$1,274.64
65101	Removal of eye	Y		A2	30.622	$1,274.64
65103	Remove eye/insert implant	Y		A2	30.622	$1,274.64
65105	Remove eye/attach implant	Y		A2	31.3076	$1,303.18
65110	Removal of eye	Y		A2	31.8047	$1,323.87
65112	Remove eye/revise socket	Y		A2	33.3934	$1,390.00
65114	Remove eye/revise socket	Y		A2	33.3934	$1,390.00
65125	Revise ocular implant	Y		G2	25.1986	$1,048.89
65130	Insert ocular implant	Y		A2	21.8131	$907.97
65135	Insert ocular implant	Y		A2	21.4474	$892.75
65140	Attach ocular implant	Y		A2	30.622	$1,274.64
65150	Revise ocular implant	Y		A2	21.4474	$892.75
65155	Reinsert ocular implant	Y		A2	30.622	$1,274.64

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65175	Removal of ocular implant	Y		A2	15.6519	$651.51
65205	Remove foreign body from eye	N		P3	0.4898	$20.39
65210	Remove foreign body from eye	N		P3	0.6328	$26.34
65220	Remove foreign body from eye	N		G2	0.9363	$38.97
65222	Remove foreign body from eye	N		P3	0.6941	$28.89
65235	Remove foreign body from eye	Y		A2	14.2554	$593.38
65260	Remove foreign body from eye	Y		A2	7.231	$300.99
65265	Remove foreign body from eye	Y		A2	19.2778	$802.44
65270	Repair of eye wound	Y		A2	16.2977	$678.39
65272	Repair of eye wound	Y		A2	19.8895	$827.90
65275	Repair of eye wound	Y		A2	20.9408	$871.66
65280	Repair of eye wound	Y		A2	19.2778	$802.44
65285	Repair of eye wound	Y		A2	32.0029	$1,332.12
65286	Repair of eye wound	Y		P2	4.1936	$174.56
65290	Repair of eye socket wound	Y		A2	20.5667	$856.09
65400	Removal of eye lesion	Y		A2	13.6096	$566.50
65410	Biopsy of cornea	Y		A2	14.2554	$593.38
65420	Removal of eye lesion	Y		A2	14.2554	$593.38
65426	Removal of eye lesion	Y		A2	21.4378	$892.35
65430	Corneal smear	N		P2	0.9363	$38.97
65435	Curette/treat cornea	Y		P3	0.762	$31.72
65436	Curette/treat cornea	Y		P3	3.4768	$144.72
65450	Treatment of corneal lesion	N		G2	2.0278	$84.41
65600	Revision of cornea	Y		P3	3.9053	$162.56
65710	Corneal transplant	Y		A2	32.4442	$1,350.49
65730	Corneal transplant	Y		A2	32.4442	$1,350.49
65750	Corneal transplant	Y		A2	32.4442	$1,350.49
65755	Corneal transplant	Y		A2	32.4442	$1,350.49
65756	Corneal trnspl, endothelial	Y		G2	35.6784	$1,485.11
65757	Prep corneal endo allograft	N		N1		
65770	Revise cornea with implant	Y		H8	126.6979	$5,273.80
65772	Correction of astigmatism	Y		A2	15.3067	$637.14

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65775	Correction of astigmatism	Y		A2	15.3067	$637.14
65780	Ocular reconst, transplant	Y		A2	30.8557	$1,284.37
65781	Ocular reconst, transplant	Y		A2	30.8557	$1,284.37
65782	Ocular reconst, transplant	Y		A2	30.8557	$1,284.37
65800	Drainage of eye	Y		A2	13.6096	$566.50
65805	Drainage of eye	Y		A2	13.6096	$566.50
65810	Drainage of eye	Y		A2	20.2551	$843.12
65815	Drainage of eye	Y		A2	19.8895	$827.90
65820	Relieve inner eye pressure	Y		A2	5.0479	$210.12
65850	Incision of eye	Y		A2	20.9408	$871.66
65855	Laser surgery of eye	Y		P3	3.1637	$131.69
65860	Incise inner eye adhesions	Y		P3	2.9391	$122.34
65865	Incise inner eye adhesions	Y		A2	13.6096	$566.50
65870	Incise inner eye adhesions	Y		A2	20.9408	$871.66
65875	Incise inner eye adhesions	Y		A2	20.9408	$871.66
65880	Incise inner eye adhesions	Y		A2	15.3067	$637.14
65900	Remove eye lesion	Y		A2	15.804	$657.84
65920	Remove implant of eye	Y		A2	23.0265	$958.48
65930	Remove blood clot from eye	Y		A2	21.4378	$892.35
66020	Injection treatment of eye	Y		A2	13.6096	$566.50
66030	Injection treatment of eye	Y		A2	5.0479	$210.12
66130	Remove eye lesion	Y		A2	23.0265	$958.48
66150	Glaucoma surgery	Y		A2	20.9408	$871.66
66155	Glaucoma surgery	Y		A2	20.9408	$871.66
66160	Glaucoma surgery	Y		A2	19.8895	$827.90
66165	Glaucoma surgery	Y		A2	20.9408	$871.66
66170	Glaucoma surgery	Y		A2	20.9408	$871.66
66172	Incision of eye	Y		A2	20.9408	$871.66
66180	Implant eye shunt	Y		A2	33.5863	$1,398.03
66185	Revise eye shunt	Y		A2	19.8895	$827.90
66220	Repair eye lesion	Y		A2	31.3172	$1,303.58
66225	Repair/graft eye lesion	Y		A2	33.0892	$1,377.34

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66250	Follow-up surgery of eye	Y		A2	14.2554	$593.38
66500	Incision of iris	Y		A2	5.0479	$210.12
66505	Incision of iris	Y		A2	5.0479	$210.12
66600	Remove iris and lesion	Y		A2	20.2551	$843.12
66605	Removal of iris	Y		A2	20.2551	$843.12
66625	Removal of iris	Y		A2	13.8378	$576.00
66630	Removal of iris	Y		A2	20.2551	$843.12
66635	Removal of iris	Y		A2	20.2551	$843.12
66680	Repair iris & ciliary body	Y		A2	20.2551	$843.12
66682	Repair iris & ciliary body	Y		A2	19.8895	$827.90
66700	Destruction, ciliary body	Y		A2	14.2554	$593.38
66710	Ciliary transsleral therapy	Y		A2	14.2554	$593.38
66711	Ciliary endoscopic ablation	Y		A2	14.2554	$593.38
66720	Destruction, ciliary body	Y		A2	14.2554	$593.38
66740	Destruction, ciliary body	Y		A2	19.8895	$827.90
66761	Revision of iris	Y		P3	4.4497	$185.22
66762	Revision of iris	Y		P3	4.5653	$190.03
66770	Removal of inner eye lesion	Y	CH	P3	4.9939	$207.87
66820	Incision, secondary cataract	Y		G2	4.1936	$174.56
66821	After cataract laser surgery	Y		A2	5.6759	$236.26
66825	Reposition intraocular lens	Y		A2	20.9408	$871.66
66830	Removal of lens lesion	Y		A2	5.2762	$219.62
66840	Removal of lens material	Y		A2	14.8293	$617.27
66850	Removal of lens material	Y		A2	27.2067	$1,132.48
66852	Removal of lens material	Y		A2	25.121	$1,045.66
66920	Extraction of lens	Y		A2	25.121	$1,045.66
66930	Extraction of lens	Y		A2	25.618	$1,066.35
66940	Extraction of lens	Y		A2	15.3264	$637.96
66982	Cataract surgery, complex	Y		A2	22.8279	$950.21
66983	Cataract surg w/iol, 1 stage	Y		A2	22.8279	$950.21
66984	Cataract surg w/iol, 1 stage	Y		A2	22.8279	$950.21
66985	Insert lens prosthesis	Y		A2	21.9877	$915.24

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66986	Exchange lens prosthesis	Y		A2	21.9877	$915.24
66990	Ophthalmic endoscope add-on	N		N1		
67005	Partial removal of eye fluid	Y		A2	19.2778	$802.44
67010	Partial removal of eye fluid	Y		A2	19.2778	$802.44
67015	Release of eye fluid	Y		A2	30.3058	$1,261.48
67025	Replace eye fluid	Y		A2	17.5808	$731.80
67027	Implant eye drug system	Y		A2	32.0029	$1,332.12
67028	Injection eye drug	Y		P3	1.9664	$81.85
67030	Incise inner eye strands	Y		A2	17.5808	$731.80
67031	Laser surgery, eye strands	Y		A2	5.6759	$236.26
67036	Removal of inner eye fluid	Y		A2	32.0029	$1,332.12
67039	Laser treatment of retina	Y		A2	34.0886	$1,418.94
67040	Laser treatment of retina	Y		A2	34.0886	$1,418.94
67041	Vit for macular pucker	Y		G2	37.8706	$1,576.36
67042	Vit for macular hole	Y		G2	37.8706	$1,576.36
67043	Vit for membrane dissect	Y		G2	37.8706	$1,576.36
67101	Repair detached retina	Y	CH	P3	7.5726	$315.21
67105	Repair detached retina	Y		P2	5.1869	$215.90
67107	Repair detached retina	Y		A2	32.5002	$1,352.82
67108	Repair detached retina	Y		A2	34.0886	$1,418.94
67110	Repair detached retina	Y		P3	8.0963	$337.01
67112	Rerepair detached retina	Y		A2	34.0886	$1,418.94
67113	Repair retinal detach, cplx	Y		G2	37.8706	$1,576.36
67115	Release encircling material	Y		A2	18.2265	$758.68
67120	Remove eye implant material	Y		A2	18.2265	$758.68
67121	Remove eye implant material	Y		A2	18.2265	$758.68
67141	Treatment of retina	Y		A2	5.6983	$237.19
67145	Treatment of retina	Y		P3	4.8714	$202.77
67208	Treatment of retinal lesion	Y		P3	5.2798	$219.77
67210	Treatment of retinal lesion	Y		P2	5.1869	$215.90
67218	Treatment of retinal lesion	Y		A2	19.7751	$823.14
67220	Treatment of choroid lesion	Y		P2	5.7557	$239.58

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ADDENDUM AA.--PROPOSED ASC COVERED SURGICAL PROCEDURES FOR CY 2010 (INCLUDING SURGICAL PROCEDURES FOR WHICH PAYMENT IS PACKAGED)

HCPCS Code	Short Descriptor	Subject To Multiple Procedure Discounting	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
67221	Ocular photodynamic ther	Y		P3	2.6671	$111.02
67225	Eye photodynamic ther add-on	Y		P3	0.2177	$9.06
67227	Treatment of retinal lesion	Y		A2	17.5808	$731.80
67228	Treatment of retinal lesion	Y		P2	5.1869	$215.90
67229*	Tr retinal les preterm inf	Y		R2	5.1869	$215.90
67250	Reinforce eye wall	Y		A2	16.6633	$693.61
67255	Reinforce/graft eye wall	Y		A2	18.5922	$773.90
67311	Revise eye muscle	Y		A2	20.5667	$856.09
67312	Revise two eye muscles	Y		A2	21.2524	$884.63
67314	Revise eye muscle	Y		A2	21.2524	$884.63
67316	Revise two eye muscles	Y		A2	21.2524	$884.63
67318	Revise eye muscle(s)	Y		A2	21.2524	$884.63
67320	Revise eye muscle(s) add-on	Y		A2	21.2524	$884.63
67331	Eye surgery follow-up add-on	Y		A2	21.2524	$884.63
67332	Rerevise eye muscles add-on	Y		A2	21.2524	$884.63
67334	Revise eye muscle w/suture	Y		A2	21.2524	$884.63
67335	Eye suture during surgery	Y		A2	21.2524	$884.63
67340	Revise eye muscle add-on	Y		A2	21.2524	$884.63
67343	Release eye tissue	Y		A2	23.3379	$971.44
67345	Destroy nerve of eye muscle	Y		P3	2.0072	$83.55
67346	Biopsy, eye muscle	Y		A2	12.9509	$539.08
67400	Explore/biopsy eye socket	Y		A2	16.6633	$693.61
67405	Explore/drain eye socket	Y		A2	22.4987	$936.51
67412	Explore/treat eye socket	Y		A2	17.8462	$742.85
67413	Explore/treat eye socket	Y		A2	22.996	$957.21
67414	Explr/decompress eye socket	Y		G2	36.9436	$1,537.78
67415	Aspiration, orbital contents	Y		A2	15.6519	$651.51
67420	Explore/treat eye socket	Y		A2	31.8047	$1,323.87
67430	Explore/treat eye socket	Y		A2	31.8047	$1,323.87
67440	Explore/drain eye socket	Y		A2	31.8047	$1,323.87
67445	Explr/decompress eye socket	Y		A2	31.8047	$1,323.87
67450	Explore/biopsy eye socket	Y		A2	31.8047	$1,323.87

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67500	Inject/treat eye socket	N		G2	2.0278	$84.41
67505	Inject/treat eye socket	Y		P3	0.7212	$30.02
67515	Inject/treat eye socket	Y		P3	0.7757	$32.29
67550	Insert eye socket implant	Y		A2	31.3076	$1,303.18
67560	Revise eye socket implant	Y		A2	21.4474	$892.75
67570	Decompress optic nerve	Y		A2	31.3076	$1,303.18
67700	Drainage of eyelid abscess	Y		P2	3.1097	$129.44
67710	Incision of eyelid	Y		P3	2.9391	$122.34
67715	Incision of eyelid fold	Y		A2	15.6519	$651.51
67800	Remove eyelid lesion	Y		P3	1.2382	$51.54
67801	Remove eyelid lesions	Y		P3	1.5241	$63.44
67805	Remove eyelid lesions	Y		P3	1.9527	$81.28
67808	Remove eyelid lesion(s)	Y		A2	16.2977	$678.39
67810	Biopsy of eyelid	Y	CH	P3	2.6126	$108.75
67820	Revise eyelashes	N		P3	0.4082	$16.99
67825	Revise eyelashes	Y		P3	1.2382	$51.54
67830	Revise eyelashes	Y		A2	8.2071	$341.62
67835	Revise eyelashes	Y		A2	16.2977	$678.39
67840	Remove eyelid lesion	Y		P3	3.1978	$133.11
67850	Treat eyelid lesion	Y		P3	2.4492	$101.95
67875	Closure of eyelid by suture	Y		G2	7.5446	$314.04
67880	Revision of eyelid	Y		A2	14.621	$608.60
67882	Revision of eyelid	Y		A2	16.6633	$693.61
67900	Repair brow defect	Y		A2	22.4987	$936.51
67901	Repair eyelid defect	Y		A2	17.8462	$742.85
67902	Repair eyelid defect	Y		A2	22.996	$957.21
67903	Repair eyelid defect	Y		A2	17.3492	$722.16
67904	Repair eyelid defect	Y		A2	17.3492	$722.16
67906	Repair eyelid defect	Y		A2	17.8462	$742.85
67908	Repair eyelid defect	Y		A2	17.3492	$722.16
67909	Revise eyelid defect	Y		A2	17.3492	$722.16
67911	Revise eyelid defect	Y		A2	16.6633	$693.61

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67912	Correction eyelid w/implant	Y		A2	16.6633	$693.61
67914	Repair eyelid defect	Y		A2	16.6633	$693.61
67915	Repair eyelid defect	Y		P3	3.6603	$152.36
67916	Repair eyelid defect	Y		A2	17.3492	$722.16
67917	Repair eyelid defect	Y		A2	17.3492	$722.16
67921	Repair eyelid defect	Y		A2	16.6633	$693.61
67922	Repair eyelid defect	Y		P3	3.5515	$147.83
67923	Repair eyelid defect	Y		A2	17.3492	$722.16
67924	Repair eyelid defect	Y		A2	17.3492	$722.16
67930	Repair eyelid wound	Y		P3	3.7761	$157.18
67935	Repair eyelid wound	Y		A2	16.2977	$678.39
67938	Remove eyelid foreign body	N		P2	2.0278	$84.41
67950	Revision of eyelid	Y		A2	16.2977	$678.39
67961	Revision of eyelid	Y		A2	16.6633	$693.61
67966	Revision of eyelid	Y		A2	16.6633	$693.61
67971	Reconstruction of eyelid	Y		A2	16.6633	$693.61
67973	Reconstruction of eyelid	Y		A2	21.8131	$907.97
67974	Reconstruction of eyelid	Y		A2	16.6633	$693.61
67975	Reconstruction of eyelid	Y		A2	16.6633	$693.61
68020	Incise/drain eyelid lining	Y		P3	1.1022	$45.88
68040	Treatment of eyelid lesions	N		P3	0.5578	$23.22
68100	Biopsy of eyelid lining	Y		P3	1.939	$80.71
68110	Remove eyelid lining lesion	Y		P3	2.5583	$106.49
68115	Remove eyelid lining lesion	Y		A2	16.2977	$678.39
68130	Remove eyelid lining lesion	Y		A2	14.2554	$593.38
68135	Remove eyelid lining lesion	Y		P3	1.4424	$60.04
68200	Treat eyelid by injection	N		P3	0.4014	$16.71
68320	Revise/graft eyelid lining	Y		A2	22.4987	$936.51
68325	Revise/graft eyelid lining	Y		A2	22.4987	$936.51
68326	Revise/graft eyelid lining	Y		A2	17.3492	$722.16
68328	Revise/graft eyelid lining	Y		A2	22.4987	$936.51
68330	Revise eyelid lining	Y		A2	20.9408	$871.66

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68335	Revise/graft eyelid lining	Y		A2	22.4987	$936.51
68340	Separate eyelid adhesions	Y		A2	17.3492	$722.16
68360	Revise eyelid lining	Y		A2	19.8895	$827.90
68362	Revise eyelid lining	Y		A2	19.8895	$827.90
68371	Harvest eye tissue, alograft	Y		A2	14.2554	$593.38
68400	Incise/drain tear gland	Y		P2	3.1097	$129.44
68420	Incise/drain tear sac	Y		P3	3.7694	$156.90
68440	Incise tear duct opening	Y		P3	1.0681	$44.46
68500	Removal of tear gland	Y		A2	21.8131	$907.97
68505	Partial removal, tear gland	Y		A2	21.8131	$907.97
68510	Biopsy of tear gland	Y		A2	15.6519	$651.51
68520	Removal of tear sac	Y		A2	21.8131	$907.97
68525	Biopsy of tear sac	Y		A2	15.6519	$651.51
68530	Clearance of tear duct	Y		P2	3.1097	$129.44
68540	Remove tear gland lesion	Y		A2	16.6633	$693.61
68550	Remove tear gland lesion	Y		A2	21.8131	$907.97
68700	Repair tear ducts	Y		A2	16.2977	$678.39
68705	Revise tear duct opening	Y		P3	2.5718	$107.05
68720	Create tear sac drain	Y		A2	22.4987	$936.51
68745	Create tear duct drain	Y		A2	22.4987	$936.51
68750	Create tear duct drain	Y		A2	22.4987	$936.51
68760	Close tear duct opening	Y		P3	2.1908	$91.19
68761	Close tear duct opening	Y		P3	1.558	$64.85
68770	Close tear system fistula	Y		A2	22.4987	$936.51
68801	Dilate tear duct opening	N		P2	0.9363	$38.97
68810	Probe nasolacrimal duct	Y		A2	3.0859	$128.45
68811	Probe nasolacrimal duct	Y		A2	16.2977	$678.39
68815	Probe nasolacrimal duct	Y		A2	16.2977	$678.39
68816	Probe nl duct w/balloon	Y		G2	18.3321	$763.07
68840	Explore/irrigate tear ducts	N		P3	1.3064	$54.38
68850	Injection for tear sac x-ray	N		N1		
69000	Drain external ear lesion	Y		P2	1.3735	$57.17

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69005	Drain external ear lesion	Y		P3	2.2657	$94.31
69020	Drain outer ear canal lesion	Y		P2	1.3735	$57.17
69100	Biopsy of external ear	Y		P3	1.1702	$48.71
69105	Biopsy of external ear canal	Y		P3	1.8573	$77.31
69110	Remove external ear, partial	Y		A2	13.4876	$561.42
69120	Removal of external ear	Y		A2	20.2599	$843.32
69140	Remove ear canal lesion(s)	Y		A2	20.2599	$843.32
69145	Remove ear canal lesion(s)	Y		A2	14.1331	$588.29
69150	Extensive ear canal surgery	Y		A2	8.0281	$334.17
69200	Clear outer ear canal	N		P2	0.6357	$26.46
69205	Clear outer ear canal	Y		A2	17.9301	$746.34
69210	Remove impacted ear wax	N		P3	0.4831	$20.11
69220	Clean out mastoid cavity	Y		P2	0.8257	$34.37
69222	Clean out mastoid cavity	Y		P3	2.8372	$118.10
69300	Revise external ear	Y		A2	20.6256	$858.54
69310	Rebuild outer ear canal	Y		A2	33.5176	$1,395.17
69320	Rebuild outer ear canal	Y		A2	36.289	$1,510.53
69400	Inflate middle ear canal	Y		P3	2.0002	$83.26
69401	Inflate middle ear canal	Y		P3	1.0885	$45.31
69405	Catheterize middle ear canal	Y		P3	2.776	$115.55
69420	Incision of eardrum	Y		P3	2.395	$99.69
69421	Incision of eardrum	Y		A2	15.0763	$627.55
69424	Remove ventilating tube	Y		P3	1.6601	$69.10
69433	Create eardrum opening	Y		P3	2.4084	$100.25
69436	Create eardrum opening	Y		A2	15.0763	$627.55
69440	Exploration of middle ear	Y		A2	20.6256	$858.54
69450	Eardrum revision	Y		A2	32.5062	$1,353.07
69501	Mastoidectomy	Y		A2	36.289	$1,510.53
69502	Mastoidectomy	Y		A2	23.397	$973.90
69505	Remove mastoid structures	Y		A2	36.289	$1,510.53
69511	Extensive mastoid surgery	Y		A2	36.289	$1,510.53
69530	Extensive mastoid surgery	Y		A2	36.289	$1,510.53

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69540	Remove ear lesion	Y		P3	2.776	$115.55
69550	Remove ear lesion	Y		A2	34.7005	$1,444.41
69552	Remove ear lesion	Y		A2	36.289	$1,510.53
69601	Mastoid surgery revision	Y		A2	36.289	$1,510.53
69602	Mastoid surgery revision	Y		A2	36.289	$1,510.53
69603	Mastoid surgery revision	Y		A2	36.289	$1,510.53
69604	Mastoid surgery revision	Y		A2	36.289	$1,510.53
69605	Mastoid surgery revision	Y		A2	36.289	$1,510.53
69610	Repair of eardrum	Y		P3	3.7694	$156.90
69620	Repair of eardrum	Y		A2	20.2599	$843.32
69631	Repair eardrum structures	Y		A2	34.7005	$1,444.41
69632	Rebuild eardrum structures	Y		A2	34.7005	$1,444.41
69633	Rebuild eardrum structures	Y		A2	34.7005	$1,444.41
69635	Repair eardrum structures	Y		A2	36.289	$1,510.53
69636	Rebuild eardrum structures	Y		A2	36.289	$1,510.53
69637	Rebuild eardrum structures	Y		A2	36.289	$1,510.53
69641	Revise middle ear & mastoid	Y		A2	36.289	$1,510.53
69642	Revise middle ear & mastoid	Y		A2	36.289	$1,510.53
69643	Revise middle ear & mastoid	Y		A2	36.289	$1,510.53
69644	Revise middle ear & mastoid	Y		A2	36.289	$1,510.53
69645	Revise middle ear & mastoid	Y		A2	36.289	$1,510.53
69646	Revise middle ear & mastoid	Y		A2	36.289	$1,510.53
69650	Release middle ear bone	Y		A2	23.397	$973.90
69660	Revise middle ear bone	Y		A2	34.7005	$1,444.41
69661	Revise middle ear bone	Y		A2	34.7005	$1,444.41
69662	Revise middle ear bone	Y		A2	34.7005	$1,444.41
69666	Repair middle ear structures	Y		A2	34.2032	$1,423.71
69667	Repair middle ear structures	Y		A2	34.2032	$1,423.71
69670	Remove mastoid air cells	Y		A2	33.5176	$1,395.17
69676	Remove middle ear nerve	Y		A2	33.5176	$1,395.17
69700	Close mastoid fistula	Y		A2	33.5176	$1,395.17
69711	Remove/repair hearing aid	Y		A2	32.5062	$1,353.07

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69714	Implant temple bone w/stimul	Y		H8	149.6005	$6,227.12
69715	Temple bne implnt w/stimulat	Y		H8	149.6005	$6,227.12
69717	Temple bone implant revision	Y		H8	149.6005	$6,227.12
69718	Revise temple bone implant	Y		H8	149.6005	$6,227.12
69720	Release facial nerve	Y		A2	34.7005	$1,444.41
69740	Repair facial nerve	Y		A2	34.7005	$1,444.41
69745	Repair facial nerve	Y		A2	34.7005	$1,444.41
69801	Incise inner ear	Y		A2	21.8083	$907.77
69802	Incise inner ear	Y		A2	23.397	$973.90
69805	Explore inner ear	Y		A2	36.289	$1,510.53
69806	Explore inner ear	Y		A2	36.289	$1,510.53
69820	Establish inner ear window	Y		A2	34.7005	$1,444.41
69840	Revise inner ear window	Y		A2	34.7005	$1,444.41
69905	Remove inner ear	Y		A2	36.289	$1,510.53
69910	Remove inner ear & mastoid	Y		A2	36.289	$1,510.53
69915	Incise inner ear nerve	Y		A2	36.289	$1,510.53
69930	Implant cochlear device	Y		H8	648.0459	$26,974.91
69990	Microsurgery add-on	N		N1		
C9716	Radiofrequency energy to anu	Y		G2	30.2809	$1,260.44
C9724	EPS gast cardia plic	Y		G2	23.0423	$959.14
C9725	Place endorectal app	Y		G2	5.4981	$228.86
C9726	Rxt breast appl place/remov	Y		G2	23.5553	$980.49
C9727	Insert palate implants	Y		G2	7.1678	$298.36
C9728	Place device/marker, non pro	N		R2	12.9961	$540.96
G0104	CA screen;flexi sigmoidscope	N		P3	1.6872	$70.23
G0105	Colorectal scrn; hi risk ind	Y		A2	8.3253	$346.54
G0121	Colon ca scrn not hi rsk ind	Y		A2	8.3253	$346.54
G0127	Trim nail(s)	Y		P3	0.2789	$11.61
G0186	Dstry eye lesn,fdr vssl tech	Y		R2	5.7557	$239.58
G0247	Routine footcare pt w lops	Y		P3	0.4966	$20.67
G0259	Inject for sacroiliac joint	N		N1		
G0260	Inj for sacroiliac jt anesth	Y		A2	7.1861	$299.12

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G0268	Removal of impacted wax md	N		N1		
G0269	Occlusive device in vein art	N		N1		
G0289	Arthro, loose body + chondro	N		N1		
G0364	Bone marrow aspirate &biopsy	N		P3	0.1021	$4.25
G0392	AV fistula or graft arterial	N	CH	D5		
G0393	AV fistula or graft venous	N	CH	D5		

NOTES:

The Medicare program payment is 80 percent of the total payment amount and beneficiary coinsurance is 20 percent of the total payment amount, except for screening flexible sigmoidoscopies and screening colonoscopies for which the program payment is 75 percent and the beneficiary coinsurance is 25 percent.

Proposed payment indicators for "office-based" procedures (P2 and P3) are based on a comparison of the proposed rates according to the ASC standard ratesetting methodology and the MPFS proposed rates. Under current law, the MPFS payment rates will have a negative update for CY 2010. For a discussion of those rates, we refer readers to the June 2009 CY 2010 MPFS proposed rule.

*Refers to codes designated as "office-based," whose designation as office-based is temporary because we have insufficient claims data. We will reconsider this designation when new claims data become available.

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
00100	Anesth, salivary gland		N					
00102	Anesth, repair of cleft lip		N					
00103	Anesth, blepharoplasty		N					
00104	Anesth, electroshock		N					
00120	Anesth, ear surgery		N					
00124	Anesth, ear exam		N					
00126	Anesth, tympanotomy		N					
00140	Anesth, procedures on eye		N					
00142	Anesth, lens surgery		N					
00144	Anesth, corneal transplant		N					
00145	Anesth, vitreoretinal surg		N					
00147	Anesth, iridectomy		N					
00148	Anesth, eye exam		N					
00160	Anesth, nose/sinus surgery		N					
00162	Anesth, nose/sinus surgery		N					
00164	Anesth, biopsy of nose		N					
00170	Anesth, procedure on mouth		N					
00172	Anesth, cleft palate repair		N					
00174	Anesth, pharyngeal surgery		N					
00176	Anesth, pharyngeal surgery		C					
00190	Anesth, face/skull bone surg		N					
00192	Anesth, facial bone surgery		C					
00210	Anesth, cranial surg nos		N					
00211	Anesth, cran surg, hemotoma		C					
00212	Anesth, skull drainage		N					
00214	Anesth, skull drainage		C					
00215	Anesth, skull repair/fract		C					
00216	Anesth, head vessel surgery		N					
00218	Anesth, special head surgery		N					
00220	Anesth, intrcrn nerve		N					
00222	Anesth, head nerve surgery		N					
00300	Anesth, head/neck/ptrunk		N					
00320	Anesth, neck organ, 1 & over		N					
00322	Anesth, biopsy of thyroid		N					
00326	Anesth, larynx/trach, < 1 yr		N					
00350	Anesth, neck vessel surgery		N					
00352	Anesth, neck vessel surgery		N					
00400	Anesth, skin, ext/per/atrunk		N					
00402	Anesth, surgery of breast		N					
00404	Anesth, surgery of breast		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
00406	Anesth, surgery of breast		N					
00410	Anesth, correct heart rhythm		N					
00450	Anesth, surgery of shoulder		N					
00452	Anesth, surgery of shoulder		C					
00454	Anesth, collar bone biopsy		N					
00470	Anesth, removal of rib		N					
00472	Anesth, chest wall repair		N					
00474	Anesth, surgery of rib(s)		C					
00500	Anesth, esophageal surgery		N					
00520	Anesth, chest procedure		N					
00522	Anesth, chest lining biopsy		N					
00524	Anesth, chest drainage		C					
00528	Anesth, chest partition view		N					
00529	Anesth, chest partition view		N					
00530	Anesth, pacemaker insertion		N					
00532	Anesth, vascular access		N					
00534	Anesth, cardioverter/defib		N					
00537	Anesth, cardiac electrophys		N					
00539	Anesth, trach-bronch reconst		N					
00540	Anesth, chest surgery		C					
00541	Anesth, one lung ventilation		N					
00542	Anesth, release of lung		C					
00546	Anesth, lung,chest wall surg		C					
00548	Anesth, trachea,bronchi surg		N					
00550	Anesth, sternal debridement		N					
00560	Anesth, heart surg w/o pump		C					
00561	Anesth, heart surg < age 1		C					
00562	Anesth hrt surg w/pmp age 1+		C					
00563	Anesth, heart surg w/arrest		N					
00566	Anesth, cabg w/o pump		N					
00567	Anesth, cabg w/pump		C					
00580	Anesth, heart/lung transplnt		C					
00600	Anesth, spine, cord surgery		N					
00604	Anesth, sitting procedure		C					
00620	Anesth, spine, cord surgery		N					
00622	Anesth, removal of nerves		C					
00625	Anes spine tranthor w/o vent		N					
00626	Anes, spine transthor w/vent		N					
00630	Anesth, spine, cord surgery		N					
00632	Anesth, removal of nerves		C					
00634	Anesth for chemonucleolysis		N					
00635	Anesth, lumbar puncture		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
00640	Anesth, spine manipulation		N					
00670	Anesth, spine, cord surgery		C					
00700	Anesth, abdominal wall surg		N					
00702	Anesth, for liver biopsy		N					
00730	Anesth, abdominal wall surg		N					
00740	Anesth, upper gi visualize		N					
00750	Anesth, repair of hernia		N					
00752	Anesth, repair of hernia		N					
00754	Anesth, repair of hernia		N					
00756	Anesth, repair of hernia		N					
00770	Anesth, blood vessel repair		N					
00790	Anesth, surg upper abdomen		N					
00792	Anesth, hemorr/excise liver		C					
00794	Anesth, pancreas removal		C					
00796	Anesth, for liver transplant		C					
00797	Anesth, surgery for obesity		N					
00800	Anesth, abdominal wall surg		N					
00802	Anesth, fat layer removal		C					
00810	Anesth, low intestine scope		N					
00820	Anesth, abdominal wall surg		N					
00830	Anesth, repair of hernia		N					
00832	Anesth, repair of hernia		N					
00834	Anesth, hernia repair< 1 yr		N					
00836	Anesth hernia repair preemie		N					
00840	Anesth, surg lower abdomen		N					
00842	Anesth, amniocentesis		N					
00844	Anesth, pelvis surgery		C					
00846	Anesth, hysterectomy		C					
00848	Anesth, pelvic organ surg		C					
00851	Anesth, tubal ligation		N					
00860	Anesth, surgery of abdomen		N					
00862	Anesth, kidney/ureter surg		N					
00864	Anesth, removal of bladder		C					
00865	Anesth, removal of prostate		C					
00866	Anesth, removal of adrenal		C					
00868	Anesth, kidney transplant		C					
00870	Anesth, bladder stone surg		N					
00872	Anesth kidney stone destruct		N					
00873	Anesth kidney stone destruct		N					
00880	Anesth, abdomen vessel surg		N					
00882	Anesth, major vein ligation		C					
00902	Anesth, anorectal surgery		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
00904	Anesth, perineal surgery		C					
00906	Anesth, removal of vulva		N					
00908	Anesth, removal of prostate		C					
00910	Anesth, bladder surgery		N					
00912	Anesth, bladder tumor surg		N					
00914	Anesth, removal of prostate		N					
00916	Anesth, bleeding control		N					
00918	Anesth, stone removal		N					
00920	Anesth, genitalia surgery		N					
00921	Anesth, vasectomy		N					
00922	Anesth, sperm duct surgery		N					
00924	Anesth, testis exploration		N					
00926	Anesth, removal of testis		N					
00928	Anesth, removal of testis		N					
00930	Anesth, testis suspension		N					
00932	Anesth, amputation of penis		C					
00934	Anesth, penis, nodes removal		C					
00936	Anesth, penis, nodes removal		C					
00938	Anesth, insert penis device		N					
00940	Anesth, vaginal procedures		N					
00942	Anesth, surg on vag/urethral		N					
00944	Anesth, vaginal hysterectomy		C					
00948	Anesth, repair of cervix		N					
00950	Anesth, vaginal endoscopy		N					
00952	Anesth, hysteroscope/graph		N					
01112	Anesth, bone aspirate/bx		N					
01120	Anesth, pelvis surgery		N					
01130	Anesth, body cast procedure		N					
01140	Anesth, amputation at pelvis		C					
01150	Anesth, pelvic tumor surgery		C					
01160	Anesth, pelvis procedure		N					
01170	Anesth, pelvis surgery		N					
01173	Anesth, fx repair, pelvis		N					
01180	Anesth, pelvis nerve removal		N					
01190	Anesth, pelvis nerve removal		N					
01200	Anesth, hip joint procedure		N					
01202	Anesth, arthroscopy of hip		N					
01210	Anesth, hip joint surgery		N					
01212	Anesth, hip disarticulation		C					
01214	Anesth, hip arthroplasty		C					
01215	Anesth, revise hip repair		N					
01220	Anesth, procedure on femur		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
01230	Anesth, surgery of femur		N					
01232	Anesth, amputation of femur		C					
01234	Anesth, radical femur surg		C					
01250	Anesth, upper leg surgery		N					
01260	Anesth, upper leg veins surg		N					
01270	Anesth, thigh arteries surg		N					
01272	Anesth, femoral artery surg		C					
01274	Anesth, femoral embolectomy		C					
01320	Anesth, knee area surgery		N					
01340	Anesth, knee area procedure		N					
01360	Anesth, knee area surgery		N					
01380	Anesth, knee joint procedure		N					
01382	Anesth, dx knee arthroscopy		N					
01390	Anesth, knee area procedure		N					
01392	Anesth, knee area surgery		N					
01400	Anesth, knee joint surgery		N					
01402	Anesth, knee arthroplasty		C					
01404	Anesth, amputation at knee		C					
01420	Anesth, knee joint casting		N					
01430	Anesth, knee veins surgery		N					
01432	Anesth, knee vessel surg		N					
01440	Anesth, knee arteries surg		N					
01442	Anesth, knee artery surg		C					
01444	Anesth, knee artery repair		C					
01462	Anesth, lower leg procedure		N					
01464	Anesth, ankle/ft arthroscopy		N					
01470	Anesth, lower leg surgery		N					
01472	Anesth, achilles tendon surg		N					
01474	Anesth, lower leg surgery		N					
01480	Anesth, lower leg bone surg		N					
01482	Anesth, radical leg surgery		N					
01484	Anesth, lower leg revision		N					
01486	Anesth, ankle replacement		C					
01490	Anesth, lower leg casting		N					
01500	Anesth, leg arteries surg		N					
01502	Anesth, lwr leg embolectomy		C					
01520	Anesth, lower leg vein surg		N					
01522	Anesth, lower leg vein surg		N					
01610	Anesth, surgery of shoulder		N					
01620	Anesth, shoulder procedure		N					
01622	Anes dx shoulder arthroscopy		N					
01630	Anesth, surgery of shoulder		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
01632	Anesth, surgery of shoulder		C					
01634	Anesth, shoulder joint amput		C					
01636	Anesth, forequarter amput		C					
01638	Anesth, shoulder replacement		C					
01650	Anesth, shoulder artery surg		N					
01652	Anesth, shoulder vessel surg		C					
01654	Anesth, shoulder vessel surg		C					
01656	Anesth, arm-leg vessel surg		C					
01670	Anesth, shoulder vein surg		N					
01680	Anesth, shoulder casting		N					
01682	Anesth, airplane cast		N					
01710	Anesth, elbow area surgery		N					
01712	Anesth, uppr arm tendon surg		N					
01714	Anesth, uppr arm tendon surg		N					
01716	Anesth, biceps tendon repair		N					
01730	Anesth, uppr arm procedure		N					
01732	Anesth, dx elbow arthroscopy		N					
01740	Anesth, upper arm surgery		N					
01742	Anesth, humerus surgery		N					
01744	Anesth, humerus repair		N					
01756	Anesth, radical humerus surg		C					
01758	Anesth, humeral lesion surg		N					
01760	Anesth, elbow replacement		N					
01770	Anesth, uppr arm artery surg		N					
01772	Anesth, uppr arm embolectomy		N					
01780	Anesth, upper arm vein surg		N					
01782	Anesth, uppr arm vein repair		N					
01810	Anesth, lower arm surgery		N					
01820	Anesth, lower arm procedure		N					
01829	Anesth, dx wrist arthroscopy		N					
01830	Anesth, lower arm surgery		N					
01832	Anesth, wrist replacement		N					
01840	Anesth, lwr arm artery surg		N					
01842	Anesth, lwr arm embolectomy		N					
01844	Anesth, vascular shunt surg		N					
01850	Anesth, lower arm vein surg		N					
01852	Anesth, lwr arm vein repair		N					
01860	Anesth, lower arm casting		N					
01916	Anesth, dx arteriography		N					
01920	Anesth, catheterize heart		N					
01922	Anesth, cat or MRI scan		N					
01924	Anes, ther interven rad, art		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
01925	Anes, ther interven rad, car		N					
01926	Anes, tx interv rad hrt/cran		N					
01930	Anes, ther interven rad, vei		N					
01931	Anes, ther interven rad, tip		N					
01932	Anes, tx interv rad, th vein		N					
01933	Anes, tx interv rad, cran v		N					
01935	Anesth, perc img dx sp proc		N					
01936	Anesth, perc img tx sp proc		N					
01951	Anesth, burn, less 4 percent		N					
01952	Anesth, burn, 4-9 percent		N					
01953	Anesth, burn, each 9 percent		N					
01958	Anesth, antepartum manipul		N					
01960	Anesth, vaginal delivery		N					
01961	Anesth, cs delivery		N					
01962	Anesth, emer hysterectomy		N					
01963	Anesth, cs hysterectomy		N					
01965	Anesth, inc/missed ab proc		N					
01966	Anesth, induced ab procedure		N					
01967	Anesth/analg, vag delivery		N					
01968	Anes/analg cs deliver add-on		N					
01969	Anesth/analg cs hyst add-on		N					
01990	Support for organ donor		C					
01991	Anesth, nerve block/inj		N					
01992	Anesth, n block/inj, prone		N					
01996	Hosp manage cont drug admin		N					
01999	Unlisted anesth procedure		N					
10021	Fna w/o image		T	0002	1.4855	$100.18		$20.04
10022	Fna w/image		T	0004	4.5886	$309.45		$61.89
10040	Acne surgery		T	0013	0.8679	$58.53		$11.71
10060	Drainage of skin abscess		T	0006	1.4437	$97.36		$19.48
10061	Drainage of skin abscess		T	0006	1.4437	$97.36		$19.48
10080	Drainage of pilonidal cyst		T	0006	1.4437	$97.36		$19.48
10081	Drainage of pilonidal cyst		T	0007	12.4456	$839.32		$167.87
10120	Remove foreign body		T	0016	2.7920	$188.29		$37.66
10121	Remove foreign body		T	0021	16.2353	$1,094.89	$219.48	$218.98
10140	Drainage of hematoma/fluid		T	0007	12.4456	$839.32		$167.87
10160	Puncture drainage of lesion		T	0006	1.4437	$97.36		$19.48
10180	Complex drainage, wound		T	0008	19.6942	$1,328.16		$265.64
11000	Debride infected skin		T	0015	1.5025	$101.33		$20.27
11001	Debride infected skin add-on		T	0013	0.8679	$58.53		$11.71
11004	Debride genitalia & perineum		C					
11005	Debride abdom wall		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
11006	Debride genit/per/abdom wall		C					
11008	Remove mesh from abd wall		C					
11010	Debride skin, fx		T	0019	4.3348	$292.33	$64.13	$58.47
11011	Debride skin/muscle, fx		T	0019	4.3348	$292.33	$64.13	$58.47
11012	Debride skin/muscle/bone, fx		T	0019	4.3348	$292.33	$64.13	$58.47
11040	Debride skin, partial		T	0015	1.5025	$101.33		$20.27
11041	Debride skin, full		T	0015	1.5025	$101.33		$20.27
11042	Debride skin/tissue		T	0016	2.7920	$188.29		$37.66
11043	Debride tissue/muscle		T	0016	2.7920	$188.29		$37.66
11044	Debride tissue/muscle/bone	CH	T	0020	8.1236	$547.85		$109.57
11055	Trim skin lesion		T	0013	0.8679	$58.53		$11.71
11056	Trim skin lesions, 2 to 4		T	0013	0.8679	$58.53		$11.71
11057	Trim skin lesions, over 4		T	0013	0.8679	$58.53		$11.71
11100	Biopsy, skin lesion		T	0015	1.5025	$101.33		$20.27
11101	Biopsy, skin add-on		T	0013	0.8679	$58.53		$11.71
11200	Removal of skin tags		T	0013	0.8679	$58.53		$11.71
11201	Remove skin tags add-on		T	0013	0.8679	$58.53		$11.71
11300	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11301	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11302	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11303	Shave skin lesion		T	0015	1.5025	$101.33		$20.27
11305	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11306	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11307	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11308	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11310	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11311	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11312	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11313	Shave skin lesion		T	0013	0.8679	$58.53		$11.71
11400	Exc tr-ext b9+marg 0.5 < cm		T	0019	4.3348	$292.33	$64.13	$58.47
11401	Exc tr-ext b9+marg 0.6-1 cm		T	0019	4.3348	$292.33	$64.13	$58.47
11402	Exc tr-ext b9+marg 1.1-2 cm		T	0019	4.3348	$292.33	$64.13	$58.47
11403	Exc tr-ext b9+marg 2.1-3 cm		T	0020	8.1236	$547.85		$109.57
11404	Exc tr-ext b9+marg 3.1-4 cm		T	0021	16.2353	$1,094.89	$219.48	$218.98
11406	Exc tr-ext b9+marg > 4.0 cm		T	0021	16.2353	$1,094.89	$219.48	$218.98
11420	Exc h-f-nk-sp b9+marg 0.5 <		T	0020	8.1236	$547.85		$109.57
11421	Exc h-f-nk-sp b9+marg 0.6-1		T	0020	8.1236	$547.85		$109.57
11422	Exc h-f-nk-sp b9+marg 1.1-2		T	0020	8.1236	$547.85		$109.57
11423	Exc h-f-nk-sp b9+marg 2.1-3		T	0021	16.2353	$1,094.89	$219.48	$218.98
11424	Exc h-f-nk-sp b9+marg 3.1-4		T	0021	16.2353	$1,094.89	$219.48	$218.98
11426	Exc h-f-nk-sp b9+marg > 4 cm		T	0022	22.4616	$1,514.79	$354.45	$302.96
11440	Exc face-mm b9+marg 0.5 <		T	0019	4.3348	$292.33	$64.13	$58.47

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
	cm							
11441	Exc face-mm b9+marg 0.6-1 cm		T	0019	4.3348	$292.33	$64.13	$58.47
11442	Exc face-mm b9+marg 1.1-2 cm		T	0020	8.1236	$547.85		$109.57
11443	Exc face-mm b9+marg 2.1-3 cm		T	0020	8.1236	$547.85		$109.57
11444	Exc face-mm b9+marg 3.1-4 cm		T	0020	8.1236	$547.85		$109.57
11446	Exc face-mm b9+marg > 4 cm		T	0022	22.4616	$1,514.79	$354.45	$302.96
11450	Removal, sweat gland lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
11451	Removal, sweat gland lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
11462	Removal, sweat gland lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
11463	Removal, sweat gland lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
11470	Removal, sweat gland lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
11471	Removal, sweat gland lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
11600	Exc tr-ext mlg+marg 0.5 < cm	CH	T	0020	8.1236	$547.85		$109.57
11601	Exc tr-ext mlg+marg 0.6-1 cm		T	0019	4.3348	$292.33	$64.13	$58.47
11602	Exc tr-ext mlg+marg 1.1-2 cm		T	0019	4.3348	$292.33	$64.13	$58.47
11603	Exc tr-ext mlg+marg 2.1-3 cm		T	0020	8.1236	$547.85		$109.57
11604	Exc tr-ext mlg+marg 3.1-4 cm		T	0020	8.1236	$547.85		$109.57
11606	Exc tr-ext mlg+marg > 4 cm		T	0021	16.2353	$1,094.89	$219.48	$218.98
11620	Exc h-f-nk-sp mlg+marg 0.5 <		T	0020	8.1236	$547.85		$109.57
11621	Exc h-f-nk-sp mlg+marg 0.6-1		T	0019	4.3348	$292.33	$64.13	$58.47
11622	Exc h-f-nk-sp mlg+marg 1.1-2		T	0020	8.1236	$547.85		$109.57
11623	Exc h-f-nk-sp mlg+marg 2.1-3		T	0021	16.2353	$1,094.89	$219.48	$218.98
11624	Exc h-f-nk-sp mlg+marg 3.1-4		T	0021	16.2353	$1,094.89	$219.48	$218.98
11626	Exc h-f-nk-sp mlg+mar > 4 cm		T	0022	22.4616	$1,514.79	$354.45	$302.96
11640	Exc face-mm malig+marg 0.5 <		T	0020	8.1236	$547.85		$109.57
11641	Exc face-mm malig+marg 0.6-1		T	0020	8.1236	$547.85		$109.57
11642	Exc face-mm malig+marg 1.1-2		T	0020	8.1236	$547.85		$109.57
11643	Exc face-mm malig+marg 2.1-3		T	0020	8.1236	$547.85		$109.57
11644	Exc face-mm malig+marg 3.1-4		T	0021	16.2353	$1,094.89	$219.48	$218.98
11646	Exc face-mm mlg+marg > 4 cm		T	0022	22.4616	$1,514.79	$354.45	$302.96
11719	Trim nail(s)	CH	T	0012	0.4119	$27.78		$5.56
11720	Debride nail, 1-5		T	0013	0.8679	$58.53		$11.71
11721	Debride nail, 6 or more		T	0013	0.8679	$58.53		$11.71
11730	Removal of nail plate		T	0013	0.8679	$58.53		$11.71
11732	Remove nail plate, add-on		T	0013	0.8679	$58.53		$11.71
11740	Drain blood from under nail		T	0012	0.4119	$27.78		$5.56
11750	Removal of nail bed		T	0019	4.3348	$292.33	$64.13	$58.47
11752	Remove nail bed/finger tip		T	0022	22.4616	$1,514.79	$354.45	$302.96

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
11755	Biopsy, nail unit		T	0019	4.3348	$292.33	$64.13	$58.47
11760	Repair of nail bed	CH	T	0133	1.3482	$90.92	$25.67	$18.19
11762	Reconstruction of nail bed		T	0136	15.8458	$1,068.62		$213.73
11765	Excision of nail fold, toe		T	0013	0.8679	$58.53		$11.71
11770	Removal of pilonidal lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
11771	Removal of pilonidal lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
11772	Removal of pilonidal lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
11900	Injection into skin lesions		T	0013	0.8679	$58.53		$11.71
11901	Added skin lesions injection		T	0013	0.8679	$58.53		$11.71
11920	Correct skin color defects		T	0134	3.1786	$214.36		$42.88
11921	Correct skin color defects		T	0134	3.1786	$214.36		$42.88
11922	Correct skin color defects		T	0134	3.1786	$214.36		$42.88
11950	Therapy for contour defects		T	0133	1.3482	$90.92	$25.67	$18.19
11951	Therapy for contour defects		T	0133	1.3482	$90.92	$25.67	$18.19
11952	Therapy for contour defects		T	0133	1.3482	$90.92	$25.67	$18.19
11954	Therapy for contour defects		T	0133	1.3482	$90.92	$25.67	$18.19
11960	Insert tissue expander(s)		T	0137	21.0538	$1,419.85		$283.97
11970	Replace tissue expander		T	0051	46.7920	$3,155.61		$631.13
11971	Remove tissue expander(s)		T	0022	22.4616	$1,514.79	$354.45	$302.96
11975	Insert contraceptive cap		E					
11976	Removal of contraceptive cap		T	0019	4.3348	$292.33	$64.13	$58.47
11977	Removal/reinsert contra cap		E					
11980	Implant hormone pellet(s)		X	0340	0.6682	$45.06		$9.02
11981	Insert drug implant device		X	0340	0.6682	$45.06		$9.02
11982	Remove drug implant device		X	0340	0.6682	$45.06		$9.02
11983	Remove/insert drug implant		X	0340	0.6682	$45.06		$9.02
12001	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12002	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12004	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12005	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12006	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12007	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12011	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12013	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12014	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12015	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12016	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12017	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12018	Repair superficial wound(s)		T	0133	1.3482	$90.92	$25.67	$18.19
12020	Closure of split wound		T	0135	4.3990	$296.66		$59.34
12021	Closure of split wound		T	0134	3.1786	$214.36		$42.88
12031	Intmd wnd repair s/tr/ext		T	0133	1.3482	$90.92	$25.67	$18.19

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
12032	Intmd wnd repair s/tr/ext		T	0134	3.1786	$214.36		$42.88
12034	Intmd wnd repair s/tr/ext		T	0133	1.3482	$90.92	$25.67	$18.19
12035	Intmd wnd repair s/tr/ext		T	0133	1.3482	$90.92	$25.67	$18.19
12036	Intmd wnd repair s/tr/ext		T	0134	3.1786	$214.36		$42.88
12037	Intmd wnd repair s/tr/ext		T	0134	3.1786	$214.36		$42.88
12041	Intmd wnd repair n-hf/genit		T	0133	1.3482	$90.92	$25.67	$18.19
12042	Intmd wnd repair n-hg/genit		T	0133	1.3482	$90.92	$25.67	$18.19
12044	Intmd wnd repair n-hg/genit		T	0133	1.3482	$90.92	$25.67	$18.19
12045	Intmd wnd repair n-hg/genit		T	0134	3.1786	$214.36		$42.88
12046	Intmd wnd repair n-hg/genit		T	0134	3.1786	$214.36		$42.88
12047	Intmd wnd repair n-hg/genit		T	0134	3.1786	$214.36		$42.88
12051	Intmd wnd repair face/mm		T	0133	1.3482	$90.92	$25.67	$18.19
12052	Intmd wnd repair face/mm		T	0133	1.3482	$90.92	$25.67	$18.19
12053	Intmd wnd repair face/mm		T	0133	1.3482	$90.92	$25.67	$18.19
12054	Intmd wnd repair, face/mm		T	0133	1.3482	$90.92	$25.67	$18.19
12055	Intmd wnd repair face/mm		T	0134	3.1786	$214.36		$42.88
12056	Intmd wnd repair face/mm		T	0134	3.1786	$214.36		$42.88
12057	Intmd wnd repair face/mm		T	0134	3.1786	$214.36		$42.88
13100	Repair of wound or lesion		T	0135	4.3990	$296.66		$59.34
13101	Repair of wound or lesion		T	0135	4.3990	$296.66		$59.34
13102	Repair wound/lesion add-on		T	0135	4.3990	$296.66		$59.34
13120	Repair of wound or lesion		T	0134	3.1786	$214.36		$42.88
13121	Repair of wound or lesion		T	0134	3.1786	$214.36		$42.88
13122	Repair wound/lesion add-on	CH	T	0133	1.3482	$90.92	$25.67	$18.19
13131	Repair of wound or lesion		T	0134	3.1786	$214.36		$42.88
13132	Repair of wound or lesion	CH	T	0135	4.3990	$296.66		$59.34
13133	Repair wound/lesion add-on		T	0134	3.1786	$214.36		$42.88
13150	Repair of wound or lesion		T	0135	4.3990	$296.66		$59.34
13151	Repair of wound or lesion		T	0135	4.3990	$296.66		$59.34
13152	Repair of wound or lesion		T	0135	4.3990	$296.66		$59.34
13153	Repair wound/lesion add-on		T	0134	3.1786	$214.36		$42.88
13160	Late closure of wound		T	0137	21.0538	$1,419.85		$283.97
14000	Skin tissue rearrangement		T	0136	15.8458	$1,068.62		$213.73
14001	Skin tissue rearrangement		T	0136	15.8458	$1,068.62		$213.73
14020	Skin tissue rearrangement		T	0136	15.8458	$1,068.62		$213.73
14021	Skin tissue rearrangement		T	0136	15.8458	$1,068.62		$213.73
14040	Skin tissue rearrangement		T	0136	15.8458	$1,068.62		$213.73
14041	Skin tissue rearrangement		T	0136	15.8458	$1,068.62		$213.73
14060	Skin tissue rearrangement		T	0136	15.8458	$1,068.62		$213.73
14061	Skin tissue rearrangement		T	0136	15.8458	$1,068.62		$213.73
14300	Skin tissue rearrangement		T	0137	21.0538	$1,419.85		$283.97
14350	Skin tissue rearrangement		T	0137	21.0538	$1,419.85		$283.97

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
15002	Wound prep, trk/arm/leg		T	0135	4.3990	$296.66		$59.34
15003	Wound prep, addl 100 cm		T	0135	4.3990	$296.66		$59.34
15004	Wound prep, f/n/hf/g		T	0135	4.3990	$296.66		$59.34
15005	Wnd prep, f/n/hf/g, addl cm		T	0135	4.3990	$296.66		$59.34
15040	Harvest cultured skin graft		T	0134	3.1786	$214.36		$42.88
15050	Skin pinch graft		T	0135	4.3990	$296.66		$59.34
15100	Skin splt grft, trnk/arm/leg		T	0137	21.0538	$1,419.85		$283.97
15101	Skin splt grft t/a/l, add-on		T	0137	21.0538	$1,419.85		$283.97
15110	Epidrm autogrft trnk/arm/leg		T	0135	4.3990	$296.66		$59.34
15111	Epidrm autogrft t/a/l add-on		T	0135	4.3990	$296.66		$59.34
15115	Epidrm a-grft face/nck/hf/g		T	0135	4.3990	$296.66		$59.34
15116	Epidrm a-grft f/n/hf/g addl		T	0135	4.3990	$296.66		$59.34
15120	Skn splt a-grft fac/nck/hf/g		T	0137	21.0538	$1,419.85		$283.97
15121	Skn splt a-grft f/n/hf/g add		T	0137	21.0538	$1,419.85		$283.97
15130	Derm autograft, trnk/arm/leg		T	0136	15.8458	$1,068.62		$213.73
15131	Derm autograft t/a/l add-on		T	0136	15.8458	$1,068.62		$213.73
15135	Derm autograft face/nck/hf/g		T	0136	15.8458	$1,068.62		$213.73
15136	Derm autograft, f/n/hf/g add		T	0136	15.8458	$1,068.62		$213.73
15150	Cult epiderm grft t/arm/leg		T	0135	4.3990	$296.66		$59.34
15151	Cult epiderm grft t/a/l addl		T	0135	4.3990	$296.66		$59.34
15152	Cult epiderm graft t/a/l +%		T	0135	4.3990	$296.66		$59.34
15155	Cult epiderm graft, f/n/hf/g		T	0135	4.3990	$296.66		$59.34
15156	Cult epidrm grft f/n/hfg add		T	0135	4.3990	$296.66		$59.34
15157	Cult epiderm grft f/n/hfg +%		T	0135	4.3990	$296.66		$59.34
15170	Acell graft trunk/arms/legs	CH	T	0135	4.3990	$296.66		$59.34
15171	Acell graft t/arm/leg add-on		T	0134	3.1786	$214.36		$42.88
15175	Acellular graft, f/n/hf/g		T	0135	4.3990	$296.66		$59.34
15176	Acell graft, f/n/hf/g add-on		T	0135	4.3990	$296.66		$59.34
15200	Skin full graft, trunk		T	0136	15.8458	$1,068.62		$213.73
15201	Skin full graft trunk add-on		T	0136	15.8458	$1,068.62		$213.73
15220	Skin full graft sclp/arm/leg		T	0136	15.8458	$1,068.62		$213.73
15221	Skin full graft add-on		T	0135	4.3990	$296.66		$59.34
15240	Skin full grft face/genit/hf		T	0136	15.8458	$1,068.62		$213.73
15241	Skin full graft add-on		T	0135	4.3990	$296.66		$59.34
15260	Skin full graft een & lips		T	0136	15.8458	$1,068.62		$213.73
15261	Skin full graft add-on		T	0136	15.8458	$1,068.62		$213.73
15300	Apply skinallogrft, t/arm/lg		T	0135	4.3990	$296.66		$59.34
15301	Apply sknallogrft t/a/l addl		T	0135	4.3990	$296.66		$59.34
15320	Apply skin allogrft f/n/hf/g		T	0135	4.3990	$296.66		$59.34
15321	Aply sknallogrft f/n/hfg add		T	0135	4.3990	$296.66		$59.34
15330	Aply acell alogrft t/arm/leg		T	0135	4.3990	$296.66		$59.34
15331	Aply acell grft t/a/l add-on		T	0135	4.3990	$296.66		$59.34

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
15335	Apply acell graft, f/n/hf/g		T	0135	4.3990	$296.66		$59.34
15336	Aply acell grft f/n/hf/g add		T	0135	4.3990	$296.66		$59.34
15340	Apply cult skin substitute		T	0134	3.1786	$214.36		$42.88
15341	Apply cult skin sub add-on		T	0134	3.1786	$214.36		$42.88
15360	Apply cult derm sub, t/a/l		T	0134	3.1786	$214.36		$42.88
15361	Aply cult derm sub t/a/l add		T	0134	3.1786	$214.36		$42.88
15365	Apply cult derm sub f/n/hf/g		T	0134	3.1786	$214.36		$42.88
15366	Apply cult derm f/hf/g add		T	0134	3.1786	$214.36		$42.88
15400	Apply skin xenograft, t/a/l		T	0135	4.3990	$296.66		$59.34
15401	Apply skn xenogrft t/a/l add		T	0135	4.3990	$296.66		$59.34
15420	Apply skin xgraft, f/n/hf/g		T	0135	4.3990	$296.66		$59.34
15421	Apply skn xgrft f/n/hf/g add		T	0135	4.3990	$296.66		$59.34
15430	Apply acellular xenograft		T	0135	4.3990	$296.66		$59.34
15431	Apply acellular xgraft add		T	0135	4.3990	$296.66		$59.34
15570	Form skin pedicle flap		T	0137	21.0538	$1,419.85		$283.97
15572	Form skin pedicle flap		T	0137	21.0538	$1,419.85		$283.97
15574	Form skin pedicle flap		T	0137	21.0538	$1,419.85		$283.97
15576	Form skin pedicle flap		T	0137	21.0538	$1,419.85		$283.97
15600	Skin graft		T	0137	21.0538	$1,419.85		$283.97
15610	Skin graft		T	0137	21.0538	$1,419.85		$283.97
15620	Skin graft		T	0137	21.0538	$1,419.85		$283.97
15630	Skin graft		T	0137	21.0538	$1,419.85		$283.97
15650	Transfer skin pedicle flap		T	0137	21.0538	$1,419.85		$283.97
15731	Forehead flap w/vasc pedicle		T	0137	21.0538	$1,419.85		$283.97
15732	Muscle-skin graft, head/neck		T	0137	21.0538	$1,419.85		$283.97
15734	Muscle-skin graft, trunk		T	0137	21.0538	$1,419.85		$283.97
15736	Muscle-skin graft, arm		T	0137	21.0538	$1,419.85		$283.97
15738	Muscle-skin graft, leg		T	0137	21.0538	$1,419.85		$283.97
15740	Island pedicle flap graft		T	0136	15.8458	$1,068.62		$213.73
15750	Neurovascular pedicle graft		T	0137	21.0538	$1,419.85		$283.97
15756	Free myo/skin flap microvasc		C					
15757	Free skin flap, microvasc		C					
15758	Free fascial flap, microvasc		C					
15760	Composite skin graft		T	0137	21.0538	$1,419.85		$283.97
15770	Derma-fat-fascia graft		T	0137	21.0538	$1,419.85		$283.97
15775	Hair transplant punch grafts		T	0133	1.3482	$90.92	$25.67	$18.19
15776	Hair transplant punch grafts		T	0133	1.3482	$90.92	$25.67	$18.19
15780	Abrasion treatment of skin		T	0022	22.4616	$1,514.79	$354.45	$302.96
15781	Abrasion treatment of skin		T	0019	4.3348	$292.33	$64.13	$58.47
15782	Abrasion treatment of skin		T	0019	4.3348	$292.33	$64.13	$58.47
15783	Abrasion treatment of skin		T	0016	2.7920	$188.29		$37.66
15786	Abrasion, lesion, single		T	0013	0.8679	$58.53		$11.71

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
15787	Abrasion, lesions, add-on		T	0013	0.8679	$58.53		$11.71
15788	Chemical peel, face, epiderm		T	0013	0.8679	$58.53		$11.71
15789	Chemical peel, face, dermal		T	0015	1.5025	$101.33		$20.27
15792	Chemical peel, nonfacial		T	0015	1.5025	$101.33		$20.27
15793	Chemical peel, nonfacial		T	0013	0.8679	$58.53		$11.71
15819	Plastic surgery, neck		T	0134	3.1786	$214.36		$42.88
15820	Revision of lower eyelid		T	0137	21.0538	$1,419.85		$283.97
15821	Revision of lower eyelid		T	0137	21.0538	$1,419.85		$283.97
15822	Revision of upper eyelid		T	0137	21.0538	$1,419.85		$283.97
15823	Revision of upper eyelid		T	0137	21.0538	$1,419.85		$283.97
15824	Removal of forehead wrinkles		T	0137	21.0538	$1,419.85		$283.97
15825	Removal of neck wrinkles		T	0137	21.0538	$1,419.85		$283.97
15826	Removal of brow wrinkles		T	0137	21.0538	$1,419.85		$283.97
15828	Removal of face wrinkles		T	0137	21.0538	$1,419.85		$283.97
15829	Removal of skin wrinkles		T	0137	21.0538	$1,419.85		$283.97
15830	Exc skin abd		T	0022	22.4616	$1,514.79	$354.45	$302.96
15832	Excise excessive skin tissue		T	0022	22.4616	$1,514.79	$354.45	$302.96
15833	Excise excessive skin tissue		T	0022	22.4616	$1,514.79	$354.45	$302.96
15834	Excise excessive skin tissue		T	0022	22.4616	$1,514.79	$354.45	$302.96
15835	Excise excessive skin tissue		T	0022	22.4616	$1,514.79	$354.45	$302.96
15836	Excise excessive skin tissue		T	0021	16.2353	$1,094.89	$219.48	$218.98
15837	Excise excessive skin tissue		T	0021	16.2353	$1,094.89	$219.48	$218.98
15838	Excise excessive skin tissue		T	0021	16.2353	$1,094.89	$219.48	$218.98
15839	Excise excessive skin tissue		T	0021	16.2353	$1,094.89	$219.48	$218.98
15840	Graft for face nerve palsy		T	0137	21.0538	$1,419.85		$283.97
15841	Graft for face nerve palsy		T	0137	21.0538	$1,419.85		$283.97
15842	Flap for face nerve palsy		T	0137	21.0538	$1,419.85		$283.97
15845	Skin and muscle repair, face		T	0137	21.0538	$1,419.85		$283.97
15847	Exc skin abd add-on		T	0022	22.4616	$1,514.79	$354.45	$302.96
15850	Removal of sutures		T	0016	2.7920	$188.29		$37.66
15851	Removal of sutures		T	0016	2.7920	$188.29		$37.66
15852	Dressing change not for burn		X	0340	0.6682	$45.06		$9.02
15860	Test for blood flow in graft		X	0340	0.6682	$45.06		$9.02
15876	Suction assisted lipectomy		T	0137	21.0538	$1,419.85		$283.97
15877	Suction assisted lipectomy		T	0137	21.0538	$1,419.85		$283.97
15878	Suction assisted lipectomy		T	0137	21.0538	$1,419.85		$283.97
15879	Suction assisted lipectomy		T	0137	21.0538	$1,419.85		$283.97
15920	Removal of tail bone ulcer		T	0019	4.3348	$292.33	$64.13	$58.47
15922	Removal of tail bone ulcer		T	0137	21.0538	$1,419.85		$283.97
15931	Remove sacrum pressure sore		T	0022	22.4616	$1,514.79	$354.45	$302.96
15933	Remove sacrum pressure sore		T	0022	22.4616	$1,514.79	$354.45	$302.96
15934	Remove sacrum pressure sore		T	0137	21.0538	$1,419.85		$283.97

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
15935	Remove sacrum pressure sore		T	0137	21.0538	$1,419.85		$283.97
15936	Remove sacrum pressure sore		T	0136	15.8458	$1,068.62		$213.73
15937	Remove sacrum pressure sore		T	0137	21.0538	$1,419.85		$283.97
15940	Remove hip pressure sore		T	0022	22.4616	$1,514.79	$354.45	$302.96
15941	Remove hip pressure sore		T	0022	22.4616	$1,514.79	$354.45	$302.96
15944	Remove hip pressure sore		T	0137	21.0538	$1,419.85		$283.97
15945	Remove hip pressure sore		T	0137	21.0538	$1,419.85		$283.97
15946	Remove hip pressure sore		T	0137	21.0538	$1,419.85		$283.97
15950	Remove thigh pressure sore		T	0022	22.4616	$1,514.79	$354.45	$302.96
15951	Remove thigh pressure sore		T	0022	22.4616	$1,514.79	$354.45	$302.96
15952	Remove thigh pressure sore		T	0136	15.8458	$1,068.62		$213.73
15953	Remove thigh pressure sore		T	0136	15.8458	$1,068.62		$213.73
15956	Remove thigh pressure sore		T	0136	15.8458	$1,068.62		$213.73
15958	Remove thigh pressure sore		T	0136	15.8458	$1,068.62		$213.73
15999	Removal of pressure sore		T	0019	4.3348	$292.33	$64.13	$58.47
16000	Initial treatment of burn(s)		T	0013	0.8679	$58.53		$11.71
16020	Dress/debrid p-thick burn, s		T	0015	1.5025	$101.33		$20.27
16025	Dress/debrid p-thick burn, m		T	0015	1.5025	$101.33		$20.27
16030	Dress/debrid p-thick burn, l		T	0015	1.5025	$101.33		$20.27
16035	Incision of burn scab, initi		T	0015	1.5025	$101.33		$20.27
16036	Escharotomy; add'l incision		C					
17000	Destruct premalg lesion		T	0013	0.8679	$58.53		$11.71
17003	Destruct premalg les, 2-14		T	0012	0.4119	$27.78		$5.56
17004	Destroy premlg lesions 15+		T	0016	2.7920	$188.29		$37.66
17106	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17107	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17108	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17110	Destruct b9 lesion, 1-14		T	0013	0.8679	$58.53		$11.71
17111	Destruct lesion, 15 or more		T	0015	1.5025	$101.33		$20.27
17250	Chemical cautery, tissue		T	0015	1.5025	$101.33		$20.27
17260	Destruction of skin lesions		T	0015	1.5025	$101.33		$20.27
17261	Destruction of skin lesions		T	0015	1.5025	$101.33		$20.27
17262	Destruction of skin lesions		T	0015	1.5025	$101.33		$20.27
17263	Destruction of skin lesions		T	0015	1.5025	$101.33		$20.27
17264	Destruction of skin lesions		T	0015	1.5025	$101.33		$20.27
17266	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17270	Destruction of skin lesions		T	0015	1.5025	$101.33		$20.27
17271	Destruction of skin lesions		T	0015	1.5025	$101.33		$20.27
17272	Destruction of skin lesions		T	0015	1.5025	$101.33		$20.27
17273	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17274	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17276	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
17280	Destruction of skin lesions		T	0015	1.5025	$101.33		$20.27
17281	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17282	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17283	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17284	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17286	Destruction of skin lesions		T	0016	2.7920	$188.29		$37.66
17311	Mohs, 1 stage, h/n/hf/g		T	0694	5.2659	$355.13	$91.69	$71.03
17312	Mohs addl stage		T	0694	5.2659	$355.13	$91.69	$71.03
17313	Mohs, 1 stage, t/a/l		T	0694	5.2659	$355.13	$91.69	$71.03
17314	Mohs, addl stage, t/a/l		T	0694	5.2659	$355.13	$91.69	$71.03
17315	Mohs surg, addl block		T	0694	5.2659	$355.13	$91.69	$71.03
17340	Cryotherapy of skin		T	0013	0.8679	$58.53		$11.71
17360	Skin peel therapy		T	0013	0.8679	$58.53		$11.71
17380	Hair removal by electrolysis		T	0013	0.8679	$58.53		$11.71
17999	Skin tissue procedure		T	0012	0.4119	$27.78		$5.56
19000	Drainage of breast lesion		T	0004	4.5886	$309.45		$61.89
19001	Drain breast lesion add-on		T	0002	1.4855	$100.18		$20.04
19020	Incision of breast lesion		T	0008	19.6942	$1,328.16		$265.64
19030	Injection for breast x-ray		N					
19100	Bx breast percut w/o image		T	0004	4.5886	$309.45		$61.89
19101	Biopsy of breast, open		T	0028	24.7586	$1,669.70		$333.94
19102	Bx breast percut w/image		T	0005	7.6979	$519.14		$103.83
19103	Bx breast percut w/device		T	0037	15.2766	$1,030.24	$228.76	$206.05
19105	Cryosurg ablate fa, each		T	0029	34.6053	$2,333.75	$581.52	$466.75
19110	Nipple exploration		T	0028	24.7586	$1,669.70		$333.94
19112	Excise breast duct fistula		T	0028	24.7586	$1,669.70		$333.94
19120	Removal of breast lesion		T	0028	24.7586	$1,669.70		$333.94
19125	Excision, breast lesion		T	0028	24.7586	$1,669.70		$333.94
19126	Excision, addl breast lesion		T	0028	24.7586	$1,669.70		$333.94
19260	Removal of chest wall lesion		T	0021	16.2353	$1,094.89	$219.48	$218.98
19271	Revision of chest wall		C					
19272	Extensive chest wall surgery		C					
19290	Place needle wire, breast		N					
19291	Place needle wire, breast		N					
19295	Place breast clip, percut		N					
19296	Place po breast cath for rad		T	0648	60.1705	$4,057.84		$811.57
19297	Place breast cath for rad		T	0648	60.1705	$4,057.84		$811.57
19298	Place breast rad tube/caths		T	0648	60.1705	$4,057.84		$811.57
19300	Removal of breast tissue		T	0028	24.7586	$1,669.70		$333.94
19301	Partical mastectomy		T	0028	24.7586	$1,669.70		$333.94
19302	P-mastectomy w/ln removal		T	0030	42.4790	$2,864.74	$747.07	$572.95
19303	Mast, simple, complete		T	0029	34.6053	$2,333.75	$581.52	$466.75

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
19304	Mast, subq		T	0029	34.6053	$2,333.75	$581.52	$466.75
19305	Mast, radical		C					
19306	Mast, rad, urban type		C					
19307	Mast, mod rad		T	0030	42.4790	$2,864.74	$747.07	$572.95
19316	Suspension of breast		T	0029	34.6053	$2,333.75	$581.52	$466.75
19318	Reduction of large breast		T	0030	42.4790	$2,864.74	$747.07	$572.95
19324	Enlarge breast		T	0030	42.4790	$2,864.74	$747.07	$572.95
19325	Enlarge breast with implant		T	0648	60.1705	$4,057.84		$811.57
19328	Removal of breast implant		T	0029	34.6053	$2,333.75	$581.52	$466.75
19330	Removal of implant material		T	0029	34.6053	$2,333.75	$581.52	$466.75
19340	Immediate breast prosthesis		T	0030	42.4790	$2,864.74	$747.07	$572.95
19342	Delayed breast prosthesis		T	0648	60.1705	$4,057.84		$811.57
19350	Breast reconstruction		T	0028	24.7586	$1,669.70		$333.94
19355	Correct inverted nipple(s)		T	0029	34.6053	$2,333.75	$581.52	$466.75
19357	Breast reconstruction		T	0648	60.1705	$4,057.84		$811.57
19361	Breast reconstr w/lat flap		C					
19364	Breast reconstruction		C					
19366	Breast reconstruction		T	0029	34.6053	$2,333.75	$581.52	$466.75
19367	Breast reconstruction		C					
19368	Breast reconstruction		C					
19369	Breast reconstruction		C					
19370	Surgery of breast capsule		T	0029	34.6053	$2,333.75	$581.52	$466.75
19371	Removal of breast capsule		T	0029	34.6053	$2,333.75	$581.52	$466.75
19380	Revise breast reconstruction		T	0030	42.4790	$2,864.74	$747.07	$572.95
19396	Design custom breast implant		T	0029	34.6053	$2,333.75	$581.52	$466.75
19499	Breast surgery procedure		T	0028	24.7586	$1,669.70		$333.94
20000	Incision of abscess		T	0006	1.4437	$97.36		$19.48
20005	Incision of deep abscess		T	0049	22.0895	$1,489.69		$297.94
20100	Explore wound, neck		T	0252	7.5340	$508.09	$109.16	$101.62
20101	Explore wound, chest		T	0137	21.0538	$1,419.85		$283.97
20102	Explore wound, abdomen		T	0137	21.0538	$1,419.85		$283.97
20103	Explore wound, extremity	CH	T	0007	12.4456	$839.32		$167.87
20150	Excise epiphyseal bar		T	0051	46.7920	$3,155.61		$631.13
20200	Muscle biopsy		T	0021	16.2353	$1,094.89	$219.48	$218.98
20205	Deep muscle biopsy		T	0021	16.2353	$1,094.89	$219.48	$218.98
20206	Needle biopsy, muscle		T	0005	7.6979	$519.14		$103.83
20220	Bone biopsy, trocar/needle		T	0020	8.1236	$547.85		$109.57
20225	Bone biopsy, trocar/needle		T	0021	16.2353	$1,094.89	$219.48	$218.98
20240	Bone biopsy, excisional		T	0022	22.4616	$1,514.79	$354.45	$302.96
20245	Bone biopsy, excisional		T	0022	22.4616	$1,514.79	$354.45	$302.96
20250	Open bone biopsy		T	0049	22.0895	$1,489.69		$297.94
20251	Open bone biopsy		T	0049	22.0895	$1,489.69		$297.94

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
20500	Injection of sinus tract		T	0252	7.5340	$508.09	$109.16	$101.62
20501	Inject sinus tract for x-ray		N					
20520	Removal of foreign body		T	0019	4.3348	$292.33	$64.13	$58.47
20525	Removal of foreign body		T	0022	22.4616	$1,514.79	$354.45	$302.96
20526	Ther injection, carp tunnel		T	0204	2.6572	$179.20	$40.13	$35.84
20550	Inj tendon sheath/ligament		T	0204	2.6572	$179.20	$40.13	$35.84
20551	Inj tendon origin/insertion		T	0204	2.6572	$179.20	$40.13	$35.84
20552	Inj trigger point, 1/2 muscl		T	0204	2.6572	$179.20	$40.13	$35.84
20553	Inject trigger points, =/> 3		T	0204	2.6572	$179.20	$40.13	$35.84
20555	Place ndl musc/tis for rt		T	0050	31.6510	$2,134.51		$426.91
20600	Drain/inject, joint/bursa		T	0204	2.6572	$179.20	$40.13	$35.84
20605	Drain/inject, joint/bursa		T	0204	2.6572	$179.20	$40.13	$35.84
20610	Drain/inject, joint/bursa		T	0204	2.6572	$179.20	$40.13	$35.84
20612	Aspirate/inj ganglion cyst		T	0204	2.6572	$179.20	$40.13	$35.84
20615	Treatment of bone cyst		T	0004	4.5886	$309.45		$61.89
20650	Insert and remove bone pin		T	0049	22.0895	$1,489.69		$297.94
20660	Apply, rem fixation device		T	0138	4.8430	$326.61		$65.33
20661	Application of head brace		C					
20662	Application of pelvis brace		T	0049	22.0895	$1,489.69		$297.94
20663	Application of thigh brace		T	0049	22.0895	$1,489.69		$297.94
20664	Halo brace application		C					
20665	Removal of fixation device		X	0340	0.6682	$45.06		$9.02
20670	Removal of support implant		T	0021	16.2353	$1,094.89	$219.48	$218.98
20680	Removal of support implant		T	0022	22.4616	$1,514.79	$354.45	$302.96
20690	Apply bone fixation device		T	0050	31.6510	$2,134.51		$426.91
20692	Apply bone fixation device		T	0050	31.6510	$2,134.51		$426.91
20693	Adjust bone fixation device		T	0049	22.0895	$1,489.69		$297.94
20694	Remove bone fixation device		T	0049	22.0895	$1,489.69		$297.94
20696	Comp multiplane ext fixation		T	0050	31.6510	$2,134.51		$426.91
20697	Comp ext fixate strut change		T	0139	18.6224	$1,255.88		$251.18
20802	Replantation, arm, complete		C					
20805	Replant forearm, complete		C					
20808	Replantation hand, complete		C					
20816	Replantation digit, complete		C					
20822	Replantation digit, complete		T	0054	28.2465	$1,904.92		$380.99
20824	Replantation thumb, complete		C					
20827	Replantation thumb, complete		C					
20838	Replantation foot, complete		C					
20900	Removal of bone for graft		T	0050	31.6510	$2,134.51		$426.91
20902	Removal of bone for graft		T	0050	31.6510	$2,134.51		$426.91
20910	Remove cartilage for graft		T	0137	21.0538	$1,419.85		$283.97
20912	Remove cartilage for graft		T	0137	21.0538	$1,419.85		$283.97

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
20920	Removal of fascia for graft		T	0136	15.8458	$1,068.62		$213.73
20922	Removal of fascia for graft		T	0136	15.8458	$1,068.62		$213.73
20924	Removal of tendon for graft		T	0050	31.6510	$2,134.51		$426.91
20926	Removal of tissue for graft		T	0135	4.3990	$296.66		$59.34
20930	Sp bone algrft morsel add-on		C					
20931	Sp bone algrft struct add-on		C					
20936	Sp bone agrft local add-on		C					
20937	Sp bone agrft morsel add-on		C					
20938	Sp bone agrft struct add-on		C					
20950	Fluid pressure, muscle		T	0006	1.4437	$97.36		$19.48
20955	Fibula bone graft, microvasc		C					
20956	Iliac bone graft, microvasc		C					
20957	Mt bone graft, microvasc		C					
20962	Other bone graft, microvasc		C					
20969	Bone/skin graft, microvasc		C					
20970	Bone/skin graft, iliac crest		C					
20972	Bone/skin graft, metatarsal		T	0056	51.6815	$3,485.35		$697.07
20973	Bone/skin graft, great toe		T	0056	51.6815	$3,485.35		$697.07
20974	Electrical bone stimulation		A					
20975	Electrical bone stimulation		N					
20979	Us bone stimulation		X	0340	0.6682	$45.06		$9.02
20982	Ablate, bone tumor(s) perq		T	0051	46.7920	$3,155.61		$631.13
20985	Cptr-asst dir ms px		N					
20999	Musculoskeletal surgery		T	0049	22.0895	$1,489.69		$297.94
21010	Incision of jaw joint		T	0254	24.8215	$1,673.94		$334.79
21015	Resection of facial tumor	CH	T	0254	24.8215	$1,673.94		$334.79
21025	Excision of bone, lower jaw		T	0256	42.8890	$2,892.39		$578.48
21026	Excision of facial bone(s)		T	0256	42.8890	$2,892.39		$578.48
21029	Contour of face bone lesion		T	0256	42.8890	$2,892.39		$578.48
21030	Excise max/zygoma b9 tumor		T	0254	24.8215	$1,673.94		$334.79
21031	Remove exostosis, mandible		T	0254	24.8215	$1,673.94		$334.79
21032	Remove exostosis, maxilla		T	0254	24.8215	$1,673.94		$334.79
21034	Excise max/zygoma mlg tumor		T	0256	42.8890	$2,892.39		$578.48
21040	Excise mandible lesion		T	0254	24.8215	$1,673.94		$334.79
21044	Removal of jaw bone lesion		T	0256	42.8890	$2,892.39		$578.48
21045	Extensive jaw surgery		C					
21046	Remove mandible cyst complex		T	0256	42.8890	$2,892.39		$578.48
21047	Excise lwr jaw cyst w/repair		T	0256	42.8890	$2,892.39		$578.48
21048	Remove maxilla cyst complex		T	0256	42.8890	$2,892.39		$578.48
21049	Excis uppr jaw cyst w/repair		T	0256	42.8890	$2,892.39		$578.48
21050	Removal of jaw joint		T	0256	42.8890	$2,892.39		$578.48

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
21060	Remove jaw joint cartilage		T	0256	42.8890	$2,892.39		$578.48
21070	Remove coronoid process		T	0256	42.8890	$2,892.39		$578.48
21073	Mnpj of tmj w/anesth		T	0252	7.5340	$508.09	$109.16	$101.62
21076	Prepare face/oral prosthesis		T	0254	24.8215	$1,673.94		$334.79
21077	Prepare face/oral prosthesis		T	0256	42.8890	$2,892.39		$578.48
21079	Prepare face/oral prosthesis		T	0256	42.8890	$2,892.39		$578.48
21080	Prepare face/oral prosthesis		T	0256	42.8890	$2,892.39		$578.48
21081	Prepare face/oral prosthesis		T	0256	42.8890	$2,892.39		$578.48
21082	Prepare face/oral prosthesis		T	0256	42.8890	$2,892.39		$578.48
21083	Prepare face/oral prosthesis		T	0256	42.8890	$2,892.39		$578.48
21084	Prepare face/oral prosthesis		T	0256	42.8890	$2,892.39		$578.48
21085	Prepare face/oral prosthesis		T	0253	17.0446	$1,149.47	$282.29	$229.90
21086	Prepare face/oral prosthesis		T	0256	42.8890	$2,892.39		$578.48
21087	Prepare face/oral prosthesis		T	0256	42.8890	$2,892.39		$578.48
21088	Prepare face/oral prosthesis		T	0256	42.8890	$2,892.39		$578.48
21089	Prepare face/oral prosthesis		T	0250	1.1384	$76.77	$25.10	$15.36
21100	Maxillofacial fixation		T	0256	42.8890	$2,892.39		$578.48
21110	Interdental fixation		T	0252	7.5340	$508.09	$109.16	$101.62
21116	Injection, jaw joint x-ray		N					
21120	Reconstruction of chin		T	0254	24.8215	$1,673.94		$334.79
21121	Reconstruction of chin		T	0254	24.8215	$1,673.94		$334.79
21122	Reconstruction of chin		T	0254	24.8215	$1,673.94		$334.79
21123	Reconstruction of chin		T	0254	24.8215	$1,673.94		$334.79
21125	Augmentation, lower jaw bone		T	0254	24.8215	$1,673.94		$334.79
21127	Augmentation, lower jaw bone		T	0256	42.8890	$2,892.39		$578.48
21137	Reduction of forehead		T	0254	24.8215	$1,673.94		$334.79
21138	Reduction of forehead		T	0256	42.8890	$2,892.39		$578.48
21139	Reduction of forehead		T	0256	42.8890	$2,892.39		$578.48
21141	Reconstruct midface, lefort		C					
21142	Reconstruct midface, lefort		C					
21143	Reconstruct midface, lefort		C					
21145	Reconstruct midface, lefort		C					
21146	Reconstruct midface, lefort		C					
21147	Reconstruct midface, lefort		C					
21150	Reconstruct midface, lefort		T	0256	42.8890	$2,892.39		$578.48
21151	Reconstruct midface, lefort		C					
21154	Reconstruct midface, lefort		C					
21155	Reconstruct midface, lefort		C					
21159	Reconstruct midface, lefort		C					
21160	Reconstruct midface, lefort		C					
21172	Reconstruct orbit/forehead		T	0256	42.8890	$2,892.39		$578.48
21175	Reconstruct orbit/forehead		T	0256	42.8890	$2,892.39		$578.48

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
21179	Reconstruct entire forehead		C					
21180	Reconstruct entire forehead		C					
21181	Contour cranial bone lesion		T	0254	24.8215	$1,673.94		$334.79
21182	Reconstruct cranial bone		C					
21183	Reconstruct cranial bone		C					
21184	Reconstruct cranial bone		C					
21188	Reconstruction of midface		C					
21193	Reconst lwr jaw w/o graft		C					
21194	Reconst lwr jaw w/graft		C					
21195	Reconst lwr jaw w/o fixation		T	0256	42.8890	$2,892.39		$578.48
21196	Reconst lwr jaw w/fixation		C					
21198	Reconstr lwr jaw segment		T	0256	42.8890	$2,892.39		$578.48
21199	Reconstr lwr jaw w/advance		T	0256	42.8890	$2,892.39		$578.48
21206	Reconstruct upper jaw bone		T	0256	42.8890	$2,892.39		$578.48
21208	Augmentation of facial bones		T	0256	42.8890	$2,892.39		$578.48
21209	Reduction of facial bones		T	0256	42.8890	$2,892.39		$578.48
21210	Face bone graft		T	0256	42.8890	$2,892.39		$578.48
21215	Lower jaw bone graft		T	0256	42.8890	$2,892.39		$578.48
21230	Rib cartilage graft		T	0256	42.8890	$2,892.39		$578.48
21235	Ear cartilage graft		T	0254	24.8215	$1,673.94		$334.79
21240	Reconstruction of jaw joint		T	0256	42.8890	$2,892.39		$578.48
21242	Reconstruction of jaw joint		T	0256	42.8890	$2,892.39		$578.48
21243	Reconstruction of jaw joint		T	0256	42.8890	$2,892.39		$578.48
21244	Reconstruction of lower jaw		T	0256	42.8890	$2,892.39		$578.48
21245	Reconstruction of jaw		T	0256	42.8890	$2,892.39		$578.48
21246	Reconstruction of jaw		T	0256	42.8890	$2,892.39		$578.48
21247	Reconstruct lower jaw bone		C					
21248	Reconstruction of jaw		T	0256	42.8890	$2,892.39		$578.48
21249	Reconstruction of jaw		T	0256	42.8890	$2,892.39		$578.48
21255	Reconstruct lower jaw bone		C					
21256	Reconstruction of orbit	CH	T	0256	42.8890	$2,892.39		$578.48
21260	Revise eye sockets		T	0256	42.8890	$2,892.39		$578.48
21261	Revise eye sockets		T	0256	42.8890	$2,892.39		$578.48
21263	Revise eye sockets		T	0256	42.8890	$2,892.39		$578.48
21267	Revise eye sockets		T	0256	42.8890	$2,892.39		$578.48
21268	Revise eye sockets		C					
21270	Augmentation, cheek bone		T	0256	42.8890	$2,892.39		$578.48
21275	Revision, orbitofacial bones		T	0256	42.8890	$2,892.39		$578.48
21280	Revision of eyelid		T	0256	42.8890	$2,892.39		$578.48
21282	Revision of eyelid		T	0253	17.0446	$1,149.47	$282.29	$229.90
21295	Revision of jaw muscle/bone		T	0252	7.5340	$508.09	$109.16	$101.62
21296	Revision of jaw muscle/bone		T	0254	24.8215	$1,673.94		$334.79

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
21299	Cranio/maxillofacial surgery		T	0250	1.1384	$76.77	$25.10	$15.36
21310	Treatment of nose fracture		T	0250	1.1384	$76.77	$25.10	$15.36
21315	Treatment of nose fracture		T	0253	17.0446	$1,149.47	$282.29	$229.90
21320	Treatment of nose fracture		T	0253	17.0446	$1,149.47	$282.29	$229.90
21325	Treatment of nose fracture		T	0254	24.8215	$1,673.94		$334.79
21330	Treatment of nose fracture		T	0254	24.8215	$1,673.94		$334.79
21335	Treatment of nose fracture		T	0254	24.8215	$1,673.94		$334.79
21336	Treat nasal septal fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
21337	Treat nasal septal fracture		T	0253	17.0446	$1,149.47	$282.29	$229.90
21338	Treat nasoethmoid fracture		T	0254	24.8215	$1,673.94		$334.79
21339	Treat nasoethmoid fracture		T	0254	24.8215	$1,673.94		$334.79
21340	Treatment of nose fracture		T	0256	42.8890	$2,892.39		$578.48
21343	Treatment of sinus fracture		C					
21344	Treatment of sinus fracture		C					
21345	Treat nose/jaw fracture		T	0254	24.8215	$1,673.94		$334.79
21346	Treat nose/jaw fracture		C					
21347	Treat nose/jaw fracture		C					
21348	Treat nose/jaw fracture		C					
21355	Treat cheek bone fracture		T	0256	42.8890	$2,892.39		$578.48
21356	Treat cheek bone fracture		T	0254	24.8215	$1,673.94		$334.79
21360	Treat cheek bone fracture		T	0254	24.8215	$1,673.94		$334.79
21365	Treat cheek bone fracture		T	0256	42.8890	$2,892.39		$578.48
21366	Treat cheek bone fracture		C					
21385	Treat eye socket fracture		T	0256	42.8890	$2,892.39		$578.48
21386	Treat eye socket fracture		T	0256	42.8890	$2,892.39		$578.48
21387	Treat eye socket fracture		T	0256	42.8890	$2,892.39		$578.48
21390	Treat eye socket fracture		T	0256	42.8890	$2,892.39		$578.48
21395	Treat eye socket fracture		C					
21400	Treat eye socket fracture		T	0252	7.5340	$508.09	$109.16	$101.62
21401	Treat eye socket fracture		T	0253	17.0446	$1,149.47	$282.29	$229.90
21406	Treat eye socket fracture		T	0256	42.8890	$2,892.39		$578.48
21407	Treat eye socket fracture		T	0256	42.8890	$2,892.39		$578.48
21408	Treat eye socket fracture		T	0256	42.8890	$2,892.39		$578.48
21421	Treat mouth roof fracture		T	0254	24.8215	$1,673.94		$334.79
21422	Treat mouth roof fracture		C					
21423	Treat mouth roof fracture		C					
21431	Treat craniofacial fracture		C					
21432	Treat craniofacial fracture		C					
21433	Treat craniofacial fracture		C					
21435	Treat craniofacial fracture		C					
21436	Treat craniofacial fracture		C					
21440	Treat dental ridge fracture		T	0254	24.8215	$1,673.94		$334.79

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
21445	Treat dental ridge fracture		T	0254	24.8215	$1,673.94		$334.79
21450	Treat lower jaw fracture		T	0251	3.4720	$234.15		$46.83
21451	Treat lower jaw fracture		T	0252	7.5340	$508.09	$109.16	$101.62
21452	Treat lower jaw fracture		T	0253	17.0446	$1,149.47	$282.29	$229.90
21453	Treat lower jaw fracture		T	0256	42.8890	$2,892.39		$578.48
21454	Treat lower jaw fracture		T	0254	24.8215	$1,673.94		$334.79
21461	Treat lower jaw fracture		T	0256	42.8890	$2,892.39		$578.48
21462	Treat lower jaw fracture		T	0256	42.8890	$2,892.39		$578.48
21465	Treat lower jaw fracture		T	0256	42.8890	$2,892.39		$578.48
21470	Treat lower jaw fracture		T	0256	42.8890	$2,892.39		$578.48
21480	Reset dislocated jaw		T	0250	1.1384	$76.77	$25.10	$15.36
21485	Reset dislocated jaw		T	0253	17.0446	$1,149.47	$282.29	$229.90
21490	Repair dislocated jaw		T	0256	42.8890	$2,892.39		$578.48
21495	Treat hyoid bone fracture		T	0253	17.0446	$1,149.47	$282.29	$229.90
21497	Interdental wiring		T	0253	17.0446	$1,149.47	$282.29	$229.90
21499	Head surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
21501	Drain neck/chest lesion		T	0008	19.6942	$1,328.16		$265.64
21502	Drain chest lesion		T	0049	22.0895	$1,489.69		$297.94
21510	Drainage of bone lesion		C					
21550	Biopsy of neck/chest		T	0021	16.2353	$1,094.89	$219.48	$218.98
21555	Remove lesion, neck/chest		T	0022	22.4616	$1,514.79	$354.45	$302.96
21556	Remove lesion, neck/chest		T	0022	22.4616	$1,514.79	$354.45	$302.96
21557	Remove tumor, neck/chest		T	0022	22.4616	$1,514.79	$354.45	$302.96
21600	Partial removal of rib		T	0050	31.6510	$2,134.51		$426.91
21610	Partial removal of rib		T	0050	31.6510	$2,134.51		$426.91
21615	Removal of rib		C					
21616	Removal of rib and nerves		C					
21620	Partial removal of sternum		C					
21627	Sternal debridement		C					
21630	Extensive sternum surgery		C					
21632	Extensive sternum surgery		C					
21685	Hyoid myotomy & suspension		T	0252	7.5340	$508.09	$109.16	$101.62
21700	Revision of neck muscle		T	0049	22.0895	$1,489.69		$297.94
21705	Revision of neck muscle/rib		C					
21720	Revision of neck muscle		T	0049	22.0895	$1,489.69		$297.94
21725	Revision of neck muscle		T	0006	1.4437	$97.36		$19.48
21740	Reconstruction of sternum		C					
21742	Repair stern/nuss w/o scope		T	0051	46.7920	$3,155.61		$631.13
21743	Repair sternum/nuss w/scope		T	0051	46.7920	$3,155.61		$631.13
21750	Repair of sternum separation		C					
21800	Treatment of rib fracture		T	0129	1.6769	$113.09		$22.62
21805	Treatment of rib fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
21810	Treatment of rib fracture(s)		C					
21820	Treat sternum fracture		T	0129	1.6769	$113.09		$22.62
21825	Treat sternum fracture		C					
21899	Neck/chest surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
21920	Biopsy soft tissue of back		T	0020	8.1236	$547.85		$109.57
21925	Biopsy soft tissue of back		T	0022	22.4616	$1,514.79	$354.45	$302.96
21930	Remove lesion, back or flank		T	0022	22.4616	$1,514.79	$354.45	$302.96
21935	Remove tumor, back		T	0022	22.4616	$1,514.79	$354.45	$302.96
22010	I&d, p-spine, c/t/cerv-thor		C					
22015	I&d, p-spine, l/s/ls		C					
22100	Remove part of neck vertebra		T	0208	49.7505	$3,355.12		$671.03
22101	Remove part, thorax vertebra		T	0208	49.7505	$3,355.12		$671.03
22102	Remove part, lumbar vertebra		T	0208	49.7505	$3,355.12		$671.03
22103	Remove extra spine segment		T	0208	49.7505	$3,355.12		$671.03
22110	Remove part of neck vertebra		C					
22112	Remove part, thorax vertebra		C					
22114	Remove part, lumbar vertebra		C					
22116	Remove extra spine segment		C					
22206	Cut spine 3 col, thor		C					
22207	Cut spine 3 col, lumb		C					
22208	Cut spine 3 col, addl seg		C					
22210	Revision of neck spine		C					
22212	Revision of thorax spine		C					
22214	Revision of lumbar spine		C					
22216	Revise, extra spine segment		C					
22220	Revision of neck spine		C					
22222	Revision of thorax spine		T	0208	49.7505	$3,355.12		$671.03
22224	Revision of lumbar spine		C					
22226	Revise, extra spine segment		C					
22305	Treat spine process fracture		T	0129	1.6769	$113.09		$22.62
22310	Treat spine fracture		T	0138	4.8430	$326.61		$65.33
22315	Treat spine fracture		T	0139	18.6224	$1,255.88		$251.18
22318	Treat odontoid fx w/o graft		C					
22319	Treat odontoid fx w/graft		C					
22325	Treat spine fracture		C					
22326	Treat neck spine fracture		C					
22327	Treat thorax spine fracture		C					
22328	Treat each add spine fx		C					
22505	Manipulation of spine		T	0045	15.1903	$1,024.42	$267.44	$204.89
22520	Percut vertebroplasty thor		T	0050	31.6510	$2,134.51		$426.91
22521	Percut vertebroplasty lumb		T	0050	31.6510	$2,134.51		$426.91
22522	Percut vertebroplasty add'l		T	0050	31.6510	$2,134.51		$426.91

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
22523	Percut kyphoplasty, thor		T	0052	87.3161	$5,888.51		$1,177.71
22524	Percut kyphoplasty, lumbar		T	0052	87.3161	$5,888.51		$1,177.71
22525	Percut kyphoplasty, add-on		T	0052	87.3161	$5,888.51		$1,177.71
22526	Idet, single level		E					
22527	Idet, 1 or more levels		E					
22532	Lat thorax spine fusion		C					
22533	Lat lumbar spine fusion		C					
22534	Lat thor/lumb, add'l seg		C					
22548	Neck spine fusion		C					
22554	Neck spine fusion		C					
22556	Thorax spine fusion		C					
22558	Lumbar spine fusion		C					
22585	Additional spinal fusion		C					
22590	Spine & skull spinal fusion		C					
22595	Neck spinal fusion		C					
22600	Neck spine fusion		C					
22610	Thorax spine fusion		C					
22612	Lumbar spine fusion		T	0208	49.7505	$3,355.12		$671.03
22614	Spine fusion, extra segment		T	0208	49.7505	$3,355.12		$671.03
22630	Lumbar spine fusion		C					
22632	Spine fusion, extra segment		C					
22800	Fusion of spine		C					
22802	Fusion of spine		C					
22804	Fusion of spine		C					
22808	Fusion of spine		C					
22810	Fusion of spine		C					
22812	Fusion of spine		C					
22818	Kyphectomy, 1-2 segments		C					
22819	Kyphectomy, 3 or more		C					
22830	Exploration of spinal fusion		C					
22840	Insert spine fixation device		C					
22841	Insert spine fixation device		C					
22842	Insert spine fixation device		C					
22843	Insert spine fixation device		C					
22844	Insert spine fixation device		C					
22845	Insert spine fixation device		C					
22846	Insert spine fixation device		C					
22847	Insert spine fixation device		C					
22848	Insert pelv fixation device		C					
22849	Reinsert spinal fixation		C					
22850	Remove spine fixation device		C					
22851	Apply spine prosth device		T	0049	22.0895	$1,489.69		$297.94

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
22852	Remove spine fixation device		C					
22855	Remove spine fixation device		C					
22856	Cerv artific diskectomy		C					
22857	Lumbar artif diskectomy		C					
22861	Revise cerv artific disc		C					
22862	Revise lumbar artif disc		C					
22864	Remove cerv artif disc		C					
22865	Remove lumb artif disc		C					
22899	Spine surgery procedure		T	0049	22.0895	$1,489.69		$297.94
22900	Remove abdominal wall lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
22999	Abdomen surgery procedure		T	0049	22.0895	$1,489.69		$297.94
23000	Removal of calcium deposits		T	0021	16.2353	$1,094.89	$219.48	$218.98
23020	Release shoulder joint		T	0051	46.7920	$3,155.61		$631.13
23030	Drain shoulder lesion		T	0008	19.6942	$1,328.16		$265.64
23031	Drain shoulder bursa		T	0008	19.6942	$1,328.16		$265.64
23035	Drain shoulder bone lesion		T	0049	22.0895	$1,489.69		$297.94
23040	Exploratory shoulder surgery		T	0050	31.6510	$2,134.51		$426.91
23044	Exploratory shoulder surgery		T	0050	31.6510	$2,134.51		$426.91
23065	Biopsy shoulder tissues		T	0020	8.1236	$547.85		$109.57
23066	Biopsy shoulder tissues		T	0022	22.4616	$1,514.79	$354.45	$302.96
23075	Removal of shoulder lesion		T	0021	16.2353	$1,094.89	$219.48	$218.98
23076	Removal of shoulder lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
23077	Remove tumor of shoulder		T	0022	22.4616	$1,514.79	$354.45	$302.96
23100	Biopsy of shoulder joint		T	0049	22.0895	$1,489.69		$297.94
23101	Shoulder joint surgery		T	0050	31.6510	$2,134.51		$426.91
23105	Remove shoulder joint lining		T	0050	31.6510	$2,134.51		$426.91
23106	Incision of collarbone joint		T	0050	31.6510	$2,134.51		$426.91
23107	Explore treat shoulder joint		T	0050	31.6510	$2,134.51		$426.91
23120	Partial removal, collar bone		T	0050	31.6510	$2,134.51		$426.91
23125	Removal of collar bone		T	0050	31.6510	$2,134.51		$426.91
23130	Remove shoulder bone, part		T	0051	46.7920	$3,155.61		$631.13
23140	Removal of bone lesion		T	0049	22.0895	$1,489.69		$297.94
23145	Removal of bone lesion		T	0050	31.6510	$2,134.51		$426.91
23146	Removal of bone lesion		T	0050	31.6510	$2,134.51		$426.91
23150	Removal of humerus lesion		T	0050	31.6510	$2,134.51		$426.91
23155	Removal of humerus lesion		T	0050	31.6510	$2,134.51		$426.91
23156	Removal of humerus lesion		T	0050	31.6510	$2,134.51		$426.91
23170	Remove collar bone lesion		T	0050	31.6510	$2,134.51		$426.91
23172	Remove shoulder blade lesion		T	0050	31.6510	$2,134.51		$426.91
23174	Remove humerus lesion		T	0050	31.6510	$2,134.51		$426.91
23180	Remove collar bone lesion		T	0050	31.6510	$2,134.51		$426.91
23182	Remove shoulder blade lesion		T	0050	31.6510	$2,134.51		$426.91

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
23184	Remove humerus lesion		T	0050	31.6510	$2,134.51		$426.91
23190	Partial removal of scapula		T	0050	31.6510	$2,134.51		$426.91
23195	Removal of head of humerus		T	0050	31.6510	$2,134.51		$426.91
23200	Removal of collar bone		C					
23210	Removal of shoulder blade		C					
23220	Partial removal of humerus		C					
23221	Partial removal of humerus		C					
23222	Partial removal of humerus		C					
23330	Remove shoulder foreign body		T	0020	8.1236	$547.85		$109.57
23331	Remove shoulder foreign body		T	0022	22.4616	$1,514.79	$354.45	$302.96
23332	Remove shoulder foreign body		C					
23350	Injection for shoulder x-ray		N					
23395	Muscle transfer,shoulder/arm		T	0051	46.7920	$3,155.61		$631.13
23397	Muscle transfers		T	0052	87.3161	$5,888.51		$1,177.71
23400	Fixation of shoulder blade		T	0050	31.6510	$2,134.51		$426.91
23405	Incision of tendon & muscle		T	0050	31.6510	$2,134.51		$426.91
23406	Incise tendon(s) & muscle(s)		T	0050	31.6510	$2,134.51		$426.91
23410	Repair rotator cuff, acute		T	0051	46.7920	$3,155.61		$631.13
23412	Repair rotator cuff, chronic		T	0051	46.7920	$3,155.61		$631.13
23415	Release of shoulder ligament		T	0051	46.7920	$3,155.61		$631.13
23420	Repair of shoulder		T	0051	46.7920	$3,155.61		$631.13
23430	Repair biceps tendon		T	0051	46.7920	$3,155.61		$631.13
23440	Remove/transplant tendon		T	0051	46.7920	$3,155.61		$631.13
23450	Repair shoulder capsule		T	0052	87.3161	$5,888.51		$1,177.71
23455	Repair shoulder capsule		T	0052	87.3161	$5,888.51		$1,177.71
23460	Repair shoulder capsule		T	0052	87.3161	$5,888.51		$1,177.71
23462	Repair shoulder capsule		T	0051	46.7920	$3,155.61		$631.13
23465	Repair shoulder capsule		T	0052	87.3161	$5,888.51		$1,177.71
23466	Repair shoulder capsule		T	0051	46.7920	$3,155.61		$631.13
23470	Reconstruct shoulder joint		T	0425	115.4444	$7,785.45		$1,557.09
23472	Reconstruct shoulder joint		C					
23480	Revision of collar bone		T	0051	46.7920	$3,155.61		$631.13
23485	Revision of collar bone		T	0052	87.3161	$5,888.51		$1,177.71
23490	Reinforce clavicle		T	0051	46.7920	$3,155.61		$631.13
23491	Reinforce shoulder bones		T	0052	87.3161	$5,888.51		$1,177.71
23500	Treat clavicle fracture		T	0129	1.6769	$113.09		$22.62
23505	Treat clavicle fracture		T	0139	18.6224	$1,255.88		$251.18
23515	Treat clavicle fracture		T	0064	64.5844	$4,355.51		$871.11
23520	Treat clavicle dislocation		T	0138	4.8430	$326.61		$65.33
23525	Treat clavicle dislocation		T	0138	4.8430	$326.61		$65.33
23530	Treat clavicle dislocation		T	0063	44.8330	$3,023.49		$604.70
23532	Treat clavicle dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
23540	Treat clavicle dislocation		T	0129	1.6769	$113.09		$22.62
23545	Treat clavicle dislocation		T	0138	4.8430	$326.61		$65.33
23550	Treat clavicle dislocation		T	0063	44.8330	$3,023.49		$604.70
23552	Treat clavicle dislocation		T	0063	44.8330	$3,023.49		$604.70
23570	Treat shoulder blade fx		T	0129	1.6769	$113.09		$22.62
23575	Treat shoulder blade fx		T	0138	4.8430	$326.61		$65.33
23585	Treat scapula fracture		T	0064	64.5844	$4,355.51		$871.11
23600	Treat humerus fracture		T	0129	1.6769	$113.09		$22.62
23605	Treat humerus fracture		T	0139	18.6224	$1,255.88		$251.18
23615	Treat humerus fracture		T	0064	64.5844	$4,355.51		$871.11
23616	Treat humerus fracture		T	0064	64.5844	$4,355.51		$871.11
23620	Treat humerus fracture		T	0129	1.6769	$113.09		$22.62
23625	Treat humerus fracture		T	0139	18.6224	$1,255.88		$251.18
23630	Treat humerus fracture		T	0064	64.5844	$4,355.51		$871.11
23650	Treat shoulder dislocation		T	0129	1.6769	$113.09		$22.62
23655	Treat shoulder dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
23660	Treat shoulder dislocation		T	0063	44.8330	$3,023.49		$604.70
23665	Treat dislocation/fracture		T	0138	4.8430	$326.61		$65.33
23670	Treat dislocation/fracture		T	0064	64.5844	$4,355.51		$871.11
23675	Treat dislocation/fracture		T	0129	1.6769	$113.09		$22.62
23680	Treat dislocation/fracture		T	0063	44.8330	$3,023.49		$604.70
23700	Fixation of shoulder		T	0045	15.1903	$1,024.42	$267.44	$204.89
23800	Fusion of shoulder joint		T	0052	87.3161	$5,888.51		$1,177.71
23802	Fusion of shoulder joint		T	0051	46.7920	$3,155.61		$631.13
23900	Amputation of arm & girdle		C					
23920	Amputation at shoulder joint		C					
23921	Amputation follow-up surgery		T	0136	15.8458	$1,068.62		$213.73
23929	Shoulder surgery procedure		T	0129	1.6769	$113.09		$22.62
23930	Drainage of arm lesion		T	0008	19.6942	$1,328.16		$265.64
23931	Drainage of arm bursa		T	0008	19.6942	$1,328.16		$265.64
23935	Drain arm/elbow bone lesion		T	0049	22.0895	$1,489.69		$297.94
24000	Exploratory elbow surgery		T	0050	31.6510	$2,134.51		$426.91
24006	Release elbow joint		T	0050	31.6510	$2,134.51		$426.91
24065	Biopsy arm/elbow soft tissue		T	0021	16.2353	$1,094.89	$219.48	$218.98
24066	Biopsy arm/elbow soft tissue		T	0021	16.2353	$1,094.89	$219.48	$218.98
24075	Remove arm/elbow lesion		T	0021	16.2353	$1,094.89	$219.48	$218.98
24076	Remove arm/elbow lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
24077	Remove tumor of arm/elbow		T	0022	22.4616	$1,514.79	$354.45	$302.96
24100	Biopsy elbow joint lining		T	0049	22.0895	$1,489.69		$297.94
24101	Explore/treat elbow joint		T	0050	31.6510	$2,134.51		$426.91
24102	Remove elbow joint lining		T	0050	31.6510	$2,134.51		$426.91
24105	Removal of elbow bursa		T	0049	22.0895	$1,489.69		$297.94

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
24110	Remove humerus lesion		T	0049	22.0895	$1,489.69		$297.94
24115	Remove/graft bone lesion		T	0050	31.6510	$2,134.51		$426.91
24116	Remove/graft bone lesion		T	0050	31.6510	$2,134.51		$426.91
24120	Remove elbow lesion		T	0049	22.0895	$1,489.69		$297.94
24125	Remove/graft bone lesion		T	0050	31.6510	$2,134.51		$426.91
24126	Remove/graft bone lesion		T	0050	31.6510	$2,134.51		$426.91
24130	Removal of head of radius		T	0050	31.6510	$2,134.51		$426.91
24134	Removal of arm bone lesion		T	0050	31.6510	$2,134.51		$426.91
24136	Remove radius bone lesion		T	0050	31.6510	$2,134.51		$426.91
24138	Remove elbow bone lesion		T	0050	31.6510	$2,134.51		$426.91
24140	Partial removal of arm bone		T	0050	31.6510	$2,134.51		$426.91
24145	Partial removal of radius		T	0050	31.6510	$2,134.51		$426.91
24147	Partial removal of elbow		T	0050	31.6510	$2,134.51		$426.91
24149	Radical resection of elbow		T	0050	31.6510	$2,134.51		$426.91
24150	Extensive humerus surgery		T	0051	46.7920	$3,155.61		$631.13
24151	Extensive humerus surgery		T	0052	87.3161	$5,888.51		$1,177.71
24152	Extensive radius surgery		T	0051	46.7920	$3,155.61		$631.13
24153	Extensive radius surgery		T	0052	87.3161	$5,888.51		$1,177.71
24155	Removal of elbow joint		T	0051	46.7920	$3,155.61		$631.13
24160	Remove elbow joint implant		T	0050	31.6510	$2,134.51		$426.91
24164	Remove radius head implant		T	0050	31.6510	$2,134.51		$426.91
24200	Removal of arm foreign body		T	0019	4.3348	$292.33	$64.13	$58.47
24201	Removal of arm foreign body		T	0021	16.2353	$1,094.89	$219.48	$218.98
24220	Injection for elbow x-ray		N					
24300	Manipulate elbow w/anesth		T	0045	15.1903	$1,024.42	$267.44	$204.89
24301	Muscle/tendon transfer		T	0050	31.6510	$2,134.51		$426.91
24305	Arm tendon lengthening		T	0050	31.6510	$2,134.51		$426.91
24310	Revision of arm tendon		T	0049	22.0895	$1,489.69		$297.94
24320	Repair of arm tendon		T	0051	46.7920	$3,155.61		$631.13
24330	Revision of arm muscles		T	0052	87.3161	$5,888.51		$1,177.71
24331	Revision of arm muscles		T	0051	46.7920	$3,155.61		$631.13
24332	Tenolysis, triceps		T	0049	22.0895	$1,489.69		$297.94
24340	Repair of biceps tendon		T	0051	46.7920	$3,155.61		$631.13
24341	Repair arm tendon/muscle		T	0051	46.7920	$3,155.61		$631.13
24342	Repair of ruptured tendon		T	0051	46.7920	$3,155.61		$631.13
24343	Repr elbow lat ligmnt w/tiss		T	0050	31.6510	$2,134.51		$426.91
24344	Reconstruct elbow lat ligmnt		T	0052	87.3161	$5,888.51		$1,177.71
24345	Repr elbw med ligmnt w/tissu		T	0050	31.6510	$2,134.51		$426.91
24346	Reconstruct elbow med ligmnt		T	0051	46.7920	$3,155.61		$631.13
24357	Repair elbow, perc		T	0050	31.6510	$2,134.51		$426.91
24358	Repair elbow w/deb, open		T	0050	31.6510	$2,134.51		$426.91
24359	Repair elbow deb/attch open		T	0050	31.6510	$2,134.51		$426.91

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
24360	Reconstruct elbow joint		T	0047	39.6776	$2,675.82	$537.03	$535.17
24361	Reconstruct elbow joint		T	0425	115.4444	$7,785.45		$1,557.09
24362	Reconstruct elbow joint		T	0048	56.7059	$3,824.19		$764.84
24363	Replace elbow joint		T	0425	115.4444	$7,785.45		$1,557.09
24365	Reconstruct head of radius		T	0047	39.6776	$2,675.82	$537.03	$535.17
24366	Reconstruct head of radius		T	0425	115.4444	$7,785.45		$1,557.09
24400	Revision of humerus		T	0050	31.6510	$2,134.51		$426.91
24410	Revision of humerus		T	0050	31.6510	$2,134.51		$426.91
24420	Revision of humerus		T	0051	46.7920	$3,155.61		$631.13
24430	Repair of humerus		T	0052	87.3161	$5,888.51		$1,177.71
24435	Repair humerus with graft		T	0052	87.3161	$5,888.51		$1,177.71
24470	Revision of elbow joint		T	0051	46.7920	$3,155.61		$631.13
24495	Decompression of forearm		T	0050	31.6510	$2,134.51		$426.91
24498	Reinforce humerus		T	0052	87.3161	$5,888.51		$1,177.71
24500	Treat humerus fracture		T	0129	1.6769	$113.09		$22.62
24505	Treat humerus fracture		T	0129	1.6769	$113.09		$22.62
24515	Treat humerus fracture		T	0064	64.5844	$4,355.51		$871.11
24516	Treat humerus fracture		T	0064	64.5844	$4,355.51		$871.11
24530	Treat humerus fracture		T	0129	1.6769	$113.09		$22.62
24535	Treat humerus fracture		T	0138	4.8430	$326.61		$65.33
24538	Treat humerus fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
24545	Treat humerus fracture		T	0064	64.5844	$4,355.51		$871.11
24546	Treat humerus fracture		T	0064	64.5844	$4,355.51		$871.11
24560	Treat humerus fracture		T	0129	1.6769	$113.09		$22.62
24565	Treat humerus fracture		T	0129	1.6769	$113.09		$22.62
24566	Treat humerus fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
24575	Treat humerus fracture		T	0064	64.5844	$4,355.51		$871.11
24576	Treat humerus fracture		T	0129	1.6769	$113.09		$22.62
24577	Treat humerus fracture		T	0138	4.8430	$326.61		$65.33
24579	Treat humerus fracture		T	0064	64.5844	$4,355.51		$871.11
24582	Treat humerus fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
24586	Treat elbow fracture		T	0064	64.5844	$4,355.51		$871.11
24587	Treat elbow fracture		T	0064	64.5844	$4,355.51		$871.11
24600	Treat elbow dislocation		T	0129	1.6769	$113.09		$22.62
24605	Treat elbow dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
24615	Treat elbow dislocation		T	0064	64.5844	$4,355.51		$871.11
24620	Treat elbow fracture		T	0139	18.6224	$1,255.88		$251.18
24635	Treat elbow fracture		T	0064	64.5844	$4,355.51		$871.11
24640	Treat elbow dislocation		T	0129	1.6769	$113.09		$22.62
24650	Treat radius fracture		T	0129	1.6769	$113.09		$22.62
24655	Treat radius fracture		T	0138	4.8430	$326.61		$65.33
24665	Treat radius fracture		T	0063	44.8330	$3,023.49		$604.70

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
24666	Treat radius fracture		T	0064	64.5844	$4,355.51		$871.11
24670	Treat ulnar fracture		T	0129	1.6769	$113.09		$22.62
24675	Treat ulnar fracture		T	0129	1.6769	$113.09		$22.62
24685	Treat ulnar fracture		T	0063	44.8330	$3,023.49		$604.70
24800	Fusion of elbow joint		T	0051	46.7920	$3,155.61		$631.13
24802	Fusion/graft of elbow joint		T	0051	46.7920	$3,155.61		$631.13
24900	Amputation of upper arm		C					
24920	Amputation of upper arm		C					
24925	Amputation follow-up surgery		T	0049	22.0895	$1,489.69		$297.94
24930	Amputation follow-up surgery		C					
24931	Amputate upper arm & implant		C					
24935	Revision of amputation		T	0052	87.3161	$5,888.51		$1,177.71
24940	Revision of upper arm		C					
24999	Upper arm/elbow surgery		T	0129	1.6769	$113.09		$22.62
25000	Incision of tendon sheath		T	0049	22.0895	$1,489.69		$297.94
25001	Incise flexor carpi radialis		T	0049	22.0895	$1,489.69		$297.94
25020	Decompress forearm 1 space		T	0049	22.0895	$1,489.69		$297.94
25023	Decompress forearm 1 space		T	0050	31.6510	$2,134.51		$426.91
25024	Decompress forearm 2 spaces		T	0050	31.6510	$2,134.51		$426.91
25025	Decompress forearm 2 spaces		T	0050	31.6510	$2,134.51		$426.91
25028	Drainage of forearm lesion		T	0049	22.0895	$1,489.69		$297.94
25031	Drainage of forearm bursa		T	0049	22.0895	$1,489.69		$297.94
25035	Treat forearm bone lesion		T	0049	22.0895	$1,489.69		$297.94
25040	Explore/treat wrist joint		T	0050	31.6510	$2,134.51		$426.91
25065	Biopsy forearm soft tissues		T	0020	8.1236	$547.85		$109.57
25066	Biopsy forearm soft tissues		T	0022	22.4616	$1,514.79	$354.45	$302.96
25075	Removal forearm lesion subcu		T	0021	16.2353	$1,094.89	$219.48	$218.98
25076	Removal forearm lesion deep		T	0022	22.4616	$1,514.79	$354.45	$302.96
25077	Remove tumor, forearm/wrist		T	0022	22.4616	$1,514.79	$354.45	$302.96
25085	Incision of wrist capsule		T	0049	22.0895	$1,489.69		$297.94
25100	Biopsy of wrist joint		T	0049	22.0895	$1,489.69		$297.94
25101	Explore/treat wrist joint		T	0050	31.6510	$2,134.51		$426.91
25105	Remove wrist joint lining		T	0050	31.6510	$2,134.51		$426.91
25107	Remove wrist joint cartilage		T	0050	31.6510	$2,134.51		$426.91
25109	Excise tendon forearm/wrist		T	0049	22.0895	$1,489.69		$297.94
25110	Remove wrist tendon lesion		T	0049	22.0895	$1,489.69		$297.94
25111	Remove wrist tendon lesion		T	0049	22.0895	$1,489.69		$297.94
25112	Reremove wrist tendon lesion		T	0049	22.0895	$1,489.69		$297.94
25115	Remove wrist/forearm lesion		T	0049	22.0895	$1,489.69		$297.94
25116	Remove wrist/forearm lesion		T	0049	22.0895	$1,489.69		$297.94
25118	Excise wrist tendon sheath		T	0050	31.6510	$2,134.51		$426.91
25119	Partial removal of ulna		T	0050	31.6510	$2,134.51		$426.91

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
25120	Removal of forearm lesion		T	0050	31.6510	$2,134.51		$426.91
25125	Remove/graft forearm lesion		T	0050	31.6510	$2,134.51		$426.91
25126	Remove/graft forearm lesion		T	0050	31.6510	$2,134.51		$426.91
25130	Removal of wrist lesion		T	0050	31.6510	$2,134.51		$426.91
25135	Remove & graft wrist lesion		T	0050	31.6510	$2,134.51		$426.91
25136	Remove & graft wrist lesion		T	0050	31.6510	$2,134.51		$426.91
25145	Remove forearm bone lesion		T	0050	31.6510	$2,134.51		$426.91
25150	Partial removal of ulna		T	0050	31.6510	$2,134.51		$426.91
25151	Partial removal of radius		T	0050	31.6510	$2,134.51		$426.91
25170	Extensive forearm surgery		T	0051	46.7920	$3,155.61		$631.13
25210	Removal of wrist bone		T	0050	31.6510	$2,134.51		$426.91
25215	Removal of wrist bones		T	0050	31.6510	$2,134.51		$426.91
25230	Partial removal of radius		T	0050	31.6510	$2,134.51		$426.91
25240	Partial removal of ulna		T	0050	31.6510	$2,134.51		$426.91
25246	Injection for wrist x-ray		N					
25248	Remove forearm foreign body		T	0049	22.0895	$1,489.69		$297.94
25250	Removal of wrist prosthesis		T	0050	31.6510	$2,134.51		$426.91
25251	Removal of wrist prosthesis		T	0050	31.6510	$2,134.51		$426.91
25259	Manipulate wrist w/anesthes		T	0139	18.6224	$1,255.88		$251.18
25260	Repair forearm tendon/muscle		T	0050	31.6510	$2,134.51		$426.91
25263	Repair forearm tendon/muscle		T	0050	31.6510	$2,134.51		$426.91
25265	Repair forearm tendon/muscle		T	0050	31.6510	$2,134.51		$426.91
25270	Repair forearm tendon/muscle		T	0050	31.6510	$2,134.51		$426.91
25272	Repair forearm tendon/muscle		T	0050	31.6510	$2,134.51		$426.91
25274	Repair forearm tendon/muscle		T	0050	31.6510	$2,134.51		$426.91
25275	Repair forearm tendon sheath		T	0050	31.6510	$2,134.51		$426.91
25280	Revise wrist/forearm tendon		T	0050	31.6510	$2,134.51		$426.91
25290	Incise wrist/forearm tendon		T	0050	31.6510	$2,134.51		$426.91
25295	Release wrist/forearm tendon		T	0049	22.0895	$1,489.69		$297.94
25300	Fusion of tendons at wrist		T	0050	31.6510	$2,134.51		$426.91
25301	Fusion of tendons at wrist		T	0050	31.6510	$2,134.51		$426.91
25310	Transplant forearm tendon		T	0051	46.7920	$3,155.61		$631.13
25312	Transplant forearm tendon		T	0051	46.7920	$3,155.61		$631.13
25315	Revise palsy hand tendon(s)		T	0051	46.7920	$3,155.61		$631.13
25316	Revise palsy hand tendon(s)		T	0052	87.3161	$5,888.51		$1,177.71
25320	Repair/revise wrist joint		T	0051	46.7920	$3,155.61		$631.13
25332	Revise wrist joint		T	0047	39.6776	$2,675.82	$537.03	$535.17
25335	Realignment of hand		T	0051	46.7920	$3,155.61		$631.13
25337	Reconstruct ulna/radioulnar		T	0051	46.7920	$3,155.61		$631.13
25350	Revision of radius		T	0052	87.3161	$5,888.51		$1,177.71
25355	Revision of radius		T	0051	46.7920	$3,155.61		$631.13
25360	Revision of ulna		T	0050	31.6510	$2,134.51		$426.91

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
25365	Revise radius & ulna		T	0050	31.6510	$2,134.51		$426.91
25370	Revise radius or ulna		T	0051	46.7920	$3,155.61		$631.13
25375	Revise radius & ulna		T	0051	46.7920	$3,155.61		$631.13
25390	Shorten radius or ulna		T	0050	31.6510	$2,134.51		$426.91
25391	Lengthen radius or ulna		T	0051	46.7920	$3,155.61		$631.13
25392	Shorten radius & ulna		T	0050	31.6510	$2,134.51		$426.91
25393	Lengthen radius & ulna		T	0051	46.7920	$3,155.61		$631.13
25394	Repair carpal bone, shorten		T	0051	46.7920	$3,155.61		$631.13
25400	Repair radius or ulna		T	0051	46.7920	$3,155.61		$631.13
25405	Repair/graft radius or ulna		T	0052	87.3161	$5,888.51		$1,177.71
25415	Repair radius & ulna		T	0052	87.3161	$5,888.51		$1,177.71
25420	Repair/graft radius & ulna		T	0052	87.3161	$5,888.51		$1,177.71
25425	Repair/graft radius or ulna		T	0051	46.7920	$3,155.61		$631.13
25426	Repair/graft radius & ulna		T	0051	46.7920	$3,155.61		$631.13
25430	Vasc graft into carpal bone		T	0051	46.7920	$3,155.61		$631.13
25431	Repair nonunion carpal bone		T	0051	46.7920	$3,155.61		$631.13
25440	Repair/graft wrist bone		T	0052	87.3161	$5,888.51		$1,177.71
25441	Reconstruct wrist joint		T	0425	115.4444	$7,785.45		$1,557.09
25442	Reconstruct wrist joint		T	0425	115.4444	$7,785.45		$1,557.09
25443	Reconstruct wrist joint		T	0048	56.7059	$3,824.19		$764.84
25444	Reconstruct wrist joint		T	0048	56.7059	$3,824.19		$764.84
25445	Reconstruct wrist joint		T	0048	56.7059	$3,824.19		$764.84
25446	Wrist replacement		T	0425	115.4444	$7,785.45		$1,557.09
25447	Repair wrist joint(s)		T	0047	39.6776	$2,675.82	$537.03	$535.17
25449	Remove wrist joint implant		T	0047	39.6776	$2,675.82	$537.03	$535.17
25450	Revision of wrist joint		T	0051	46.7920	$3,155.61		$631.13
25455	Revision of wrist joint		T	0051	46.7920	$3,155.61		$631.13
25490	Reinforce radius		T	0051	46.7920	$3,155.61		$631.13
25491	Reinforce ulna		T	0051	46.7920	$3,155.61		$631.13
25492	Reinforce radius and ulna		T	0051	46.7920	$3,155.61		$631.13
25500	Treat fracture of radius		T	0129	1.6769	$113.09		$22.62
25505	Treat fracture of radius		T	0138	4.8430	$326.61		$65.33
25515	Treat fracture of radius		T	0063	44.8330	$3,023.49		$604.70
25520	Treat fracture of radius		T	0138	4.8430	$326.61		$65.33
25525	Treat fracture of radius		T	0063	44.8330	$3,023.49		$604.70
25526	Treat fracture of radius		T	0063	44.8330	$3,023.49		$604.70
25530	Treat fracture of ulna		T	0129	1.6769	$113.09		$22.62
25535	Treat fracture of ulna		T	0129	1.6769	$113.09		$22.62
25545	Treat fracture of ulna		T	0063	44.8330	$3,023.49		$604.70
25560	Treat fracture radius & ulna		T	0129	1.6769	$113.09		$22.62
25565	Treat fracture radius & ulna		T	0138	4.8430	$326.61		$65.33
25574	Treat fracture radius & ulna		T	0064	64.5844	$4,355.51		$871.11

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
25575	Treat fracture radius/ulna		T	0064	64.5844	$4,355.51		$871.11
25600	Treat fracture radius/ulna		T	0129	1.6769	$113.09		$22.62
25605	Treat fracture radius/ulna		T	0138	4.8430	$326.61		$65.33
25606	Treat fx distal radial		T	0062	25.9991	$1,753.35	$372.87	$350.67
25607	Treat fx rad extra-articul		T	0064	64.5844	$4,355.51		$871.11
25608	Treat fx rad intra-articul		T	0064	64.5844	$4,355.51		$871.11
25609	Treat fx radial 3+ frag		T	0064	64.5844	$4,355.51		$871.11
25622	Treat wrist bone fracture		T	0129	1.6769	$113.09		$22.62
25624	Treat wrist bone fracture		T	0138	4.8430	$326.61		$65.33
25628	Treat wrist bone fracture		T	0063	44.8330	$3,023.49		$604.70
25630	Treat wrist bone fracture		T	0129	1.6769	$113.09		$22.62
25635	Treat wrist bone fracture		T	0138	4.8430	$326.61		$65.33
25645	Treat wrist bone fracture		T	0063	44.8330	$3,023.49		$604.70
25650	Treat wrist bone fracture		T	0129	1.6769	$113.09		$22.62
25651	Pin ulnar styloid fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
25652	Treat fracture ulnar styloid		T	0063	44.8330	$3,023.49		$604.70
25660	Treat wrist dislocation		T	0129	1.6769	$113.09		$22.62
25670	Treat wrist dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
25671	Pin radioulnar dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
25675	Treat wrist dislocation		T	0129	1.6769	$113.09		$22.62
25676	Treat wrist dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
25680	Treat wrist fracture		T	0129	1.6769	$113.09		$22.62
25685	Treat wrist fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
25690	Treat wrist dislocation		T	0139	18.6224	$1,255.88		$251.18
25695	Treat wrist dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
25800	Fusion of wrist joint		T	0052	87.3161	$5,888.51		$1,177.71
25805	Fusion/graft of wrist joint		T	0051	46.7920	$3,155.61		$631.13
25810	Fusion/graft of wrist joint		T	0052	87.3161	$5,888.51		$1,177.71
25820	Fusion of hand bones		T	0051	46.7920	$3,155.61		$631.13
25825	Fuse hand bones with graft		T	0052	87.3161	$5,888.51		$1,177.71
25830	Fusion, radioulnar jnt/ulna		T	0052	87.3161	$5,888.51		$1,177.71
25900	Amputation of forearm		C					
25905	Amputation of forearm		C					
25907	Amputation follow-up surgery		T	0049	22.0895	$1,489.69		$297.94
25909	Amputation follow-up surgery		C					
25915	Amputation of forearm		C					
25920	Amputate hand at wrist		C					
25922	Amputate hand at wrist		T	0049	22.0895	$1,489.69		$297.94
25924	Amputation follow-up surgery		C					
25927	Amputation of hand		C					
25929	Amputation follow-up surgery		T	0136	15.8458	$1,068.62		$213.73
25931	Amputation follow-up surgery		T	0049	22.0895	$1,489.69		$297.94

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
25999	Forearm or wrist surgery		T	0129	1.6769	$113.09		$22.62
26010	Drainage of finger abscess		T	0006	1.4437	$97.36		$19.48
26011	Drainage of finger abscess		T	0007	12.4456	$839.32		$167.87
26020	Drain hand tendon sheath		T	0053	17.0234	$1,148.04	$253.49	$229.61
26025	Drainage of palm bursa		T	0053	17.0234	$1,148.04	$253.49	$229.61
26030	Drainage of palm bursa(s)		T	0053	17.0234	$1,148.04	$253.49	$229.61
26034	Treat hand bone lesion		T	0053	17.0234	$1,148.04	$253.49	$229.61
26035	Decompress fingers/hand		T	0053	17.0234	$1,148.04	$253.49	$229.61
26037	Decompress fingers/hand		T	0053	17.0234	$1,148.04	$253.49	$229.61
26040	Release palm contracture		T	0054	28.2465	$1,904.92		$380.99
26045	Release palm contracture		T	0054	28.2465	$1,904.92		$380.99
26055	Incise finger tendon sheath		T	0053	17.0234	$1,148.04	$253.49	$229.61
26060	Incision of finger tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26070	Explore/treat hand joint		T	0053	17.0234	$1,148.04	$253.49	$229.61
26075	Explore/treat finger joint		T	0053	17.0234	$1,148.04	$253.49	$229.61
26080	Explore/treat finger joint		T	0053	17.0234	$1,148.04	$253.49	$229.61
26100	Biopsy hand joint lining		T	0053	17.0234	$1,148.04	$253.49	$229.61
26105	Biopsy finger joint lining		T	0053	17.0234	$1,148.04	$253.49	$229.61
26110	Biopsy finger joint lining		T	0053	17.0234	$1,148.04	$253.49	$229.61
26115	Removal hand lesion subcut		T	0022	22.4616	$1,514.79	$354.45	$302.96
26116	Removal hand lesion, deep		T	0022	22.4616	$1,514.79	$354.45	$302.96
26117	Remove tumor, hand/finger		T	0022	22.4616	$1,514.79	$354.45	$302.96
26121	Release palm contracture		T	0054	28.2465	$1,904.92		$380.99
26123	Release palm contracture		T	0054	28.2465	$1,904.92		$380.99
26125	Release palm contracture		T	0053	17.0234	$1,148.04	$253.49	$229.61
26130	Remove wrist joint lining		T	0053	17.0234	$1,148.04	$253.49	$229.61
26135	Revise finger joint, each		T	0054	28.2465	$1,904.92		$380.99
26140	Revise finger joint, each		T	0053	17.0234	$1,148.04	$253.49	$229.61
26145	Tendon excision, palm/finger		T	0053	17.0234	$1,148.04	$253.49	$229.61
26160	Remove tendon sheath lesion		T	0053	17.0234	$1,148.04	$253.49	$229.61
26170	Removal of palm tendon, each		T	0053	17.0234	$1,148.04	$253.49	$229.61
26180	Removal of finger tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26185	Remove finger bone		T	0053	17.0234	$1,148.04	$253.49	$229.61
26200	Remove hand bone lesion		T	0053	17.0234	$1,148.04	$253.49	$229.61
26205	Remove/graft bone lesion		T	0054	28.2465	$1,904.92		$380.99
26210	Removal of finger lesion		T	0053	17.0234	$1,148.04	$253.49	$229.61
26215	Remove/graft finger lesion		T	0053	17.0234	$1,148.04	$253.49	$229.61
26230	Partial removal of hand bone		T	0053	17.0234	$1,148.04	$253.49	$229.61
26235	Partial removal, finger bone		T	0053	17.0234	$1,148.04	$253.49	$229.61
26236	Partial removal, finger bone		T	0053	17.0234	$1,148.04	$253.49	$229.61
26250	Extensive hand surgery		T	0053	17.0234	$1,148.04	$253.49	$229.61
26255	Extensive hand surgery		T	0054	28.2465	$1,904.92		$380.99

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
26260	Extensive finger surgery		T	0053	17.0234	$1,148.04	$253.49	$229.61
26261	Extensive finger surgery		T	0053	17.0234	$1,148.04	$253.49	$229.61
26262	Partial removal of finger		T	0053	17.0234	$1,148.04	$253.49	$229.61
26320	Removal of implant from hand		T	0021	16.2353	$1,094.89	$219.48	$218.98
26340	Manipulate finger w/anesth		T	0138	4.8430	$326.61		$65.33
26350	Repair finger/hand tendon		T	0054	28.2465	$1,904.92		$380.99
26352	Repair/graft hand tendon		T	0054	28.2465	$1,904.92		$380.99
26356	Repair finger/hand tendon		T	0054	28.2465	$1,904.92		$380.99
26357	Repair finger/hand tendon		T	0054	28.2465	$1,904.92		$380.99
26358	Repair/graft hand tendon		T	0054	28.2465	$1,904.92		$380.99
26370	Repair finger/hand tendon		T	0054	28.2465	$1,904.92		$380.99
26372	Repair/graft hand tendon		T	0054	28.2465	$1,904.92		$380.99
26373	Repair finger/hand tendon		T	0054	28.2465	$1,904.92		$380.99
26390	Revise hand/finger tendon		T	0054	28.2465	$1,904.92		$380.99
26392	Repair/graft hand tendon		T	0054	28.2465	$1,904.92		$380.99
26410	Repair hand tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26412	Repair/graft hand tendon		T	0054	28.2465	$1,904.92		$380.99
26415	Excision, hand/finger tendon		T	0054	28.2465	$1,904.92		$380.99
26416	Graft hand or finger tendon		T	0054	28.2465	$1,904.92		$380.99
26418	Repair finger tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26420	Repair/graft finger tendon		T	0054	28.2465	$1,904.92		$380.99
26426	Repair finger/hand tendon		T	0054	28.2465	$1,904.92		$380.99
26428	Repair/graft finger tendon		T	0054	28.2465	$1,904.92		$380.99
26432	Repair finger tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26433	Repair finger tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26434	Repair/graft finger tendon		T	0054	28.2465	$1,904.92		$380.99
26437	Realignment of tendons		T	0053	17.0234	$1,148.04	$253.49	$229.61
26440	Release palm/finger tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26442	Release palm & finger tendon		T	0054	28.2465	$1,904.92		$380.99
26445	Release hand/finger tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26449	Release forearm/hand tendon		T	0054	28.2465	$1,904.92		$380.99
26450	Incision of palm tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26455	Incision of finger tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26460	Incise hand/finger tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26471	Fusion of finger tendons		T	0053	17.0234	$1,148.04	$253.49	$229.61
26474	Fusion of finger tendons		T	0053	17.0234	$1,148.04	$253.49	$229.61
26476	Tendon lengthening		T	0053	17.0234	$1,148.04	$253.49	$229.61
26477	Tendon shortening		T	0053	17.0234	$1,148.04	$253.49	$229.61
26478	Lengthening of hand tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26479	Shortening of hand tendon		T	0053	17.0234	$1,148.04	$253.49	$229.61
26480	Transplant hand tendon		T	0054	28.2465	$1,904.92		$380.99
26483	Transplant/graft hand tendon		T	0054	28.2465	$1,904.92		$380.99

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
26485	Transplant palm tendon		T	0054	28.2465	$1,904.92		$380.99
26489	Transplant/graft palm tendon		T	0054	28.2465	$1,904.92		$380.99
26490	Revise thumb tendon		T	0054	28.2465	$1,904.92		$380.99
26492	Tendon transfer with graft		T	0054	28.2465	$1,904.92		$380.99
26494	Hand tendon/muscle transfer		T	0054	28.2465	$1,904.92		$380.99
26496	Revise thumb tendon		T	0054	28.2465	$1,904.92		$380.99
26497	Finger tendon transfer		T	0054	28.2465	$1,904.92		$380.99
26498	Finger tendon transfer		T	0054	28.2465	$1,904.92		$380.99
26499	Revision of finger		T	0054	28.2465	$1,904.92		$380.99
26500	Hand tendon reconstruction		T	0053	17.0234	$1,148.04	$253.49	$229.61
26502	Hand tendon reconstruction		T	0054	28.2465	$1,904.92		$380.99
26508	Release thumb contracture		T	0053	17.0234	$1,148.04	$253.49	$229.61
26510	Thumb tendon transfer		T	0054	28.2465	$1,904.92		$380.99
26516	Fusion of knuckle joint		T	0054	28.2465	$1,904.92		$380.99
26517	Fusion of knuckle joints		T	0054	28.2465	$1,904.92		$380.99
26518	Fusion of knuckle joints		T	0054	28.2465	$1,904.92		$380.99
26520	Release knuckle contracture		T	0053	17.0234	$1,148.04	$253.49	$229.61
26525	Release finger contracture		T	0053	17.0234	$1,148.04	$253.49	$229.61
26530	Revise knuckle joint		T	0047	39.6776	$2,675.82	$537.03	$535.17
26531	Revise knuckle with implant		T	0048	56.7059	$3,824.19		$764.84
26535	Revise finger joint		T	0047	39.6776	$2,675.82	$537.03	$535.17
26536	Revise/implant finger joint		T	0048	56.7059	$3,824.19		$764.84
26540	Repair hand joint		T	0053	17.0234	$1,148.04	$253.49	$229.61
26541	Repair hand joint with graft		T	0054	28.2465	$1,904.92		$380.99
26542	Repair hand joint with graft		T	0053	17.0234	$1,148.04	$253.49	$229.61
26545	Reconstruct finger joint		T	0054	28.2465	$1,904.92		$380.99
26546	Repair nonunion hand		T	0054	28.2465	$1,904.92		$380.99
26548	Reconstruct finger joint		T	0054	28.2465	$1,904.92		$380.99
26550	Construct thumb replacement		T	0054	28.2465	$1,904.92		$380.99
26551	Great toe-hand transfer		C					
26553	Single transfer, toe-hand		C					
26554	Double transfer, toe-hand		C					
26555	Positional change of finger		T	0054	28.2465	$1,904.92		$380.99
26556	Toe joint transfer		C					
26560	Repair of web finger		T	0053	17.0234	$1,148.04	$253.49	$229.61
26561	Repair of web finger		T	0054	28.2465	$1,904.92		$380.99
26562	Repair of web finger		T	0054	28.2465	$1,904.92		$380.99
26565	Correct metacarpal flaw		T	0054	28.2465	$1,904.92		$380.99
26567	Correct finger deformity		T	0054	28.2465	$1,904.92		$380.99
26568	Lengthen metacarpal/finger		T	0054	28.2465	$1,904.92		$380.99
26580	Repair hand deformity		T	0053	17.0234	$1,148.04	$253.49	$229.61
26587	Reconstruct extra finger		T	0053	17.0234	$1,148.04	$253.49	$229.61

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
26590	Repair finger deformity		T	0053	17.0234	$1,148.04	$253.49	$229.61
26591	Repair muscles of hand		T	0054	28.2465	$1,904.92		$380.99
26593	Release muscles of hand		T	0053	17.0234	$1,148.04	$253.49	$229.61
26596	Excision constricting tissue		T	0053	17.0234	$1,148.04	$253.49	$229.61
26600	Treat metacarpal fracture		T	0129	1.6769	$113.09		$22.62
26605	Treat metacarpal fracture		T	0129	1.6769	$113.09		$22.62
26607	Treat metacarpal fracture		T	0139	18.6224	$1,255.88		$251.18
26608	Treat metacarpal fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
26615	Treat metacarpal fracture		T	0063	44.8330	$3,023.49		$604.70
26641	Treat thumb dislocation		T	0129	1.6769	$113.09		$22.62
26645	Treat thumb fracture		T	0138	4.8430	$326.61		$65.33
26650	Treat thumb fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
26665	Treat thumb fracture		T	0063	44.8330	$3,023.49		$604.70
26670	Treat hand dislocation		T	0129	1.6769	$113.09		$22.62
26675	Treat hand dislocation		T	0138	4.8430	$326.61		$65.33
26676	Pin hand dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
26685	Treat hand dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
26686	Treat hand dislocation		T	0064	64.5844	$4,355.51		$871.11
26700	Treat knuckle dislocation		T	0129	1.6769	$113.09		$22.62
26705	Treat knuckle dislocation		T	0129	1.6769	$113.09		$22.62
26706	Pin knuckle dislocation		T	0139	18.6224	$1,255.88		$251.18
26715	Treat knuckle dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
26720	Treat finger fracture, each		T	0129	1.6769	$113.09		$22.62
26725	Treat finger fracture, each		T	0129	1.6769	$113.09		$22.62
26727	Treat finger fracture, each		T	0062	25.9991	$1,753.35	$372.87	$350.67
26735	Treat finger fracture, each		T	0062	25.9991	$1,753.35	$372.87	$350.67
26740	Treat finger fracture, each		T	0129	1.6769	$113.09		$22.62
26742	Treat finger fracture, each		T	0129	1.6769	$113.09		$22.62
26746	Treat finger fracture, each		T	0062	25.9991	$1,753.35	$372.87	$350.67
26750	Treat finger fracture, each		T	0129	1.6769	$113.09		$22.62
26755	Treat finger fracture, each		T	0129	1.6769	$113.09		$22.62
26756	Pin finger fracture, each		T	0062	25.9991	$1,753.35	$372.87	$350.67
26765	Treat finger fracture, each		T	0062	25.9991	$1,753.35	$372.87	$350.67
26770	Treat finger dislocation		T	0129	1.6769	$113.09		$22.62
26775	Treat finger dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
26776	Pin finger dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
26785	Treat finger dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
26820	Thumb fusion with graft		T	0054	28.2465	$1,904.92		$380.99
26841	Fusion of thumb		T	0054	28.2465	$1,904.92		$380.99
26842	Thumb fusion with graft		T	0054	28.2465	$1,904.92		$380.99
26843	Fusion of hand joint		T	0054	28.2465	$1,904.92		$380.99
26844	Fusion/graft of hand joint		T	0054	28.2465	$1,904.92		$380.99

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
26850	Fusion of knuckle		T	0054	28.2465	$1,904.92		$380.99
26852	Fusion of knuckle with graft		T	0054	28.2465	$1,904.92		$380.99
26860	Fusion of finger joint		T	0054	28.2465	$1,904.92		$380.99
26861	Fusion of finger jnt, add-on		T	0054	28.2465	$1,904.92		$380.99
26862	Fusion/graft of finger joint		T	0054	28.2465	$1,904.92		$380.99
26863	Fuse/graft added joint		T	0054	28.2465	$1,904.92		$380.99
26910	Amputate metacarpal bone		T	0054	28.2465	$1,904.92		$380.99
26951	Amputation of finger/thumb		T	0053	17.0234	$1,148.04	$253.49	$229.61
26952	Amputation of finger/thumb		T	0053	17.0234	$1,148.04	$253.49	$229.61
26989	Hand/finger surgery		T	0129	1.6769	$113.09		$22.62
26990	Drainage of pelvis lesion		T	0049	22.0895	$1,489.69		$297.94
26991	Drainage of pelvis bursa		T	0049	22.0895	$1,489.69		$297.94
26992	Drainage of bone lesion		C					
27000	Incision of hip tendon		T	0049	22.0895	$1,489.69		$297.94
27001	Incision of hip tendon		T	0050	31.6510	$2,134.51		$426.91
27003	Incision of hip tendon		T	0050	31.6510	$2,134.51		$426.91
27005	Incision of hip tendon		C					
27006	Incision of hip tendons		T	0050	31.6510	$2,134.51		$426.91
27025	Incision of hip/thigh fascia		C					
27027	Buttock fasciotomy		T	0049	22.0895	$1,489.69		$297.94
27030	Drainage of hip joint		C					
27033	Exploration of hip joint		T	0051	46.7920	$3,155.61		$631.13
27035	Denervation of hip joint		T	0051	46.7920	$3,155.61		$631.13
27036	Excision of hip joint/muscle		C					
27040	Biopsy of soft tissues		T	0020	8.1236	$547.85		$109.57
27041	Biopsy of soft tissues		T	0020	8.1236	$547.85		$109.57
27047	Remove hip/pelvis lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
27048	Remove hip/pelvis lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
27049	Remove tumor, hip/pelvis		T	0022	22.4616	$1,514.79	$354.45	$302.96
27050	Biopsy of sacroiliac joint		T	0049	22.0895	$1,489.69		$297.94
27052	Biopsy of hip joint		T	0049	22.0895	$1,489.69		$297.94
27054	Removal of hip joint lining		C					
27057	Buttock fasciotomy w/dbrdmt		T	0049	22.0895	$1,489.69		$297.94
27060	Removal of ischial bursa		T	0049	22.0895	$1,489.69		$297.94
27062	Remove femur lesion/bursa		T	0049	22.0895	$1,489.69		$297.94
27065	Removal of hip bone lesion		T	0049	22.0895	$1,489.69		$297.94
27066	Removal of hip bone lesion		T	0050	31.6510	$2,134.51		$426.91
27067	Remove/graft hip bone lesion		T	0050	31.6510	$2,134.51		$426.91
27070	Partial removal of hip bone		C					
27071	Partial removal of hip bone		C					
27075	Extensive hip surgery		C					
27076	Extensive hip surgery		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
27077	Extensive hip surgery		C					
27078	Extensive hip surgery		C					
27079	Extensive hip surgery		C					
27080	Removal of tail bone		T	0050	31.6510	$2,134.51		$426.91
27086	Remove hip foreign body		T	0020	8.1236	$547.85		$109.57
27087	Remove hip foreign body		T	0049	22.0895	$1,489.69		$297.94
27090	Removal of hip prosthesis		C					
27091	Removal of hip prosthesis		C					
27093	Injection for hip x-ray		N					
27095	Injection for hip x-ray		N					
27096	Inject sacroiliac joint		B					
27097	Revision of hip tendon		T	0050	31.6510	$2,134.51		$426.91
27098	Transfer tendon to pelvis		T	0050	31.6510	$2,134.51		$426.91
27100	Transfer of abdominal muscle		T	0051	46.7920	$3,155.61		$631.13
27105	Transfer of spinal muscle		T	0051	46.7920	$3,155.61		$631.13
27110	Transfer of iliopsoas muscle		T	0051	46.7920	$3,155.61		$631.13
27111	Transfer of iliopsoas muscle		T	0051	46.7920	$3,155.61		$631.13
27120	Reconstruction of hip socket		C					
27122	Reconstruction of hip socket		C					
27125	Partial hip replacement		C					
27130	Total hip arthroplasty		C					
27132	Total hip arthroplasty		C					
27134	Revise hip joint replacement		C					
27137	Revise hip joint replacement		C					
27138	Revise hip joint replacement		C					
27140	Transplant femur ridge		C					
27146	Incision of hip bone		C					
27147	Revision of hip bone		C					
27151	Incision of hip bones		C					
27156	Revision of hip bones		C					
27158	Revision of pelvis		C					
27161	Incision of neck of femur		C					
27165	Incision/fixation of femur		C					
27170	Repair/graft femur head/neck		C					
27175	Treat slipped epiphysis		C					
27176	Treat slipped epiphysis		C					
27177	Treat slipped epiphysis		C					
27178	Treat slipped epiphysis		C					
27179	Revise head/neck of femur	CH	T	0052	87.3161	$5,888.51		$1,177.71
27181	Treat slipped epiphysis		C					
27185	Revision of femur epiphysis		C					
27187	Reinforce hip bones		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
27193	Treat pelvic ring fracture		T	0129	1.6769	$113.09		$22.62
27194	Treat pelvic ring fracture		T	0045	15.1903	$1,024.42	$267.44	$204.89
27200	Treat tail bone fracture		T	0129	1.6769	$113.09		$22.62
27202	Treat tail bone fracture		T	0063	44.8330	$3,023.49		$604.70
27215	Treat pelvic fracture(s)		E					
27216	Treat pelvic ring fracture		E					
27217	Treat pelvic ring fracture		E					
27218	Treat pelvic ring fracture		E					
27220	Treat hip socket fracture		T	0129	1.6769	$113.09		$22.62
27222	Treat hip socket fracture		C					
27226	Treat hip wall fracture		C					
27227	Treat hip fracture(s)		C					
27228	Treat hip fracture(s)		C					
27230	Treat thigh fracture		T	0129	1.6769	$113.09		$22.62
27232	Treat thigh fracture		C					
27235	Treat thigh fracture		T	0050	31.6510	$2,134.51		$426.91
27236	Treat thigh fracture		C					
27238	Treat thigh fracture		T	0138	4.8430	$326.61		$65.33
27240	Treat thigh fracture		C					
27244	Treat thigh fracture		C					
27245	Treat thigh fracture		C					
27246	Treat thigh fracture		T	0138	4.8430	$326.61		$65.33
27248	Treat thigh fracture		C					
27250	Treat hip dislocation		T	0129	1.6769	$113.09		$22.62
27252	Treat hip dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
27253	Treat hip dislocation		C					
27254	Treat hip dislocation		C					
27256	Treat hip dislocation		T	0129	1.6769	$113.09		$22.62
27257	Treat hip dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
27258	Treat hip dislocation		C					
27259	Treat hip dislocation		C					
27265	Treat hip dislocation		T	0129	1.6769	$113.09		$22.62
27266	Treat hip dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
27267	Cltx thigh fx		T	0129	1.6769	$113.09		$22.62
27268	Cltx thigh fx w/mnpj		C					
27269	Optx thigh fx		C					
27275	Manipulation of hip joint		T	0045	15.1903	$1,024.42	$267.44	$204.89
27280	Fusion of sacroiliac joint		C					
27282	Fusion of pubic bones		C					
27284	Fusion of hip joint		C					
27286	Fusion of hip joint		C					
27290	Amputation of leg at hip		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
27295	Amputation of leg at hip		C					
27299	Pelvis/hip joint surgery		T	0129	1.6769	$113.09		$22.62
27301	Drain thigh/knee lesion		T	0008	19.6942	$1,328.16		$265.64
27303	Drainage of bone lesion		C					
27305	Incise thigh tendon & fascia		T	0049	22.0895	$1,489.69		$297.94
27306	Incision of thigh tendon		T	0049	22.0895	$1,489.69		$297.94
27307	Incision of thigh tendons		T	0049	22.0895	$1,489.69		$297.94
27310	Exploration of knee joint		T	0050	31.6510	$2,134.51		$426.91
27323	Biopsy, thigh soft tissues		T	0020	8.1236	$547.85		$109.57
27324	Biopsy, thigh soft tissues		T	0022	22.4616	$1,514.79	$354.45	$302.96
27325	Neurectomy, hamstring		T	0220	18.7545	$1,264.78		$252.96
27326	Neurectomy, popliteal		T	0220	18.7545	$1,264.78		$252.96
27327	Removal of thigh lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
27328	Removal of thigh lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
27329	Remove tumor, thigh/knee		T	0022	22.4616	$1,514.79	$354.45	$302.96
27330	Biopsy, knee joint lining		T	0050	31.6510	$2,134.51		$426.91
27331	Explore/treat knee joint		T	0050	31.6510	$2,134.51		$426.91
27332	Removal of knee cartilage		T	0050	31.6510	$2,134.51		$426.91
27333	Removal of knee cartilage		T	0050	31.6510	$2,134.51		$426.91
27334	Remove knee joint lining		T	0050	31.6510	$2,134.51		$426.91
27335	Remove knee joint lining		T	0050	31.6510	$2,134.51		$426.91
27340	Removal of kneecap bursa		T	0049	22.0895	$1,489.69		$297.94
27345	Removal of knee cyst		T	0049	22.0895	$1,489.69		$297.94
27347	Remove knee cyst		T	0049	22.0895	$1,489.69		$297.94
27350	Removal of kneecap		T	0050	31.6510	$2,134.51		$426.91
27355	Remove femur lesion		T	0050	31.6510	$2,134.51		$426.91
27356	Remove femur lesion/graft		T	0050	31.6510	$2,134.51		$426.91
27357	Remove femur lesion/graft		T	0050	31.6510	$2,134.51		$426.91
27358	Remove femur lesion/fixation		T	0050	31.6510	$2,134.51		$426.91
27360	Partial removal, leg bone(s)		T	0050	31.6510	$2,134.51		$426.91
27365	Extensive leg surgery		C					
27370	Injection for knee x-ray		N					
27372	Removal of foreign body		T	0022	22.4616	$1,514.79	$354.45	$302.96
27380	Repair of kneecap tendon		T	0049	22.0895	$1,489.69		$297.94
27381	Repair/graft kneecap tendon		T	0049	22.0895	$1,489.69		$297.94
27385	Repair of thigh muscle		T	0049	22.0895	$1,489.69		$297.94
27386	Repair/graft of thigh muscle		T	0049	22.0895	$1,489.69		$297.94
27390	Incision of thigh tendon		T	0049	22.0895	$1,489.69		$297.94
27391	Incision of thigh tendons		T	0049	22.0895	$1,489.69		$297.94
27392	Incision of thigh tendons		T	0049	22.0895	$1,489.69		$297.94
27393	Lengthening of thigh tendon		T	0050	31.6510	$2,134.51		$426.91
27394	Lengthening of thigh tendons		T	0050	31.6510	$2,134.51		$426.91

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
27395	Lengthening of thigh tendons		T	0051	46.7920	$3,155.61		$631.13
27396	Transplant of thigh tendon		T	0050	31.6510	$2,134.51		$426.91
27397	Transplants of thigh tendons		T	0051	46.7920	$3,155.61		$631.13
27400	Revise thigh muscles/tendons		T	0051	46.7920	$3,155.61		$631.13
27403	Repair of knee cartilage		T	0050	31.6510	$2,134.51		$426.91
27405	Repair of knee ligament		T	0051	46.7920	$3,155.61		$631.13
27407	Repair of knee ligament		T	0052	87.3161	$5,888.51		$1,177.71
27409	Repair of knee ligaments		T	0051	46.7920	$3,155.61		$631.13
27412	Autochondrocyte implant knee		T	0052	87.3161	$5,888.51		$1,177.71
27415	Osteochondral knee allograft		T	0052	87.3161	$5,888.51		$1,177.71
27416	Osteochondral knee autograft		T	0051	46.7920	$3,155.61		$631.13
27418	Repair degenerated kneecap		T	0051	46.7920	$3,155.61		$631.13
27420	Revision of unstable kneecap		T	0051	46.7920	$3,155.61		$631.13
27422	Revision of unstable kneecap		T	0051	46.7920	$3,155.61		$631.13
27424	Revision/removal of kneecap		T	0051	46.7920	$3,155.61		$631.13
27425	Lat retinacular release open		T	0050	31.6510	$2,134.51		$426.91
27427	Reconstruction, knee		T	0051	46.7920	$3,155.61		$631.13
27428	Reconstruction, knee		T	0052	87.3161	$5,888.51		$1,177.71
27429	Reconstruction, knee		T	0052	87.3161	$5,888.51		$1,177.71
27430	Revision of thigh muscles		T	0051	46.7920	$3,155.61		$631.13
27435	Incision of knee joint		T	0051	46.7920	$3,155.61		$631.13
27437	Revise kneecap		T	0047	39.6776	$2,675.82	$537.03	$535.17
27438	Revise kneecap with implant		T	0048	56.7059	$3,824.19		$764.84
27440	Revision of knee joint		T	0047	39.6776	$2,675.82	$537.03	$535.17
27441	Revision of knee joint		T	0047	39.6776	$2,675.82	$537.03	$535.17
27442	Revision of knee joint		T	0047	39.6776	$2,675.82	$537.03	$535.17
27443	Revision of knee joint		T	0047	39.6776	$2,675.82	$537.03	$535.17
27445	Revision of knee joint		C					
27446	Revision of knee joint	CH	T	0425	115.4444	$7,785.45		$1,557.09
27447	Total knee arthroplasty		C					
27448	Incision of thigh		C					
27450	Incision of thigh		C					
27454	Realignment of thigh bone		C					
27455	Realignment of knee		C					
27457	Realignment of knee		C					
27465	Shortening of thigh bone		C					
27466	Lengthening of thigh bone		C					
27468	Shorten/lengthen thighs		C					
27470	Repair of thigh		C					
27472	Repair/graft of thigh		C					
27475	Surgery to stop leg growth		T	0050	31.6510	$2,134.51		$426.91
27477	Surgery to stop leg growth		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
27479	Surgery to stop leg growth		T	0050	31.6510	$2,134.51		$426.91
27485	Surgery to stop leg growth		C					
27486	Revise/replace knee joint		C					
27487	Revise/replace knee joint		C					
27488	Removal of knee prosthesis		C					
27495	Reinforce thigh		C					
27496	Decompression of thigh/knee		T	0049	22.0895	$1,489.69		$297.94
27497	Decompression of thigh/knee		T	0049	22.0895	$1,489.69		$297.94
27498	Decompression of thigh/knee		T	0049	22.0895	$1,489.69		$297.94
27499	Decompression of thigh/knee		T	0049	22.0895	$1,489.69		$297.94
27500	Treatment of thigh fracture		T	0138	4.8430	$326.61		$65.33
27501	Treatment of thigh fracture		T	0129	1.6769	$113.09		$22.62
27502	Treatment of thigh fracture		T	0139	18.6224	$1,255.88		$251.18
27503	Treatment of thigh fracture		T	0129	1.6769	$113.09		$22.62
27506	Treatment of thigh fracture		C					
27507	Treatment of thigh fracture		C					
27508	Treatment of thigh fracture		T	0129	1.6769	$113.09		$22.62
27509	Treatment of thigh fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
27510	Treatment of thigh fracture		T	0138	4.8430	$326.61		$65.33
27511	Treatment of thigh fracture		C					
27513	Treatment of thigh fracture		C					
27514	Treatment of thigh fracture		C					
27516	Treat thigh fx growth plate		T	0129	1.6769	$113.09		$22.62
27517	Treat thigh fx growth plate		T	0129	1.6769	$113.09		$22.62
27519	Treat thigh fx growth plate		C					
27520	Treat kneecap fracture		T	0129	1.6769	$113.09		$22.62
27524	Treat kneecap fracture		T	0063	44.8330	$3,023.49		$604.70
27530	Treat knee fracture		T	0129	1.6769	$113.09		$22.62
27532	Treat knee fracture		T	0139	18.6224	$1,255.88		$251.18
27535	Treat knee fracture		C					
27536	Treat knee fracture		C					
27538	Treat knee fracture(s)		T	0129	1.6769	$113.09		$22.62
27540	Treat knee fracture		C					
27550	Treat knee dislocation		T	0129	1.6769	$113.09		$22.62
27552	Treat knee dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
27556	Treat knee dislocation		C					
27557	Treat knee dislocation		C					
27558	Treat knee dislocation		C					
27560	Treat kneecap dislocation		T	0129	1.6769	$113.09		$22.62
27562	Treat kneecap dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
27566	Treat kneecap dislocation		T	0063	44.8330	$3,023.49		$604.70
27570	Fixation of knee joint		T	0045	15.1903	$1,024.42	$267.44	$204.89

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
27580	Fusion of knee		C					
27590	Amputate leg at thigh		C					
27591	Amputate leg at thigh		C					
27592	Amputate leg at thigh		C					
27594	Amputation follow-up surgery		T	0049	22.0895	$1,489.69		$297.94
27596	Amputation follow-up surgery		C					
27598	Amputate lower leg at knee		C					
27599	Leg surgery procedure		T	0129	1.6769	$113.09		$22.62
27600	Decompression of lower leg		T	0049	22.0895	$1,489.69		$297.94
27601	Decompression of lower leg		T	0049	22.0895	$1,489.69		$297.94
27602	Decompression of lower leg		T	0049	22.0895	$1,489.69		$297.94
27603	Drain lower leg lesion		T	0008	19.6942	$1,328.16		$265.64
27604	Drain lower leg bursa		T	0049	22.0895	$1,489.69		$297.94
27605	Incision of achilles tendon		T	0055	21.8163	$1,471.27	$355.34	$294.26
27606	Incision of achilles tendon		T	0049	22.0895	$1,489.69		$297.94
27607	Treat lower leg bone lesion		T	0049	22.0895	$1,489.69		$297.94
27610	Explore/treat ankle joint		T	0050	31.6510	$2,134.51		$426.91
27612	Exploration of ankle joint		T	0050	31.6510	$2,134.51		$426.91
27613	Biopsy lower leg soft tissue		T	0020	8.1236	$547.85		$109.57
27614	Biopsy lower leg soft tissue		T	0022	22.4616	$1,514.79	$354.45	$302.96
27615	Remove tumor, lower leg		T	0050	31.6510	$2,134.51		$426.91
27618	Remove lower leg lesion		T	0021	16.2353	$1,094.89	$219.48	$218.98
27619	Remove lower leg lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
27620	Explore/treat ankle joint		T	0050	31.6510	$2,134.51		$426.91
27625	Remove ankle joint lining		T	0050	31.6510	$2,134.51		$426.91
27626	Remove ankle joint lining		T	0050	31.6510	$2,134.51		$426.91
27630	Removal of tendon lesion		T	0049	22.0895	$1,489.69		$297.94
27635	Remove lower leg bone lesion		T	0050	31.6510	$2,134.51		$426.91
27637	Remove/graft leg bone lesion		T	0050	31.6510	$2,134.51		$426.91
27638	Remove/graft leg bone lesion		T	0050	31.6510	$2,134.51		$426.91
27640	Partial removal of tibia		T	0051	46.7920	$3,155.61		$631.13
27641	Partial removal of fibula		T	0050	31.6510	$2,134.51		$426.91
27645	Extensive lower leg surgery		C					
27646	Extensive lower leg surgery		C					
27647	Extensive ankle/heel surgery		T	0051	46.7920	$3,155.61		$631.13
27648	Injection for ankle x-ray		N					
27650	Repair achilles tendon		T	0051	46.7920	$3,155.61		$631.13
27652	Repair/graft achilles tendon		T	0052	87.3161	$5,888.51		$1,177.71
27654	Repair of achilles tendon		T	0051	46.7920	$3,155.61		$631.13
27656	Repair leg fascia defect		T	0049	22.0895	$1,489.69		$297.94
27658	Repair of leg tendon, each		T	0049	22.0895	$1,489.69		$297.94
27659	Repair of leg tendon, each		T	0049	22.0895	$1,489.69		$297.94

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
27664	Repair of leg tendon, each		T	0049	22.0895	$1,489.69		$297.94
27665	Repair of leg tendon, each		T	0050	31.6510	$2,134.51		$426.91
27675	Repair lower leg tendons		T	0049	22.0895	$1,489.69		$297.94
27676	Repair lower leg tendons		T	0050	31.6510	$2,134.51		$426.91
27680	Release of lower leg tendon		T	0050	31.6510	$2,134.51		$426.91
27681	Release of lower leg tendons		T	0050	31.6510	$2,134.51		$426.91
27685	Revision of lower leg tendon		T	0050	31.6510	$2,134.51		$426.91
27686	Revise lower leg tendons		T	0050	31.6510	$2,134.51		$426.91
27687	Revision of calf tendon		T	0050	31.6510	$2,134.51		$426.91
27690	Revise lower leg tendon		T	0051	46.7920	$3,155.61		$631.13
27691	Revise lower leg tendon		T	0051	46.7920	$3,155.61		$631.13
27692	Revise additional leg tendon		T	0051	46.7920	$3,155.61		$631.13
27695	Repair of ankle ligament		T	0050	31.6510	$2,134.51		$426.91
27696	Repair of ankle ligaments		T	0050	31.6510	$2,134.51		$426.91
27698	Repair of ankle ligament		T	0050	31.6510	$2,134.51		$426.91
27700	Revision of ankle joint		T	0047	39.6776	$2,675.82	$537.03	$535.17
27702	Reconstruct ankle joint		C					
27703	Reconstruction, ankle joint		C					
27704	Removal of ankle implant		T	0049	22.0895	$1,489.69		$297.94
27705	Incision of tibia		T	0051	46.7920	$3,155.61		$631.13
27707	Incision of fibula		T	0049	22.0895	$1,489.69		$297.94
27709	Incision of tibia & fibula		T	0050	31.6510	$2,134.51		$426.91
27712	Realignment of lower leg		C					
27715	Revision of lower leg		C					
27720	Repair of tibia		T	0063	44.8330	$3,023.49		$604.70
27722	Repair/graft of tibia		T	0064	64.5844	$4,355.51		$871.11
27724	Repair/graft of tibia		C					
27725	Repair of lower leg		C					
27726	Repair fibula nonunion		T	0062	25.9991	$1,753.35	$372.87	$350.67
27727	Repair of lower leg		C					
27730	Repair of tibia epiphysis		T	0050	31.6510	$2,134.51		$426.91
27732	Repair of fibula epiphysis		T	0050	31.6510	$2,134.51		$426.91
27734	Repair lower leg epiphyses		T	0050	31.6510	$2,134.51		$426.91
27740	Repair of leg epiphyses		T	0050	31.6510	$2,134.51		$426.91
27742	Repair of leg epiphyses		T	0051	46.7920	$3,155.61		$631.13
27745	Reinforce tibia		T	0052	87.3161	$5,888.51		$1,177.71
27750	Treatment of tibia fracture		T	0129	1.6769	$113.09		$22.62
27752	Treatment of tibia fracture		T	0139	18.6224	$1,255.88		$251.18
27756	Treatment of tibia fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
27758	Treatment of tibia fracture		T	0063	44.8330	$3,023.49		$604.70
27759	Treatment of tibia fracture		T	0064	64.5844	$4,355.51		$871.11
27760	Cltx medial ankle fx		T	0129	1.6769	$113.09		$22.62

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
27762	Cltx med ankle fx w/mnpj		T	0139	18.6224	$1,255.88		$251.18
27766	Optx medial ankle fx		T	0063	44.8330	$3,023.49		$604.70
27767	Cltx post ankle fx		T	0129	1.6769	$113.09		$22.62
27768	Cltx post ankle fx w/mnpj		T	0129	1.6769	$113.09		$22.62
27769	Optx post ankle fx		T	0063	44.8330	$3,023.49		$604.70
27780	Treatment of fibula fracture		T	0129	1.6769	$113.09		$22.62
27781	Treatment of fibula fracture		T	0139	18.6224	$1,255.88		$251.18
27784	Treatment of fibula fracture		T	0063	44.8330	$3,023.49		$604.70
27786	Treatment of ankle fracture		T	0129	1.6769	$113.09		$22.62
27788	Treatment of ankle fracture		T	0129	1.6769	$113.09		$22.62
27792	Treatment of ankle fracture		T	0063	44.8330	$3,023.49		$604.70
27808	Treatment of ankle fracture		T	0129	1.6769	$113.09		$22.62
27810	Treatment of ankle fracture		T	0138	4.8430	$326.61		$65.33
27814	Treatment of ankle fracture		T	0063	44.8330	$3,023.49		$604.70
27816	Treatment of ankle fracture		T	0129	1.6769	$113.09		$22.62
27818	Treatment of ankle fracture		T	0138	4.8430	$326.61		$65.33
27822	Treatment of ankle fracture		T	0063	44.8330	$3,023.49		$604.70
27823	Treatment of ankle fracture		T	0064	64.5844	$4,355.51		$871.11
27824	Treat lower leg fracture		T	0129	1.6769	$113.09		$22.62
27825	Treat lower leg fracture		T	0139	18.6224	$1,255.88		$251.18
27826	Treat lower leg fracture		T	0063	44.8330	$3,023.49		$604.70
27827	Treat lower leg fracture		T	0064	64.5844	$4,355.51		$871.11
27828	Treat lower leg fracture		T	0064	64.5844	$4,355.51		$871.11
27829	Treat lower leg joint		T	0063	44.8330	$3,023.49		$604.70
27830	Treat lower leg dislocation		T	0129	1.6769	$113.09		$22.62
27831	Treat lower leg dislocation		T	0139	18.6224	$1,255.88		$251.18
27832	Treat lower leg dislocation		T	0063	44.8330	$3,023.49		$604.70
27840	Treat ankle dislocation		T	0138	4.8430	$326.61		$65.33
27842	Treat ankle dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
27846	Treat ankle dislocation		T	0063	44.8330	$3,023.49		$604.70
27848	Treat ankle dislocation		T	0063	44.8330	$3,023.49		$604.70
27860	Fixation of ankle joint		T	0045	15.1903	$1,024.42	$267.44	$204.89
27870	Fusion of ankle joint, open		T	0052	87.3161	$5,888.51		$1,177.71
27871	Fusion of tibiofibular joint		T	0052	87.3161	$5,888.51		$1,177.71
27880	Amputation of lower leg		C					
27881	Amputation of lower leg		C					
27882	Amputation of lower leg		C					
27884	Amputation follow-up surgery		T	0049	22.0895	$1,489.69		$297.94
27886	Amputation follow-up surgery		C					
27888	Amputation of foot at ankle		C					
27889	Amputation of foot at ankle		T	0050	31.6510	$2,134.51		$426.91
27892	Decompression of leg		T	0049	22.0895	$1,489.69		$297.94

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
27893	Decompression of leg		T	0049	22.0895	$1,489.69		$297.94
27894	Decompression of leg		T	0049	22.0895	$1,489.69		$297.94
27899	Leg/ankle surgery procedure		T	0129	1.6769	$113.09		$22.62
28001	Drainage of bursa of foot		T	0007	12.4456	$839.32		$167.87
28002	Treatment of foot infection		T	0049	22.0895	$1,489.69		$297.94
28003	Treatment of foot infection		T	0049	22.0895	$1,489.69		$297.94
28005	Treat foot bone lesion		T	0055	21.8163	$1,471.27	$355.34	$294.26
28008	Incision of foot fascia		T	0055	21.8163	$1,471.27	$355.34	$294.26
28010	Incision of toe tendon		T	0055	21.8163	$1,471.27	$355.34	$294.26
28011	Incision of toe tendons		T	0055	21.8163	$1,471.27	$355.34	$294.26
28020	Exploration of foot joint		T	0055	21.8163	$1,471.27	$355.34	$294.26
28022	Exploration of foot joint		T	0055	21.8163	$1,471.27	$355.34	$294.26
28024	Exploration of toe joint		T	0055	21.8163	$1,471.27	$355.34	$294.26
28035	Decompression of tibia nerve		T	0220	18.7545	$1,264.78		$252.96
28043	Excision of foot lesion		T	0022	22.4616	$1,514.79	$354.45	$302.96
28045	Excision of foot lesion		T	0055	21.8163	$1,471.27	$355.34	$294.26
28046	Resection of tumor, foot		T	0055	21.8163	$1,471.27	$355.34	$294.26
28050	Biopsy of foot joint lining		T	0055	21.8163	$1,471.27	$355.34	$294.26
28052	Biopsy of foot joint lining		T	0055	21.8163	$1,471.27	$355.34	$294.26
28054	Biopsy of toe joint lining		T	0055	21.8163	$1,471.27	$355.34	$294.26
28055	Neurectomy, foot		T	0220	18.7545	$1,264.78		$252.96
28060	Partial removal, foot fascia		T	0055	21.8163	$1,471.27	$355.34	$294.26
28062	Removal of foot fascia		T	0055	21.8163	$1,471.27	$355.34	$294.26
28070	Removal of foot joint lining		T	0055	21.8163	$1,471.27	$355.34	$294.26
28072	Removal of foot joint lining		T	0055	21.8163	$1,471.27	$355.34	$294.26
28080	Removal of foot lesion		T	0055	21.8163	$1,471.27	$355.34	$294.26
28086	Excise foot tendon sheath		T	0055	21.8163	$1,471.27	$355.34	$294.26
28088	Excise foot tendon sheath		T	0055	21.8163	$1,471.27	$355.34	$294.26
28090	Removal of foot lesion		T	0055	21.8163	$1,471.27	$355.34	$294.26
28092	Removal of toe lesions		T	0055	21.8163	$1,471.27	$355.34	$294.26
28100	Removal of ankle/heel lesion		T	0055	21.8163	$1,471.27	$355.34	$294.26
28102	Remove/graft foot lesion		T	0056	51.6815	$3,485.35		$697.07
28103	Remove/graft foot lesion		T	0056	51.6815	$3,485.35		$697.07
28104	Removal of foot lesion		T	0055	21.8163	$1,471.27	$355.34	$294.26
28106	Remove/graft foot lesion		T	0056	51.6815	$3,485.35		$697.07
28107	Remove/graft foot lesion		T	0056	51.6815	$3,485.35		$697.07
28108	Removal of toe lesions		T	0055	21.8163	$1,471.27	$355.34	$294.26
28110	Part removal of metatarsal		T	0055	21.8163	$1,471.27	$355.34	$294.26
28111	Part removal of metatarsal		T	0055	21.8163	$1,471.27	$355.34	$294.26
28112	Part removal of metatarsal		T	0055	21.8163	$1,471.27	$355.34	$294.26
28113	Part removal of metatarsal		T	0055	21.8163	$1,471.27	$355.34	$294.26
28114	Removal of metatarsal heads		T	0055	21.8163	$1,471.27	$355.34	$294.26

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
28116	Revision of foot		T	0055	21.8163	$1,471.27	$355.34	$294.26
28118	Removal of heel bone		T	0055	21.8163	$1,471.27	$355.34	$294.26
28119	Removal of heel spur		T	0055	21.8163	$1,471.27	$355.34	$294.26
28120	Part removal of ankle/heel		T	0055	21.8163	$1,471.27	$355.34	$294.26
28122	Partial removal of foot bone		T	0055	21.8163	$1,471.27	$355.34	$294.26
28124	Partial removal of toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28126	Partial removal of toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28130	Removal of ankle bone		T	0055	21.8163	$1,471.27	$355.34	$294.26
28140	Removal of metatarsal		T	0055	21.8163	$1,471.27	$355.34	$294.26
28150	Removal of toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28153	Partial removal of toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28160	Partial removal of toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28171	Extensive foot surgery		T	0055	21.8163	$1,471.27	$355.34	$294.26
28173	Extensive foot surgery		T	0055	21.8163	$1,471.27	$355.34	$294.26
28175	Extensive foot surgery		T	0055	21.8163	$1,471.27	$355.34	$294.26
28190	Removal of foot foreign body		T	0020	8.1236	$547.85		$109.57
28192	Removal of foot foreign body		T	0021	16.2353	$1,094.89	$219.48	$218.98
28193	Removal of foot foreign body		T	0020	8.1236	$547.85		$109.57
28200	Repair of foot tendon		T	0055	21.8163	$1,471.27	$355.34	$294.26
28202	Repair/graft of foot tendon		T	0055	21.8163	$1,471.27	$355.34	$294.26
28208	Repair of foot tendon		T	0055	21.8163	$1,471.27	$355.34	$294.26
28210	Repair/graft of foot tendon		T	0056	51.6815	$3,485.35		$697.07
28220	Release of foot tendon		T	0055	21.8163	$1,471.27	$355.34	$294.26
28222	Release of foot tendons		T	0055	21.8163	$1,471.27	$355.34	$294.26
28225	Release of foot tendon		T	0055	21.8163	$1,471.27	$355.34	$294.26
28226	Release of foot tendons		T	0055	21.8163	$1,471.27	$355.34	$294.26
28230	Incision of foot tendon(s)		T	0055	21.8163	$1,471.27	$355.34	$294.26
28232	Incision of toe tendon		T	0055	21.8163	$1,471.27	$355.34	$294.26
28234	Incision of foot tendon		T	0055	21.8163	$1,471.27	$355.34	$294.26
28238	Revision of foot tendon		T	0056	51.6815	$3,485.35		$697.07
28240	Release of big toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28250	Revision of foot fascia		T	0055	21.8163	$1,471.27	$355.34	$294.26
28260	Release of midfoot joint		T	0055	21.8163	$1,471.27	$355.34	$294.26
28261	Revision of foot tendon		T	0055	21.8163	$1,471.27	$355.34	$294.26
28262	Revision of foot and ankle		T	0055	21.8163	$1,471.27	$355.34	$294.26
28264	Release of midfoot joint		T	0056	51.6815	$3,485.35		$697.07
28270	Release of foot contracture		T	0055	21.8163	$1,471.27	$355.34	$294.26
28272	Release of toe joint, each		T	0055	21.8163	$1,471.27	$355.34	$294.26
28280	Fusion of toes		T	0055	21.8163	$1,471.27	$355.34	$294.26
28285	Repair of hammertoe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28286	Repair of hammertoe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28288	Partial removal of foot bone		T	0055	21.8163	$1,471.27	$355.34	$294.26

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
28289	Repair hallux rigidus		T	0055	21.8163	$1,471.27	$355.34	$294.26
28290	Correction of bunion		T	0057	31.5451	$2,127.37	$475.91	$425.48
28292	Correction of bunion		T	0057	31.5451	$2,127.37	$475.91	$425.48
28293	Correction of bunion		T	0057	31.5451	$2,127.37	$475.91	$425.48
28294	Correction of bunion		T	0057	31.5451	$2,127.37	$475.91	$425.48
28296	Correction of bunion		T	0057	31.5451	$2,127.37	$475.91	$425.48
28297	Correction of bunion		T	0057	31.5451	$2,127.37	$475.91	$425.48
28298	Correction of bunion		T	0057	31.5451	$2,127.37	$475.91	$425.48
28299	Correction of bunion		T	0057	31.5451	$2,127.37	$475.91	$425.48
28300	Incision of heel bone		T	0056	51.6815	$3,485.35		$697.07
28302	Incision of ankle bone		T	0055	21.8163	$1,471.27	$355.34	$294.26
28304	Incision of midfoot bones		T	0056	51.6815	$3,485.35		$697.07
28305	Incise/graft midfoot bones		T	0056	51.6815	$3,485.35		$697.07
28306	Incision of metatarsal		T	0055	21.8163	$1,471.27	$355.34	$294.26
28307	Incision of metatarsal		T	0055	21.8163	$1,471.27	$355.34	$294.26
28308	Incision of metatarsal		T	0055	21.8163	$1,471.27	$355.34	$294.26
28309	Incision of metatarsals		T	0056	51.6815	$3,485.35		$697.07
28310	Revision of big toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28312	Revision of toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28313	Repair deformity of toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28315	Removal of sesamoid bone		T	0055	21.8163	$1,471.27	$355.34	$294.26
28320	Repair of foot bones		T	0056	51.6815	$3,485.35		$697.07
28322	Repair of metatarsals		T	0056	51.6815	$3,485.35		$697.07
28340	Resect enlarged toe tissue		T	0055	21.8163	$1,471.27	$355.34	$294.26
28341	Resect enlarged toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28344	Repair extra toe(s)		T	0055	21.8163	$1,471.27	$355.34	$294.26
28345	Repair webbed toe(s)		T	0055	21.8163	$1,471.27	$355.34	$294.26
28360	Reconstruct cleft foot		T	0056	51.6815	$3,485.35		$697.07
28400	Treatment of heel fracture		T	0129	1.6769	$113.09		$22.62
28405	Treatment of heel fracture		T	0139	18.6224	$1,255.88		$251.18
28406	Treatment of heel fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
28415	Treat heel fracture		T	0064	64.5844	$4,355.51		$871.11
28420	Treat/graft heel fracture		T	0063	44.8330	$3,023.49		$604.70
28430	Treatment of ankle fracture		T	0129	1.6769	$113.09		$22.62
28435	Treatment of ankle fracture		T	0129	1.6769	$113.09		$22.62
28436	Treatment of ankle fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
28445	Treat ankle fracture		T	0063	44.8330	$3,023.49		$604.70
28446	Osteochondral talus autogrft		T	0056	51.6815	$3,485.35		$697.07
28450	Treat midfoot fracture, each		T	0129	1.6769	$113.09		$22.62
28455	Treat midfoot fracture, each		T	0129	1.6769	$113.09		$22.62
28456	Treat midfoot fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
28465	Treat midfoot fracture, each		T	0063	44.8330	$3,023.49		$604.70

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
28470	Treat metatarsal fracture		T	0129	1.6769	$113.09		$22.62
28475	Treat metatarsal fracture		T	0129	1.6769	$113.09		$22.62
28476	Treat metatarsal fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
28485	Treat metatarsal fracture		T	0063	44.8330	$3,023.49		$604.70
28490	Treat big toe fracture		T	0129	1.6769	$113.09		$22.62
28495	Treat big toe fracture		T	0129	1.6769	$113.09		$22.62
28496	Treat big toe fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
28505	Treat big toe fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
28510	Treatment of toe fracture		T	0129	1.6769	$113.09		$22.62
28515	Treatment of toe fracture		T	0129	1.6769	$113.09		$22.62
28525	Treat toe fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
28530	Treat sesamoid bone fracture		T	0129	1.6769	$113.09		$22.62
28531	Treat sesamoid bone fracture		T	0062	25.9991	$1,753.35	$372.87	$350.67
28540	Treat foot dislocation		T	0129	1.6769	$113.09		$22.62
28545	Treat foot dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
28546	Treat foot dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
28555	Repair foot dislocation		T	0063	44.8330	$3,023.49		$604.70
28570	Treat foot dislocation		T	0138	4.8430	$326.61		$65.33
28575	Treat foot dislocation		T	0139	18.6224	$1,255.88		$251.18
28576	Treat foot dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
28585	Repair foot dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
28600	Treat foot dislocation		T	0129	1.6769	$113.09		$22.62
28605	Treat foot dislocation		T	0129	1.6769	$113.09		$22.62
28606	Treat foot dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
28615	Repair foot dislocation		T	0063	44.8330	$3,023.49		$604.70
28630	Treat toe dislocation		T	0129	1.6769	$113.09		$22.62
28635	Treat toe dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
28636	Treat toe dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
28645	Repair toe dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
28660	Treat toe dislocation		T	0129	1.6769	$113.09		$22.62
28665	Treat toe dislocation		T	0045	15.1903	$1,024.42	$267.44	$204.89
28666	Treat toe dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
28675	Repair of toe dislocation		T	0062	25.9991	$1,753.35	$372.87	$350.67
28705	Fusion of foot bones		T	0056	51.6815	$3,485.35		$697.07
28715	Fusion of foot bones		T	0052	87.3161	$5,888.51		$1,177.71
28725	Fusion of foot bones		T	0056	51.6815	$3,485.35		$697.07
28730	Fusion of foot bones		T	0056	51.6815	$3,485.35		$697.07
28735	Fusion of foot bones		T	0056	51.6815	$3,485.35		$697.07
28737	Revision of foot bones		T	0056	51.6815	$3,485.35		$697.07
28740	Fusion of foot bones		T	0056	51.6815	$3,485.35		$697.07
28750	Fusion of big toe joint		T	0056	51.6815	$3,485.35		$697.07
28755	Fusion of big toe joint		T	0055	21.8163	$1,471.27	$355.34	$294.26

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
28760	Fusion of big toe joint		T	0056	51.6815	$3,485.35		$697.07
28800	Amputation of midfoot		C					
28805	Amputation thru metatarsal		C					
28810	Amputation toe & metatarsal		T	0055	21.8163	$1,471.27	$355.34	$294.26
28820	Amputation of toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28825	Partial amputation of toe		T	0055	21.8163	$1,471.27	$355.34	$294.26
28890	High energy eswt, plantar f		T	0050	31.6510	$2,134.51		$426.91
28899	Foot/toes surgery procedure		T	0129	1.6769	$113.09		$22.62
29000	Application of body cast		S	0058	1.1040	$74.45		$14.89
29010	Application of body cast		S	0426	2.3845	$160.81		$32.17
29015	Application of body cast		S	0426	2.3845	$160.81		$32.17
29020	Application of body cast		S	0058	1.1040	$74.45		$14.89
29025	Application of body cast		S	0058	1.1040	$74.45		$14.89
29035	Application of body cast		S	0426	2.3845	$160.81		$32.17
29040	Application of body cast		S	0058	1.1040	$74.45		$14.89
29044	Application of body cast		S	0426	2.3845	$160.81		$32.17
29046	Application of body cast		S	0426	2.3845	$160.81		$32.17
29049	Application of figure eight		S	0058	1.1040	$74.45		$14.89
29055	Application of shoulder cast		S	0426	2.3845	$160.81		$32.17
29058	Application of shoulder cast		S	0058	1.1040	$74.45		$14.89
29065	Application of long arm cast		S	0426	2.3845	$160.81		$32.17
29075	Application of forearm cast		S	0426	2.3845	$160.81		$32.17
29085	Apply hand/wrist cast		S	0058	1.1040	$74.45		$14.89
29086	Apply finger cast		S	0058	1.1040	$74.45		$14.89
29105	Apply long arm splint		S	0058	1.1040	$74.45		$14.89
29125	Apply forearm splint		S	0058	1.1040	$74.45		$14.89
29126	Apply forearm splint		S	0058	1.1040	$74.45		$14.89
29130	Application of finger splint		S	0058	1.1040	$74.45		$14.89
29131	Application of finger splint		S	0058	1.1040	$74.45		$14.89
29200	Strapping of chest		S	0058	1.1040	$74.45		$14.89
29220	Strapping of low back		S	0058	1.1040	$74.45		$14.89
29240	Strapping of shoulder		S	0058	1.1040	$74.45		$14.89
29260	Strapping of elbow or wrist		S	0058	1.1040	$74.45		$14.89
29280	Strapping of hand or finger		S	0058	1.1040	$74.45		$14.89
29305	Application of hip cast		S	0426	2.3845	$160.81		$32.17
29325	Application of hip casts		S	0426	2.3845	$160.81		$32.17
29345	Application of long leg cast		S	0426	2.3845	$160.81		$32.17
29355	Application of long leg cast		S	0426	2.3845	$160.81		$32.17
29358	Apply long leg cast brace		S	0426	2.3845	$160.81		$32.17
29365	Application of long leg cast		S	0426	2.3845	$160.81		$32.17
29405	Apply short leg cast		S	0426	2.3845	$160.81		$32.17
29425	Apply short leg cast		S	0426	2.3845	$160.81		$32.17

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
29435	Apply short leg cast		S	0426	2.3845	$160.81		$32.17
29440	Addition of walker to cast		S	0058	1.1040	$74.45		$14.89
29445	Apply rigid leg cast		S	0426	2.3845	$160.81		$32.17
29450	Application of leg cast		S	0058	1.1040	$74.45		$14.89
29505	Application, long leg splint		S	0058	1.1040	$74.45		$14.89
29515	Application lower leg splint		S	0058	1.1040	$74.45		$14.89
29520	Strapping of hip		S	0058	1.1040	$74.45		$14.89
29530	Strapping of knee		S	0058	1.1040	$74.45		$14.89
29540	Strapping of ankle and/or ft		S	0058	1.1040	$74.45		$14.89
29550	Strapping of toes		S	0058	1.1040	$74.45		$14.89
29580	Application of paste boot		S	0058	1.1040	$74.45		$14.89
29590	Application of foot splint		S	0058	1.1040	$74.45		$14.89
29700	Removal/revision of cast		S	0058	1.1040	$74.45		$14.89
29705	Removal/revision of cast		S	0058	1.1040	$74.45		$14.89
29710	Removal/revision of cast		S	0426	2.3845	$160.81		$32.17
29715	Removal/revision of cast		S	0058	1.1040	$74.45		$14.89
29720	Repair of body cast		S	0058	1.1040	$74.45		$14.89
29730	Windowing of cast		S	0058	1.1040	$74.45		$14.89
29740	Wedging of cast		S	0058	1.1040	$74.45		$14.89
29750	Wedging of clubfoot cast		S	0058	1.1040	$74.45		$14.89
29799	Casting/strapping procedure		S	0058	1.1040	$74.45		$14.89
29800	Jaw arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29804	Jaw arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29805	Shoulder arthroscopy, dx		T	0041	29.8669	$2,014.19		$402.84
29806	Shoulder arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29807	Shoulder arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29819	Shoulder arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29820	Shoulder arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29821	Shoulder arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29822	Shoulder arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29823	Shoulder arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29824	Shoulder arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29825	Shoulder arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29826	Shoulder arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29827	Arthroscop rotator cuff repr		T	0042	48.6175	$3,278.72	$804.74	$655.75
29828	Arthroscopy biceps tenodesis		T	0042	48.6175	$3,278.72	$804.74	$655.75
29830	Elbow arthroscopy		T	0041	29.8669	$2,014.19		$402.84
29834	Elbow arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29835	Elbow arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29836	Elbow arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29837	Elbow arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29838	Elbow arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
29840	Wrist arthroscopy		T	0041	29.8669	$2,014.19		$402.84
29843	Wrist arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29844	Wrist arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29845	Wrist arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29846	Wrist arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29847	Wrist arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29848	Wrist endoscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29850	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29851	Knee arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29855	Tibial arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29856	Tibial arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29860	Hip arthroscopy, dx		T	0042	48.6175	$3,278.72	$804.74	$655.75
29861	Hip arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29862	Hip arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29863	Hip arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29866	Autgrft implnt, knee w/scope		T	0042	48.6175	$3,278.72	$804.74	$655.75
29867	Allgrft implnt, knee w/scope		T	0042	48.6175	$3,278.72	$804.74	$655.75
29868	Meniscal trnspl, knee w/scpe		T	0042	48.6175	$3,278.72	$804.74	$655.75
29870	Knee arthroscopy, dx		T	0041	29.8669	$2,014.19		$402.84
29871	Knee arthroscopy/drainage		T	0041	29.8669	$2,014.19		$402.84
29873	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29874	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29875	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29876	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29877	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29879	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29880	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29881	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29882	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29883	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29884	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29885	Knee arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29886	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29887	Knee arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29888	Knee arthroscopy/surgery	CH	T	0052	87.3161	$5,888.51		$1,177.71
29889	Knee arthroscopy/surgery	CH	T	0052	87.3161	$5,888.51		$1,177.71
29891	Ankle arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29892	Ankle arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29893	Scope, plantar fasciotomy		T	0055	21.8163	$1,471.27	$355.34	$294.26
29894	Ankle arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29895	Ankle arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29897	Ankle arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
29898	Ankle arthroscopy/surgery		T	0041	29.8669	$2,014.19		$402.84
29899	Ankle arthroscopy/surgery		T	0042	48.6175	$3,278.72	$804.74	$655.75
29900	Mcp joint arthroscopy, dx		T	0041	29.8669	$2,014.19		$402.84
29901	Mcp joint arthroscopy, surg		T	0041	29.8669	$2,014.19		$402.84
29902	Mcp joint arthroscopy, surg		T	0041	29.8669	$2,014.19		$402.84
29904	Subtalar arthro w/fb rmvl		T	0041	29.8669	$2,014.19		$402.84
29905	Subtalar arthro w/exc		T	0041	29.8669	$2,014.19		$402.84
29906	Subtalar arthro w/deb		T	0041	29.8669	$2,014.19		$402.84
29907	Subtalar arthro w/fusion		T	0042	48.6175	$3,278.72	$804.74	$655.75
29999	Arthroscopy of joint		T	0041	29.8669	$2,014.19		$402.84
30000	Drainage of nose lesion		T	0251	3.4720	$234.15		$46.83
30020	Drainage of nose lesion		T	0251	3.4720	$234.15		$46.83
30100	Intranasal biopsy		T	0252	7.5340	$508.09	$109.16	$101.62
30110	Removal of nose polyp(s)		T	0253	17.0446	$1,149.47	$282.29	$229.90
30115	Removal of nose polyp(s)		T	0253	17.0446	$1,149.47	$282.29	$229.90
30117	Removal of intranasal lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
30118	Removal of intranasal lesion		T	0254	24.8215	$1,673.94		$334.79
30120	Revision of nose	CH	T	0254	24.8215	$1,673.94		$334.79
30124	Removal of nose lesion		T	0252	7.5340	$508.09	$109.16	$101.62
30125	Removal of nose lesion		T	0256	42.8890	$2,892.39		$578.48
30130	Excise inferior turbinate		T	0253	17.0446	$1,149.47	$282.29	$229.90
30140	Resect inferior turbinate		T	0254	24.8215	$1,673.94		$334.79
30150	Partial removal of nose		T	0256	42.8890	$2,892.39		$578.48
30160	Removal of nose		T	0256	42.8890	$2,892.39		$578.48
30200	Injection treatment of nose		T	0252	7.5340	$508.09	$109.16	$101.62
30210	Nasal sinus therapy		T	0252	7.5340	$508.09	$109.16	$101.62
30220	Insert nasal septal button		T	0252	7.5340	$508.09	$109.16	$101.62
30300	Remove nasal foreign body		X	0340	0.6682	$45.06		$9.02
30310	Remove nasal foreign body		T	0253	17.0446	$1,149.47	$282.29	$229.90
30320	Remove nasal foreign body		T	0253	17.0446	$1,149.47	$282.29	$229.90
30400	Reconstruction of nose		T	0256	42.8890	$2,892.39		$578.48
30410	Reconstruction of nose		T	0256	42.8890	$2,892.39		$578.48
30420	Reconstruction of nose		T	0256	42.8890	$2,892.39		$578.48
30430	Revision of nose		T	0254	24.8215	$1,673.94		$334.79
30435	Revision of nose		T	0256	42.8890	$2,892.39		$578.48
30450	Revision of nose		T	0256	42.8890	$2,892.39		$578.48
30460	Revision of nose		T	0256	42.8890	$2,892.39		$578.48
30462	Revision of nose		T	0256	42.8890	$2,892.39		$578.48
30465	Repair nasal stenosis		T	0256	42.8890	$2,892.39		$578.48
30520	Repair of nasal septum		T	0254	24.8215	$1,673.94		$334.79
30540	Repair nasal defect		T	0256	42.8890	$2,892.39		$578.48
30545	Repair nasal defect		T	0256	42.8890	$2,892.39		$578.48

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
30560	Release of nasal adhesions		T	0251	3.4720	$234.15		$46.83
30580	Repair upper jaw fistula		T	0256	42.8890	$2,892.39		$578.48
30600	Repair mouth/nose fistula		T	0256	42.8890	$2,892.39		$578.48
30620	Intranasal reconstruction		T	0256	42.8890	$2,892.39		$578.48
30630	Repair nasal septum defect		T	0254	24.8215	$1,673.94		$334.79
30801	Ablate inf turbinate, superf		T	0252	7.5340	$508.09	$109.16	$101.62
30802	Cauterization, inner nose	CH	T	0253	17.0446	$1,149.47	$282.29	$229.90
30901	Control of nosebleed		T	0250	1.1384	$76.77	$25.10	$15.36
30903	Control of nosebleed		T	0250	1.1384	$76.77	$25.10	$15.36
30905	Control of nosebleed		T	0250	1.1384	$76.77	$25.10	$15.36
30906	Repeat control of nosebleed		T	0250	1.1384	$76.77	$25.10	$15.36
30915	Ligation, nasal sinus artery		T	0092	26.7885	$1,806.59		$361.32
30920	Ligation, upper jaw artery		T	0092	26.7885	$1,806.59		$361.32
30930	Ther fx, nasal inf turbinate		T	0253	17.0446	$1,149.47	$282.29	$229.90
30999	Nasal surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
31000	Irrigation, maxillary sinus		T	0251	3.4720	$234.15		$46.83
31002	Irrigation, sphenoid sinus		T	0252	7.5340	$508.09	$109.16	$101.62
31020	Exploration, maxillary sinus		T	0254	24.8215	$1,673.94		$334.79
31030	Exploration, maxillary sinus		T	0256	42.8890	$2,892.39		$578.48
31032	Explore sinus, remove polyps		T	0256	42.8890	$2,892.39		$578.48
31040	Exploration behind upper jaw		T	0254	24.8215	$1,673.94		$334.79
31050	Exploration, sphenoid sinus		T	0256	42.8890	$2,892.39		$578.48
31051	Sphenoid sinus surgery		T	0256	42.8890	$2,892.39		$578.48
31070	Exploration of frontal sinus		T	0254	24.8215	$1,673.94		$334.79
31075	Exploration of frontal sinus		T	0256	42.8890	$2,892.39		$578.48
31080	Removal of frontal sinus		T	0256	42.8890	$2,892.39		$578.48
31081	Removal of frontal sinus		T	0256	42.8890	$2,892.39		$578.48
31084	Removal of frontal sinus		T	0256	42.8890	$2,892.39		$578.48
31085	Removal of frontal sinus		T	0256	42.8890	$2,892.39		$578.48
31086	Removal of frontal sinus		T	0256	42.8890	$2,892.39		$578.48
31087	Removal of frontal sinus		T	0256	42.8890	$2,892.39		$578.48
31090	Exploration of sinuses		T	0256	42.8890	$2,892.39		$578.48
31200	Removal of ethmoid sinus		T	0256	42.8890	$2,892.39		$578.48
31201	Removal of ethmoid sinus		T	0256	42.8890	$2,892.39		$578.48
31205	Removal of ethmoid sinus		T	0256	42.8890	$2,892.39		$578.48
31225	Removal of upper jaw		C					
31230	Removal of upper jaw		C					
31231	Nasal endoscopy, dx		T	0072	1.8910	$127.53		$25.51
31233	Nasal/sinus endoscopy, dx		T	0072	1.8910	$127.53		$25.51
31235	Nasal/sinus endoscopy, dx		T	0074	21.7866	$1,469.27		$293.86
31237	Nasal/sinus endoscopy, surg		T	0074	21.7866	$1,469.27		$293.86
31238	Nasal/sinus endoscopy, surg		T	0074	21.7866	$1,469.27		$293.86

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
31239	Nasal/sinus endoscopy, surg		T	0075	29.2772	$1,974.43	$445.92	$394.89
31240	Nasal/sinus endoscopy, surg		T	0074	21.7866	$1,469.27		$293.86
31254	Revision of ethmoid sinus		T	0075	29.2772	$1,974.43	$445.92	$394.89
31255	Removal of ethmoid sinus		T	0075	29.2772	$1,974.43	$445.92	$394.89
31256	Exploration maxillary sinus		T	0075	29.2772	$1,974.43	$445.92	$394.89
31267	Endoscopy, maxillary sinus		T	0075	29.2772	$1,974.43	$445.92	$394.89
31276	Sinus endoscopy, surgical		T	0075	29.2772	$1,974.43	$445.92	$394.89
31287	Nasal/sinus endoscopy, surg		T	0075	29.2772	$1,974.43	$445.92	$394.89
31288	Nasal/sinus endoscopy, surg		T	0075	29.2772	$1,974.43	$445.92	$394.89
31290	Nasal/sinus endoscopy, surg		C					
31291	Nasal/sinus endoscopy, surg		C					
31292	Nasal/sinus endoscopy, surg		T	0075	29.2772	$1,974.43	$445.92	$394.89
31293	Nasal/sinus endoscopy, surg		T	0075	29.2772	$1,974.43	$445.92	$394.89
31294	Nasal/sinus endoscopy, surg		T	0075	29.2772	$1,974.43	$445.92	$394.89
31299	Sinus surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
31300	Removal of larynx lesion		T	0254	24.8215	$1,673.94		$334.79
31320	Diagnostic incision, larynx		T	0256	42.8890	$2,892.39		$578.48
31360	Removal of larynx		C					
31365	Removal of larynx		C					
31367	Partial removal of larynx		C					
31368	Partial removal of larynx		C					
31370	Partial removal of larynx		C					
31375	Partial removal of larynx		C					
31380	Partial removal of larynx		C					
31382	Partial removal of larynx		C					
31390	Removal of larynx & pharynx		C					
31395	Reconstruct larynx & pharynx		C					
31400	Revision of larynx		T	0256	42.8890	$2,892.39		$578.48
31420	Removal of epiglottis		T	0256	42.8890	$2,892.39		$578.48
31500	Insert emergency airway		S	0094	2.4328	$164.07	$46.29	$32.82
31502	Change of windpipe airway		S	0078	1.4179	$95.62		$19.13
31505	Diagnostic laryngoscopy		T	0071	0.7925	$53.45	$11.03	$10.69
31510	Laryngoscopy with biopsy		T	0074	21.7866	$1,469.27		$293.86
31511	Remove foreign body, larynx		T	0072	1.8910	$127.53		$25.51
31512	Removal of larynx lesion		T	0074	21.7866	$1,469.27		$293.86
31513	Injection into vocal cord		T	0072	1.8910	$127.53		$25.51
31515	Laryngoscopy for aspiration		T	0074	21.7866	$1,469.27		$293.86
31520	Dx laryngoscopy, newborn		T	0072	1.8910	$127.53		$25.51
31525	Dx laryngoscopy excl nb		T	0074	21.7866	$1,469.27		$293.86
31526	Dx laryngoscopy w/oper scope	CH	T	0074	21.7866	$1,469.27		$293.86
31527	Laryngoscopy for treatment		T	0075	29.2772	$1,974.43	$445.92	$394.89
31528	Laryngoscopy and dilation		T	0074	21.7866	$1,469.27		$293.86

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
31529	Laryngoscopy and dilation		T	0074	21.7866	$1,469.27		$293.86
31530	Laryngoscopy w/fb removal	CH	T	0074	21.7866	$1,469.27		$293.86
31531	Laryngoscopy w/fb & op scope	CH	T	0074	21.7866	$1,469.27		$293.86
31535	Laryngoscopy w/biopsy	CH	T	0074	21.7866	$1,469.27		$293.86
31536	Laryngoscopy w/bx & op scope	CH	T	0074	21.7866	$1,469.27		$293.86
31540	Laryngoscopy w/exc of tumor	CH	T	0074	21.7866	$1,469.27		$293.86
31541	Larynscop w/tumr exc + scope	CH	T	0074	21.7866	$1,469.27		$293.86
31545	Remove vc lesion w/scope		T	0075	29.2772	$1,974.43	$445.92	$394.89
31546	Remove vc lesion scope/graft		T	0075	29.2772	$1,974.43	$445.92	$394.89
31560	Laryngoscop w/arytenoidectom		T	0075	29.2772	$1,974.43	$445.92	$394.89
31561	Larynscop, remve cart + scop		T	0075	29.2772	$1,974.43	$445.92	$394.89
31570	Laryngoscope w/vc inj		T	0074	21.7866	$1,469.27		$293.86
31571	Laryngoscop w/vc inj + scope		T	0075	29.2772	$1,974.43	$445.92	$394.89
31575	Diagnostic laryngoscopy		T	0072	1.8910	$127.53		$25.51
31576	Laryngoscopy with biopsy	CH	T	0074	21.7866	$1,469.27		$293.86
31577	Remove foreign body, larynx		T	0073	4.3949	$296.39	$69.15	$59.28
31578	Removal of larynx lesion		T	0075	29.2772	$1,974.43	$445.92	$394.89
31579	Diagnostic laryngoscopy		T	0073	4.3949	$296.39	$69.15	$59.28
31580	Revision of larynx		T	0256	42.8890	$2,892.39		$578.48
31582	Revision of larynx		T	0256	42.8890	$2,892.39		$578.48
31584	Treat larynx fracture		C					
31587	Revision of larynx		C					
31588	Revision of larynx		T	0256	42.8890	$2,892.39		$578.48
31590	Reinnervate larynx		T	0256	42.8890	$2,892.39		$578.48
31595	Larynx nerve surgery		T	0256	42.8890	$2,892.39		$578.48
31599	Larynx surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
31600	Incision of windpipe		T	0254	24.8215	$1,673.94		$334.79
31601	Incision of windpipe		T	0254	24.8215	$1,673.94		$334.79
31603	Incision of windpipe		T	0252	7.5340	$508.09	$109.16	$101.62
31605	Incision of windpipe		T	0252	7.5340	$508.09	$109.16	$101.62
31610	Incision of windpipe		T	0254	24.8215	$1,673.94		$334.79
31611	Surgery/speech prosthesis		T	0254	24.8215	$1,673.94		$334.79
31612	Puncture/clear windpipe		T	0254	24.8215	$1,673.94		$334.79
31613	Repair windpipe opening		T	0254	24.8215	$1,673.94		$334.79
31614	Repair windpipe opening		T	0256	42.8890	$2,892.39		$578.48
31615	Visualization of windpipe		T	0252	7.5340	$508.09	$109.16	$101.62
31620	Endobronchial us add-on		N					
31622	Dx bronchoscope/wash		T	0076	10.4258	$703.11	$189.82	$140.63
31623	Dx bronchoscope/brush		T	0076	10.4258	$703.11	$189.82	$140.63
31624	Dx bronchoscope/lavage		T	0076	10.4258	$703.11	$189.82	$140.63
31625	Bronchoscopy w/biopsy(s)		T	0076	10.4258	$703.11	$189.82	$140.63
31628	Bronchoscopy/lung bx, each		T	0076	10.4258	$703.11	$189.82	$140.63

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
31629	Bronchoscopy/needle bx, each		T	0076	10.4258	$703.11	$189.82	$140.63
31630	Bronchoscopy dilate/fx repr		T	0415	26.2090	$1,767.51	$459.92	$353.51
31631	Bronchoscopy, dilate w/stent		T	0415	26.2090	$1,767.51	$459.92	$353.51
31632	Bronchoscopy/lung bx, add'l		T	0076	10.4258	$703.11	$189.82	$140.63
31633	Bronchoscopy/needle bx add'l		T	0076	10.4258	$703.11	$189.82	$140.63
31635	Bronchoscopy w/fb removal		T	0076	10.4258	$703.11	$189.82	$140.63
31636	Bronchoscopy, bronch stents		T	0415	26.2090	$1,767.51	$459.92	$353.51
31637	Bronchoscopy, stent add-on		T	0076	10.4258	$703.11	$189.82	$140.63
31638	Bronchoscopy, revise stent		T	0415	26.2090	$1,767.51	$459.92	$353.51
31640	Bronchoscopy w/tumor excise		T	0415	26.2090	$1,767.51	$459.92	$353.51
31641	Bronchoscopy, treat blockage		T	0415	26.2090	$1,767.51	$459.92	$353.51
31643	Diag bronchoscope/catheter		T	0076	10.4258	$703.11	$189.82	$140.63
31645	Bronchoscopy, clear airways		T	0076	10.4258	$703.11	$189.82	$140.63
31646	Bronchoscopy, reclear airway		T	0076	10.4258	$703.11	$189.82	$140.63
31656	Bronchoscopy, inj for x-ray		T	0076	10.4258	$703.11	$189.82	$140.63
31715	Injection for bronchus x-ray		N					
31717	Bronchial brush biopsy		T	0073	4.3949	$296.39	$69.15	$59.28
31720	Clearance of airways		S	0077	0.4088	$27.57	$7.74	$5.52
31725	Clearance of airways		C					
31730	Intro, windpipe wire/tube		T	0073	4.3949	$296.39	$69.15	$59.28
31750	Repair of windpipe		T	0256	42.8890	$2,892.39		$578.48
31755	Repair of windpipe		T	0256	42.8890	$2,892.39		$578.48
31760	Repair of windpipe		C					
31766	Reconstruction of windpipe		C					
31770	Repair/graft of bronchus		C					
31775	Reconstruct bronchus		C					
31780	Reconstruct windpipe		C					
31781	Reconstruct windpipe		C					
31785	Remove windpipe lesion		T	0254	24.8215	$1,673.94		$334.79
31786	Remove windpipe lesion		C					
31800	Repair of windpipe injury		C					
31805	Repair of windpipe injury		C					
31820	Closure of windpipe lesion	CH	T	0254	24.8215	$1,673.94		$334.79
31825	Repair of windpipe defect		T	0254	24.8215	$1,673.94		$334.79
31830	Revise windpipe scar		T	0254	24.8215	$1,673.94		$334.79
31899	Airways surgical procedure		T	0076	10.4258	$703.11	$189.82	$140.63
32035	Exploration of chest		C					
32036	Exploration of chest		C					
32095	Biopsy through chest wall		C					
32100	Exploration/biopsy of chest		C					
32110	Explore/repair chest		C					
32120	Re-exploration of chest		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
32124	Explore chest free adhesions		C					
32140	Removal of lung lesion(s)		C					
32141	Remove/treat lung lesions		C					
32150	Removal of lung lesion(s)		C					
32151	Remove lung foreign body		C					
32160	Open chest heart massage		C					
32200	Drain, open, lung lesion		C					
32201	Drain, percut, lung lesion		T	0070	5.5115	$371.69		$74.34
32215	Treat chest lining		C					
32220	Release of lung		C					
32225	Partial release of lung		C					
32310	Removal of chest lining		C					
32320	Free/remove chest lining		C					
32400	Needle biopsy chest lining		T	0685	9.6646	$651.77		$130.36
32402	Open biopsy chest lining		C					
32405	Biopsy, lung or mediastinum		T	0685	9.6646	$651.77		$130.36
32420	Puncture/clear lung		T	0070	5.5115	$371.69		$74.34
32421	Thoracentesis for aspiration		T	0070	5.5115	$371.69		$74.34
32422	Thoracentesis w/tube insert		T	0070	5.5115	$371.69		$74.34
32440	Removal of lung		C					
32442	Sleeve pneumonectomy		C					
32445	Removal of lung		C					
32480	Partial removal of lung		C					
32482	Bilobectomy		C					
32484	Segmentectomy		C					
32486	Sleeve lobectomy		C					
32488	Completion pneumonectomy		C					
32491	Lung volume reduction		C					
32500	Partial removal of lung		C					
32501	Repair bronchus add-on		C					
32503	Resect apical lung tumor		C					
32504	Resect apical lung tum/chest		C					
32540	Removal of lung lesion		C					
32550	Insert pleural cath		T	0652	30.7428	$2,073.26		$414.66
32551	Insertion of chest tube		T	0070	5.5115	$371.69		$74.34
32560	Treat lung lining chemically		T	0070	5.5115	$371.69		$74.34
32601	Thoracoscopy, diagnostic		T	0069	34.2737	$2,311.38	$591.64	$462.28
32602	Thoracoscopy, diagnostic		T	0069	34.2737	$2,311.38	$591.64	$462.28
32603	Thoracoscopy, diagnostic		T	0069	34.2737	$2,311.38	$591.64	$462.28
32604	Thoracoscopy, diagnostic		T	0069	34.2737	$2,311.38	$591.64	$462.28
32605	Thoracoscopy, diagnostic		T	0069	34.2737	$2,311.38	$591.64	$462.28
32606	Thoracoscopy, diagnostic		T	0069	34.2737	$2,311.38	$591.64	$462.28

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
32650	Thoracoscopy, surgical		C					
32651	Thoracoscopy, surgical		C					
32652	Thoracoscopy, surgical		C					
32653	Thoracoscopy, surgical		C					
32654	Thoracoscopy, surgical		C					
32655	Thoracoscopy, surgical		C					
32656	Thoracoscopy, surgical		C					
32657	Thoracoscopy, surgical		C					
32658	Thoracoscopy, surgical		C					
32659	Thoracoscopy, surgical		C					
32660	Thoracoscopy, surgical		C					
32661	Thoracoscopy, surgical		C					
32662	Thoracoscopy, surgical		C					
32663	Thoracoscopy, surgical		C					
32664	Thoracoscopy, surgical		C					
32665	Thoracoscopy, surgical		C					
32800	Repair lung hernia		C					
32810	Close chest after drainage		C					
32815	Close bronchial fistula		C					
32820	Reconstruct injured chest		C					
32850	Donor pneumonectomy		C					
32851	Lung transplant, single		C					
32852	Lung transplant with bypass		C					
32853	Lung transplant, double		C					
32854	Lung transplant with bypass		C					
32855	Prepare donor lung, single		C					
32856	Prepare donor lung, double		C					
32900	Removal of rib(s)		C					
32905	Revise & repair chest wall		C					
32906	Revise & repair chest wall		C					
32940	Revision of lung		C					
32960	Therapeutic pneumothorax		T	0070	5.5115	$371.69		$74.34
32997	Total lung lavage		C					
32998	Perq rf ablate tx, pul tumor		T	0423	49.3672	$3,329.27		$665.86
32999	Chest surgery procedure		T	0070	5.5115	$371.69		$74.34
33010	Drainage of heart sac		T	0070	5.5115	$371.69		$74.34
33011	Repeat drainage of heart sac		T	0070	5.5115	$371.69		$74.34
33015	Incision of heart sac		C					
33020	Incision of heart sac		C					
33025	Incision of heart sac		C					
33030	Partial removal of heart sac		C					
33031	Partial removal of heart sac		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
33050	Removal of heart sac lesion		C					
33120	Removal of heart lesion		C					
33130	Removal of heart lesion		C					
33140	Heart revascularize (tmr)		C					
33141	Heart tmr w/other procedure		C					
33202	Insert epicard eltrd, open		C					
33203	Insert epicard eltrd, endo		C					
33206	Insertion of heart pacemaker		T	0089	116.9225	$7,885.14	$1,682.28	$1,577.03
33207	Insertion of heart pacemaker		T	0089	116.9225	$7,885.14	$1,682.28	$1,577.03
33208	Insertion of heart pacemaker		T	0655	141.3958	$9,535.59		$1,907.12
33210	Insertion of heart electrode		T	0106	46.8221	$3,157.64		$631.53
33211	Insertion of heart electrode		T	0106	46.8221	$3,157.64		$631.53
33212	Insertion of pulse generator		T	0090	97.3761	$6,566.95	$1,597.43	$1,313.39
33213	Insertion of pulse generator		T	0654	109.3646	$7,375.44		$1,475.09
33214	Upgrade of pacemaker system		T	0655	141.3958	$9,535.59		$1,907.12
33215	Reposition pacing-defib lead		T	0105	23.2144	$1,565.56		$313.12
33216	Insert lead pace-defib, one		T	0106	46.8221	$3,157.64		$631.53
33217	Insert lead pace-defib, dual		T	0106	46.8221	$3,157.64		$631.53
33218	Repair lead pace-defib, one		T	0105	23.2144	$1,565.56		$313.12
33220	Repair lead pace-defib, dual		T	0105	23.2144	$1,565.56		$313.12
33222	Revise pocket, pacemaker		T	0136	15.8458	$1,068.62		$213.73
33223	Revise pocket, pacing-defib		T	0136	15.8458	$1,068.62		$213.73
33224	Insert pacing lead & connect		T	0418	204.6552	$13,801.74		$2,760.35
33225	L ventric pacing lead add-on		T	0418	204.6552	$13,801.74		$2,760.35
33226	Reposition l ventric lead		T	0105	23.2144	$1,565.56		$313.12
33233	Removal of pacemaker system		T	0105	23.2144	$1,565.56		$313.12
33234	Removal of pacemaker system		T	0105	23.2144	$1,565.56		$313.12
33235	Removal pacemaker electrode		T	0105	23.2144	$1,565.56		$313.12
33236	Remove electrode/thoracotomy		C					
33237	Remove electrode/thoracotomy		C					
33238	Remove electrode/thoracotomy		C					
33240	Insert pulse generator		T	0107	316.6212	$21,352.62		$4,270.53
33241	Remove pulse generator		T	0105	23.2144	$1,565.56		$313.12
33243	Remove eltrd/thoracotomy		C					
33244	Remove eltrd, transven		T	0105	23.2144	$1,565.56		$313.12
33249	Eltrd/insert pace-defib		T	0108	407.7550	$27,498.59		$5,499.72
33250	Ablate heart dysrhythm focus		C					
33251	Ablate heart dysrhythm focus		C					
33254	Ablate atria, lmtd		C					
33255	Ablate atria w/o bypass, ext		C					
33256	Ablate atria w/bypass, exten		C					
33257	Ablate atria, lmtd, add-on		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
33258	Ablate atria, x10sv, add-on		C					
33259	Ablate atria w/bypass add-on		C					
33261	Ablate heart dysrhythm focus		C					
33265	Ablate atria, lmtd, endo		C					
33266	Ablate atria, x10sv, endo		C					
33282	Implant pat-active ht record		S	0680	77.2305	$5,208.35		$1,041.67
33284	Remove pat-active ht record		T	0020	8.1236	$547.85		$109.57
33300	Repair of heart wound		C					
33305	Repair of heart wound		C					
33310	Exploratory heart surgery		C					
33315	Exploratory heart surgery		C					
33320	Repair major blood vessel(s)		C					
33321	Repair major vessel		C					
33322	Repair major blood vessel(s)		C					
33330	Insert major vessel graft		C					
33332	Insert major vessel graft		C					
33335	Insert major vessel graft		C					
33400	Repair of aortic valve		C					
33401	Valvuloplasty, open		C					
33403	Valvuloplasty, w/cp bypass		C					
33404	Prepare heart-aorta conduit		C					
33405	Replacement of aortic valve		C					
33406	Replacement of aortic valve		C					
33410	Replacement of aortic valve		C					
33411	Replacement of aortic valve		C					
33412	Replacement of aortic valve		C					
33413	Replacement of aortic valve		C					
33414	Repair of aortic valve		C					
33415	Revision, subvalvular tissue		C					
33416	Revise ventricle muscle		C					
33417	Repair of aortic valve		C					
33420	Revision of mitral valve		C					
33422	Revision of mitral valve		C					
33425	Repair of mitral valve		C					
33426	Repair of mitral valve		C					
33427	Repair of mitral valve		C					
33430	Replacement of mitral valve		C					
33460	Revision of tricuspid valve		C					
33463	Valvuloplasty, tricuspid		C					
33464	Valvuloplasty, tricuspid		C					
33465	Replace tricuspid valve		C					
33468	Revision of tricuspid valve		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
33470	Revision of pulmonary valve		C					
33471	Valvotomy, pulmonary valve		C					
33472	Revision of pulmonary valve		C					
33474	Revision of pulmonary valve		C					
33475	Replacement, pulmonary valve		C					
33476	Revision of heart chamber		C					
33478	Revision of heart chamber		C					
33496	Repair, prosth valve clot		C					
33500	Repair heart vessel fistula		C					
33501	Repair heart vessel fistula		C					
33502	Coronary artery correction		C					
33503	Coronary artery graft		C					
33504	Coronary artery graft		C					
33505	Repair artery w/tunnel		C					
33506	Repair artery, translocation		C					
33507	Repair art, intramural		C					
33508	Endoscopic vein harvest		N					
33510	CABG, vein, single		C					
33511	CABG, vein, two		C					
33512	CABG, vein, three		C					
33513	CABG, vein, four		C					
33514	CABG, vein, five		C					
33516	Cabg, vein, six or more		C					
33517	CABG, artery-vein, single		C					
33518	CABG, artery-vein, two		C					
33519	CABG, artery-vein, three		C					
33521	CABG, artery-vein, four		C					
33522	CABG, artery-vein, five		C					
33523	Cabg, art-vein, six or more		C					
33530	Coronary artery, bypass/reop		C					
33533	CABG, arterial, single		C					
33534	CABG, arterial, two		C					
33535	CABG, arterial, three		C					
33536	Cabg, arterial, four or more		C					
33542	Removal of heart lesion		C					
33545	Repair of heart damage		C					
33548	Restore/remodel, ventricle		C					
33572	Open coronary endarterectomy		C					
33600	Closure of valve		C					
33602	Closure of valve		C					
33606	Anastomosis/artery-aorta		C					
33608	Repair anomaly w/conduit		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
33610	Repair by enlargement		C					
33611	Repair double ventricle		C					
33612	Repair double ventricle		C					
33615	Repair, modified fontan		C					
33617	Repair single ventricle		C					
33619	Repair single ventricle		C					
33641	Repair heart septum defect		C					
33645	Revision of heart veins		C					
33647	Repair heart septum defects		C					
33660	Repair of heart defects		C					
33665	Repair of heart defects		C					
33670	Repair of heart chambers		C					
33675	Close mult vsd		C					
33676	Close mult vsd w/resection		C					
33677	Cl mult vsd w/rem pul band		C					
33681	Repair heart septum defect		C					
33684	Repair heart septum defect		C					
33688	Repair heart septum defect		C					
33690	Reinforce pulmonary artery		C					
33692	Repair of heart defects		C					
33694	Repair of heart defects		C					
33697	Repair of heart defects		C					
33702	Repair of heart defects		C					
33710	Repair of heart defects		C					
33720	Repair of heart defect		C					
33722	Repair of heart defect		C					
33724	Repair venous anomaly		C					
33726	Repair pul venous stenosis		C					
33730	Repair heart-vein defect(s)		C					
33732	Repair heart-vein defect		C					
33735	Revision of heart chamber		C					
33736	Revision of heart chamber		C					
33737	Revision of heart chamber		C					
33750	Major vessel shunt		C					
33755	Major vessel shunt		C					
33762	Major vessel shunt		C					
33764	Major vessel shunt & graft		C					
33766	Major vessel shunt		C					
33767	Major vessel shunt		C					
33768	Cavopulmonary shunting		C					
33770	Repair great vessels defect		C					
33771	Repair great vessels defect		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
33774	Repair great vessels defect		C					
33775	Repair great vessels defect		C					
33776	Repair great vessels defect		C					
33777	Repair great vessels defect		C					
33778	Repair great vessels defect		C					
33779	Repair great vessels defect		C					
33780	Repair great vessels defect		C					
33781	Repair great vessels defect		C					
33786	Repair arterial trunk		C					
33788	Revision of pulmonary artery		C					
33800	Aortic suspension		C					
33802	Repair vessel defect		C					
33803	Repair vessel defect		C					
33813	Repair septal defect		C					
33814	Repair septal defect		C					
33820	Revise major vessel		C					
33822	Revise major vessel		C					
33824	Revise major vessel		C					
33840	Remove aorta constriction		C					
33845	Remove aorta constriction		C					
33851	Remove aorta constriction		C					
33852	Repair septal defect		C					
33853	Repair septal defect		C					
33860	Ascending aortic graft		C					
33861	Ascending aortic graft		C					
33863	Ascending aortic graft		C					
33864	Ascending aortic graft		C					
33870	Transverse aortic arch graft		C					
33875	Thoracic aortic graft		C					
33877	Thoracoabdominal graft		C					
33880	Endovasc taa repr incl subcl		C					
33881	Endovasc taa repr w/o subcl		C					
33883	Insert endovasc prosth, taa		C					
33884	Endovasc prosth, taa, add-on		C					
33886	Endovasc prosth, delayed		C					
33889	Artery transpose/endovas taa		C					
33891	Car-car bp grft/endovas taa		C					
33910	Remove lung artery emboli		C					
33915	Remove lung artery emboli		C					
33916	Surgery of great vessel		C					
33917	Repair pulmonary artery		C					
33920	Repair pulmonary atresia		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
33922	Transect pulmonary artery		C					
33924	Remove pulmonary shunt		C					
33925	Rpr pul art unifocal w/o cpb		C					
33926	Repr pul art, unifocal w/cpb		C					
33930	Removal of donor heart/lung		C					
33933	Prepare donor heart/lung		C					
33935	Transplantation, heart/lung		C					
33940	Removal of donor heart		C					
33944	Prepare donor heart		C					
33945	Transplantation of heart		C					
33960	External circulation assist		C					
33961	External circulation assist		C					
33967	Insert ia percut device		C					
33968	Remove aortic assist device		C					
33970	Aortic circulation assist		C					
33971	Aortic circulation assist		C					
33973	Insert balloon device		C					
33974	Remove intra-aortic balloon		C					
33975	Implant ventricular device		C					
33976	Implant ventricular device		C					
33977	Remove ventricular device		C					
33978	Remove ventricular device		C					
33979	Insert intracorporeal device		C					
33980	Remove intracorporeal device		C					
33999	Cardiac surgery procedure		T	0070	5.5115	$371.69		$74.34
34001	Removal of artery clot		C					
34051	Removal of artery clot		C					
34101	Removal of artery clot		T	0088	40.7433	$2,747.69	$655.22	$549.54
34111	Removal of arm artery clot		T	0088	40.7433	$2,747.69	$655.22	$549.54
34151	Removal of artery clot		C					
34201	Removal of artery clot		T	0088	40.7433	$2,747.69	$655.22	$549.54
34203	Removal of leg artery clot		T	0088	40.7433	$2,747.69	$655.22	$549.54
34401	Removal of vein clot		C					
34421	Removal of vein clot		T	0088	40.7433	$2,747.69	$655.22	$549.54
34451	Removal of vein clot		C					
34471	Removal of vein clot		T	0088	40.7433	$2,747.69	$655.22	$549.54
34490	Removal of vein clot		T	0088	40.7433	$2,747.69	$655.22	$549.54
34501	Repair valve, femoral vein		T	0088	40.7433	$2,747.69	$655.22	$549.54
34502	Reconstruct vena cava		C					
34510	Transposition of vein valve		T	0088	40.7433	$2,747.69	$655.22	$549.54
34520	Cross-over vein graft		T	0088	40.7433	$2,747.69	$655.22	$549.54
34530	Leg vein fusion		T	0088	40.7433	$2,747.69	$655.22	$549.54

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
34800	Endovas aaa repr w/sm tube		C					
34802	Endovas aaa repr w/2-p part		C					
34803	Endovas aaa repr w/3-p part		C					
34804	Endovas aaa repr w/1-p part		C					
34805	Endovas aaa repr w/long tube		C					
34806	Aneurysm press sensor add-on		C					
34808	Endovas iliac a device addon		C					
34812	Xpose for endoprosth, femorl		C					
34813	Femoral endovas graft add-on		C					
34820	Xpose for endoprosth, iliac		C					
34825	Endovasc extend prosth, init		C					
34826	Endovasc exten prosth, add'l		C					
34830	Open aortic tube prosth repr		C					
34831	Open aortoiliac prosth repr		C					
34832	Open aortofemor prosth repr		C					
34833	Xpose for endoprosth, iliac		C					
34834	Xpose, endoprosth, brachial		C					
34900	Endovasc iliac repr w/graft		C					
35001	Repair defect of artery		C					
35002	Repair artery rupture, neck		C					
35005	Repair defect of artery		C					
35011	Repair defect of artery		T	0653	46.3185	$3,123.67		$624.74
35013	Repair artery rupture, arm		C					
35021	Repair defect of artery		C					
35022	Repair artery rupture, chest		C					
35045	Repair defect of arm artery		C					
35081	Repair defect of artery		C					
35082	Repair artery rupture, aorta		C					
35091	Repair defect of artery		C					
35092	Repair artery rupture, aorta		C					
35102	Repair defect of artery		C					
35103	Repair artery rupture, groin		C					
35111	Repair defect of artery		C					
35112	Repair artery rupture,spleen		C					
35121	Repair defect of artery		C					
35122	Repair artery rupture, belly		C					
35131	Repair defect of artery		C					
35132	Repair artery rupture, groin		C					
35141	Repair defect of artery		C					
35142	Repair artery rupture, thigh		C					
35151	Repair defect of artery		C					
35152	Repair artery rupture, knee		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
35180	Repair blood vessel lesion		T	0093	30.7673	$2,074.92		$414.99
35182	Repair blood vessel lesion		C					
35184	Repair blood vessel lesion		T	0093	30.7673	$2,074.92		$414.99
35188	Repair blood vessel lesion		T	0088	40.7433	$2,747.69	$655.22	$549.54
35189	Repair blood vessel lesion		C					
35190	Repair blood vessel lesion		T	0093	30.7673	$2,074.92		$414.99
35201	Repair blood vessel lesion		T	0093	30.7673	$2,074.92		$414.99
35206	Repair blood vessel lesion		T	0093	30.7673	$2,074.92		$414.99
35207	Repair blood vessel lesion		T	0088	40.7433	$2,747.69	$655.22	$549.54
35211	Repair blood vessel lesion		C					
35216	Repair blood vessel lesion		C					
35221	Repair blood vessel lesion		C					
35226	Repair blood vessel lesion	CH	T	0020	8.1236	$547.85		$109.57
35231	Repair blood vessel lesion		T	0093	30.7673	$2,074.92		$414.99
35236	Repair blood vessel lesion		T	0093	30.7673	$2,074.92		$414.99
35241	Repair blood vessel lesion		C					
35246	Repair blood vessel lesion		C					
35251	Repair blood vessel lesion		C					
35256	Repair blood vessel lesion		T	0093	30.7673	$2,074.92		$414.99
35261	Repair blood vessel lesion		T	0653	46.3185	$3,123.67		$624.74
35266	Repair blood vessel lesion		T	0653	46.3185	$3,123.67		$624.74
35271	Repair blood vessel lesion		C					
35276	Repair blood vessel lesion		C					
35281	Repair blood vessel lesion		C					
35286	Repair blood vessel lesion		T	0653	46.3185	$3,123.67		$624.74
35301	Rechanneling of artery		C					
35302	Rechanneling of artery		C					
35303	Rechanneling of artery		C					
35304	Rechanneling of artery		C					
35305	Rechanneling of artery		C					
35306	Rechanneling of artery		C					
35311	Rechanneling of artery		C					
35321	Rechanneling of artery		T	0093	30.7673	$2,074.92		$414.99
35331	Rechanneling of artery		C					
35341	Rechanneling of artery		C					
35351	Rechanneling of artery		C					
35355	Rechanneling of artery		C					
35361	Rechanneling of artery		C					
35363	Rechanneling of artery		C					
35371	Rechanneling of artery		C					
35372	Rechanneling of artery		C					
35390	Reoperation, carotid add-on		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
35400	Angioscopy		C					
35450	Repair arterial blockage		C					
35452	Repair arterial blockage		C					
35454	Repair arterial blockage		C					
35456	Repair arterial blockage		C					
35458	Repair arterial blockage		T	0083	50.2559	$3,389.21		$677.85
35459	Repair arterial blockage		T	0083	50.2559	$3,389.21		$677.85
35460	Repair venous blockage		T	0083	50.2559	$3,389.21		$677.85
35470	Repair arterial blockage		T	0083	50.2559	$3,389.21		$677.85
35471	Repair arterial blockage		T	0083	50.2559	$3,389.21		$677.85
35472	Repair arterial blockage		T	0083	50.2559	$3,389.21		$677.85
35473	Repair arterial blockage		T	0083	50.2559	$3,389.21		$677.85
35474	Repair arterial blockage		T	0083	50.2559	$3,389.21		$677.85
35475	Repair arterial blockage		T	0083	50.2559	$3,389.21		$677.85
35476	Repair venous blockage		T	0083	50.2559	$3,389.21		$677.85
35480	Atherectomy, open		C					
35481	Atherectomy, open		C					
35482	Atherectomy, open		C					
35483	Atherectomy, open		C					
35484	Atherectomy, open		T	0082	91.2890	$6,156.44		$1,231.29
35485	Atherectomy, open		T	0082	91.2890	$6,156.44		$1,231.29
35490	Atherectomy, percutaneous		T	0082	91.2890	$6,156.44		$1,231.29
35491	Atherectomy, percutaneous		T	0082	91.2890	$6,156.44		$1,231.29
35492	Atherectomy, percutaneous		T	0082	91.2890	$6,156.44		$1,231.29
35493	Atherectomy, percutaneous		T	0082	91.2890	$6,156.44		$1,231.29
35494	Atherectomy, percutaneous		T	0082	91.2890	$6,156.44		$1,231.29
35495	Atherectomy, percutaneous		T	0082	91.2890	$6,156.44		$1,231.29
35500	Harvest vein for bypass		T	0103	17.0399	$1,149.15		$229.83
35501	Artery bypass graft		C					
35506	Artery bypass graft		C					
35508	Artery bypass graft		C					
35509	Artery bypass graft		C					
35510	Artery bypass graft		C					
35511	Artery bypass graft		C					
35512	Artery bypass graft		C					
35515	Artery bypass graft		C					
35516	Artery bypass graft		C					
35518	Artery bypass graft		C					
35521	Artery bypass graft		C					
35522	Artery bypass graft		C					
35523	Artery bypass graft		C					
35525	Artery bypass graft		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
35526	Artery bypass graft		C					
35531	Artery bypass graft		C					
35533	Artery bypass graft		C					
35535	Artery bypass graft		C					
35536	Artery bypass graft		C					
35537	Artery bypass graft		C					
35538	Artery bypass graft		C					
35539	Artery bypass graft		C					
35540	Artery bypass graft		C					
35548	Artery bypass graft		C					
35549	Artery bypass graft		C					
35551	Artery bypass graft		C					
35556	Artery bypass graft		C					
35558	Artery bypass graft		C					
35560	Artery bypass graft		C					
35563	Artery bypass graft		C					
35565	Artery bypass graft		C					
35566	Artery bypass graft		C					
35570	Artery bypass graft		C					
35571	Artery bypass graft		C					
35572	Harvest femoropopliteal vein		N					
35583	Vein bypass graft		C					
35585	Vein bypass graft		C					
35587	Vein bypass graft		C					
35600	Harvest art for cabg add-on		C					
35601	Artery bypass graft		C					
35606	Artery bypass graft		C					
35612	Artery bypass graft		C					
35616	Artery bypass graft		C					
35621	Artery bypass graft		C					
35623	Bypass graft, not vein		C					
35626	Artery bypass graft		C					
35631	Artery bypass graft		C					
35632	Artery bypass graft		C					
35633	Artery bypass graft		C					
35634	Artery bypass graft		C					
35636	Artery bypass graft		C					
35637	Artery bypass graft		C					
35638	Artery bypass graft		C					
35642	Artery bypass graft		C					
35645	Artery bypass graft		C					
35646	Artery bypass graft		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
35647	Artery bypass graft		C					
35650	Artery bypass graft		C					
35651	Artery bypass graft		C					
35654	Artery bypass graft		C					
35656	Artery bypass graft		C					
35661	Artery bypass graft		C					
35663	Artery bypass graft		C					
35665	Artery bypass graft		C					
35666	Artery bypass graft		C					
35671	Artery bypass graft		C					
35681	Composite bypass graft		C					
35682	Composite bypass graft		C					
35683	Composite bypass graft		C					
35685	Bypass graft patency/patch		T	0093	30.7673	$2,074.92		$414.99
35686	Bypass graft/av fist patency		T	0093	30.7673	$2,074.92		$414.99
35691	Arterial transposition		C					
35693	Arterial transposition		C					
35694	Arterial transposition		C					
35695	Arterial transposition		C					
35697	Reimplant artery each		C					
35700	Reoperation, bypass graft		C					
35701	Exploration, carotid artery		C					
35721	Exploration, femoral artery		C					
35741	Exploration popliteal artery		C					
35761	Exploration of artery/vein		T	0093	30.7673	$2,074.92		$414.99
35800	Explore neck vessels		C					
35820	Explore chest vessels		C					
35840	Explore abdominal vessels		C					
35860	Explore limb vessels		T	0093	30.7673	$2,074.92		$414.99
35870	Repair vessel graft defect		C					
35875	Removal of clot in graft		T	0088	40.7433	$2,747.69	$655.22	$549.54
35876	Removal of clot in graft		T	0088	40.7433	$2,747.69	$655.22	$549.54
35879	Revise graft w/vein		T	0088	40.7433	$2,747.69	$655.22	$549.54
35881	Revise graft w/vein		T	0088	40.7433	$2,747.69	$655.22	$549.54
35883	Revise graft w/nonauto graft		T	0088	40.7433	$2,747.69	$655.22	$549.54
35884	Revise graft w/vein		T	0088	40.7433	$2,747.69	$655.22	$549.54
35901	Excision, graft, neck		C					
35903	Excision, graft, extremity		T	0093	30.7673	$2,074.92		$414.99
35905	Excision, graft, thorax		C					
35907	Excision, graft, abdomen		C					
36000	Place needle in vein		N					
36002	Pseudoaneurysm injection trt		S	0267	2.3326	$157.31	$60.50	$31.47

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
36005	Injection ext venography		N					
36010	Place catheter in vein		N					
36011	Place catheter in vein		N					
36012	Place catheter in vein		N					
36013	Place catheter in artery		N					
36014	Place catheter in artery		N					
36015	Place catheter in artery		N					
36100	Establish access to artery		N					
36120	Establish access to artery		N					
36140	Establish access to artery		N					
36145	Artery to vein shunt		N					
36160	Establish access to aorta		N					
36200	Place catheter in aorta		N					
36215	Place catheter in artery		N					
36216	Place catheter in artery		N					
36217	Place catheter in artery		N					
36218	Place catheter in artery		N					
36245	Place catheter in artery		N					
36246	Place catheter in artery		N					
36247	Place catheter in artery		N					
36248	Place catheter in artery		N					
36260	Insertion of infusion pump		T	0623	30.2210	$2,038.07		$407.62
36261	Revision of infusion pump		T	0105	23.2144	$1,565.56		$313.12
36262	Removal of infusion pump		T	0105	23.2144	$1,565.56		$313.12
36299	Vessel injection procedure		N					
36400	Bl draw < 3 yrs fem/jugular		N					
36405	Bl draw < 3 yrs scalp vein		N					
36406	Bl draw < 3 yrs other vein		N					
36410	Non-routine bl draw > 3 yrs		N					
36415	Routine venipuncture		A					
36416	Capillary blood draw		N					
36420	Vein access cutdown < 1 yr		X	0035	0.2241	$15.11		$3.03
36425	Vein access cutdown > 1 yr		X	0035	0.2241	$15.11		$3.03
36430	Blood transfusion service		S	0110	3.3601	$226.60		$45.32
36440	Bl push transfuse, 2 yr or <		S	0110	3.3601	$226.60		$45.32
36450	Bl exchange/transfuse, nb		S	0110	3.3601	$226.60		$45.32
36455	Bl exchange/transfuse non-nb		S	0110	3.3601	$226.60		$45.32
36460	Transfusion service, fetal		S	0110	3.3601	$226.60		$45.32
36468	Injection(s), spider veins		T	0013	0.8679	$58.53		$11.71
36469	Injection(s), spider veins		T	0013	0.8679	$58.53		$11.71
36470	Injection therapy of vein		T	0013	0.8679	$58.53		$11.71
36471	Injection therapy of veins		T	0013	0.8679	$58.53		$11.71

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
36475	Endovenous rf, 1st vein		T	0091	44.4448	$2,997.31		$599.47
36476	Endovenous rf, vein add-on		T	0092	26.7885	$1,806.59		$361.32
36478	Endovenous laser, 1st vein		T	0092	26.7885	$1,806.59		$361.32
36479	Endovenous laser vein addon		T	0092	26.7885	$1,806.59		$361.32
36481	Insertion of catheter, vein		N					
36500	Insertion of catheter, vein		N					
36510	Insertion of catheter, vein		N					
36511	Apheresis wbc		S	0111	12.1380	$818.57	$198.40	$163.72
36512	Apheresis rbc		S	0111	12.1380	$818.57	$198.40	$163.72
36513	Apheresis platelets		S	0111	12.1380	$818.57	$198.40	$163.72
36514	Apheresis plasma		S	0111	12.1380	$818.57	$198.40	$163.72
36515	Apheresis, adsorp/reinfuse		S	0112	31.4318	$2,119.73	$433.29	$423.95
36516	Apheresis, selective		S	0112	31.4318	$2,119.73	$433.29	$423.95
36522	Photopheresis		S	0112	31.4318	$2,119.73	$433.29	$423.95
36555	Insert non-tunnel cv cath		T	0621	11.2433	$758.24		$151.65
36556	Insert non-tunnel cv cath		T	0621	11.2433	$758.24		$151.65
36557	Insert tunneled cv cath		T	0622	25.0706	$1,690.74		$338.15
36558	Insert tunneled cv cath		T	0622	25.0706	$1,690.74		$338.15
36560	Insert tunneled cv cath		T	0623	30.2210	$2,038.07		$407.62
36561	Insert tunneled cv cath		T	0623	30.2210	$2,038.07		$407.62
36563	Insert tunneled cv cath		T	0623	30.2210	$2,038.07		$407.62
36565	Insert tunneled cv cath		T	0623	30.2210	$2,038.07		$407.62
36566	Insert tunneled cv cath		T	0623	30.2210	$2,038.07		$407.62
36568	Insert picc cath		T	0621	11.2433	$758.24		$151.65
36569	Insert picc cath		T	0621	11.2433	$758.24		$151.65
36570	Insert picvad cath		T	0622	25.0706	$1,690.74		$338.15
36571	Insert picvad cath		T	0622	25.0706	$1,690.74		$338.15
36575	Repair tunneled cv cath		T	0121	6.3407	$427.61		$85.53
36576	Repair tunneled cv cath		T	0621	11.2433	$758.24		$151.65
36578	Replace tunneled cv cath		T	0622	25.0706	$1,690.74		$338.15
36580	Replace cvad cath		T	0621	11.2433	$758.24		$151.65
36581	Replace tunneled cv cath		T	0622	25.0706	$1,690.74		$338.15
36582	Replace tunneled cv cath		T	0623	30.2210	$2,038.07		$407.62
36583	Replace tunneled cv cath		T	0623	30.2210	$2,038.07		$407.62
36584	Replace picc cath		T	0621	11.2433	$758.24		$151.65
36585	Replace picvad cath		T	0622	25.0706	$1,690.74		$338.15
36589	Removal tunneled cv cath		T	0121	6.3407	$427.61		$85.53
36590	Removal tunneled cv cath		T	0621	11.2433	$758.24		$151.65
36591	Draw blood off venous device		Q1	0624	0.6079	$41.00	$12.65	$8.20
36592	Collect blood from picc		Q1	0624	0.6079	$41.00	$12.65	$8.20
36593	Declot vascular device		T	0676	2.3717	$159.95		$31.99
36595	Mech remov tunneled cv cath		T	0622	25.0706	$1,690.74		$338.15

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
36596	Mech remov tunneled cv cath		T	0621	11.2433	$758.24		$151.65
36597	Reposition venous catheter		T	0621	11.2433	$758.24		$151.65
36598	Inj w/fluor, eval cv device		T	0676	2.3717	$159.95		$31.99
36600	Withdrawal of arterial blood		Q1	0035	0.2241	$15.11		$3.03
36620	Insertion catheter, artery		N					
36625	Insertion catheter, artery		N					
36640	Insertion catheter, artery		T	0623	30.2210	$2,038.07		$407.62
36660	Insertion catheter, artery		C					
36680	Insert needle, bone cavity		T	0002	1.4855	$100.18		$20.04
36800	Insertion of cannula		T	0115	31.4839	$2,123.24		$424.65
36810	Insertion of cannula		T	0115	31.4839	$2,123.24		$424.65
36815	Insertion of cannula		T	0115	31.4839	$2,123.24		$424.65
36818	Av fuse, uppr arm, cephalic		T	0088	40.7433	$2,747.69	$655.22	$549.54
36819	Av fuse, uppr arm, basilic		T	0088	40.7433	$2,747.69	$655.22	$549.54
36820	Av fusion/forearm vein		T	0088	40.7433	$2,747.69	$655.22	$549.54
36821	Av fusion direct any site		T	0088	40.7433	$2,747.69	$655.22	$549.54
36822	Insertion of cannula(s)		C					
36823	Insertion of cannula(s)		C					
36825	Artery-vein autograft		T	0088	40.7433	$2,747.69	$655.22	$549.54
36830	Artery-vein nonautograft		T	0088	40.7433	$2,747.69	$655.22	$549.54
36831	Open thrombect av fistula		T	0088	40.7433	$2,747.69	$655.22	$549.54
36832	Av fistula revision, open		T	0088	40.7433	$2,747.69	$655.22	$549.54
36833	Av fistula revision		T	0088	40.7433	$2,747.69	$655.22	$549.54
36834	Repair A-V aneurysm		T	0088	40.7433	$2,747.69	$655.22	$549.54
36835	Artery to vein shunt		T	0115	31.4839	$2,123.24		$424.65
36838	Dist revas ligation, hemo		T	0088	40.7433	$2,747.69	$655.22	$549.54
36860	External cannula declotting		T	0676	2.3717	$159.95		$31.99
36861	Cannula declotting		T	0115	31.4839	$2,123.24		$424.65
36870	Percut thrombect av fistula		T	0653	46.3185	$3,123.67		$624.74
37140	Revision of circulation		C					
37145	Revision of circulation		C					
37160	Revision of circulation		C					
37180	Revision of circulation		C					
37181	Splice spleen/kidney veins		C					
37182	Insert hepatic shunt (tips)		C					
37183	Remove hepatic shunt (tips)		T	0229	95.4886	$6,439.66		$1,287.94
37184	Prim art mech thrombectomy		T	0088	40.7433	$2,747.69	$655.22	$549.54
37185	Prim art m-thrombect add-on		T	0088	40.7433	$2,747.69	$655.22	$549.54
37186	Sec art m-thrombect add-on		T	0088	40.7433	$2,747.69	$655.22	$549.54
37187	Venous mech thrombectomy		T	0088	40.7433	$2,747.69	$655.22	$549.54
37188	Venous m-thrombectomy add-on		T	0088	40.7433	$2,747.69	$655.22	$549.54

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
37195	Thrombolytic therapy, stroke		T	0676	2.3717	$159.95		$31.99
37200	Transcatheter biopsy		T	0623	30.2210	$2,038.07		$407.62
37201	Transcatheter therapy infuse		T	0103	17.0399	$1,149.15		$229.83
37202	Transcatheter therapy infuse		T	0103	17.0399	$1,149.15		$229.83
37203	Transcatheter retrieval		T	0623	30.2210	$2,038.07		$407.62
37204	Transcatheter occlusion		T	0082	91.2890	$6,156.44		$1,231.29
37205	Transcath iv stent, percut		T	0229	95.4886	$6,439.66		$1,287.94
37206	Transcath iv stent/perc addl		T	0229	95.4886	$6,439.66		$1,287.94
37207	Transcath iv stent, open		T	0229	95.4886	$6,439.66		$1,287.94
37208	Transcath iv stent/open addl		T	0229	95.4886	$6,439.66		$1,287.94
37209	Change iv cath at thromb tx		T	0623	30.2210	$2,038.07		$407.62
37210	Embolization uterine fibroid		T	0229	95.4886	$6,439.66		$1,287.94
37215	Transcath stent, cca w/eps		C					
37216	Transcath stent, cca w/o eps		E					
37250	Iv us first vessel add-on		N					
37251	Iv us each add vessel add-on		N					
37500	Endoscopy ligate perf veins		T	0091	44.4448	$2,997.31		$599.47
37501	Vascular endoscopy procedure		T	0092	26.7885	$1,806.59		$361.32
37565	Ligation of neck vein		T	0093	30.7673	$2,074.92		$414.99
37600	Ligation of neck artery		T	0093	30.7673	$2,074.92		$414.99
37605	Ligation of neck artery		T	0091	44.4448	$2,997.31		$599.47
37606	Ligation of neck artery		T	0092	26.7885	$1,806.59		$361.32
37607	Ligation of a-v fistula		T	0092	26.7885	$1,806.59		$361.32
37609	Temporal artery procedure		T	0021	16.2353	$1,094.89	$219.48	$218.98
37615	Ligation of neck artery		T	0092	26.7885	$1,806.59		$361.32
37616	Ligation of chest artery		C					
37617	Ligation of abdomen artery		C					
37618	Ligation of extremity artery		C					
37620	Revision of major vein		T	0091	44.4448	$2,997.31		$599.47
37650	Revision of major vein		T	0092	26.7885	$1,806.59		$361.32
37660	Revision of major vein		C					
37700	Revise leg vein		T	0092	26.7885	$1,806.59		$361.32
37718	Ligate/strip short leg vein		T	0092	26.7885	$1,806.59		$361.32
37722	Ligate/strip long leg vein		T	0091	44.4448	$2,997.31		$599.47
37735	Removal of leg veins/lesion		T	0091	44.4448	$2,997.31		$599.47
37760	Ligation, leg veins, open		T	0092	26.7885	$1,806.59		$361.32
37765	Phleb veins - extrem - to 20		T	0092	26.7885	$1,806.59		$361.32
37766	Phleb veins - extrem 20+		T	0092	26.7885	$1,806.59		$361.32
37780	Revision of leg vein		T	0092	26.7885	$1,806.59		$361.32
37785	Ligate/divide/excise vein		T	0092	26.7885	$1,806.59		$361.32
37788	Revascularization, penis		C					
37790	Penile venous occlusion		T	0181	34.6253	$2,335.10	$618.06	$467.02

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
37799	Vascular surgery procedure	CH	X	0624	0.6079	$41.00	$12.65	$8.20
38100	Removal of spleen, total		C					
38101	Removal of spleen, partial		C					
38102	Removal of spleen, total		C					
38115	Repair of ruptured spleen		C					
38120	Laparoscopy, splenectomy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
38129	Laparoscope proc, spleen		T	0130	37.6286	$2,537.64	$659.53	$507.53
38200	Injection for spleen x-ray		N					
38204	Bl donor search management		N					
38205	Harvest allogenic stem cells	CH	E					
38206	Harvest auto stem cells		S	0111	12.1380	$818.57	$198.40	$163.72
38207	Cryopreserve stem cells		S	0110	3.3601	$226.60		$45.32
38208	Thaw preserved stem cells		S	0110	3.3601	$226.60		$45.32
38209	Wash harvest stem cells		S	0110	3.3601	$226.60		$45.32
38210	T-cell depletion of harvest		S	0393	6.0685	$409.25	$82.04	$81.85
38211	Tumor cell deplete of harvst		S	0393	6.0685	$409.25	$82.04	$81.85
38212	Rbc depletion of harvest		S	0393	6.0685	$409.25	$82.04	$81.85
38213	Platelet deplete of harvest		S	0393	6.0685	$409.25	$82.04	$81.85
38214	Volume deplete of harvest		S	0393	6.0685	$409.25	$82.04	$81.85
38215	Harvest stem cell concentrte		S	0393	6.0685	$409.25	$82.04	$81.85
38220	Bone marrow aspiration		T	0003	3.1333	$211.31		$42.27
38221	Bone marrow biopsy		T	0003	3.1333	$211.31		$42.27
38230	Bone marrow collection		S	0112	31.4318	$2,119.73	$433.29	$423.95
38240	Bone marrow/stem transplant	CH	C					
38241	Bone marrow/stem transplant		S	0112	31.4318	$2,119.73	$433.29	$423.95
38242	Lymphocyte infuse transplant	CH	C					
38300	Drainage, lymph node lesion		T	0007	12.4456	$839.32		$167.87
38305	Drainage, lymph node lesion		T	0008	19.6942	$1,328.16		$265.64
38308	Incision of lymph channels		T	0113	24.5854	$1,658.01		$331.61
38380	Thoracic duct procedure		C					
38381	Thoracic duct procedure		C					
38382	Thoracic duct procedure		C					
38500	Biopsy/removal, lymph nodes		T	0113	24.5854	$1,658.01		$331.61
38505	Needle biopsy, lymph nodes		T	0005	7.6979	$519.14		$103.83
38510	Biopsy/removal, lymph nodes		T	0113	24.5854	$1,658.01		$331.61
38520	Biopsy/removal, lymph nodes		T	0113	24.5854	$1,658.01		$331.61
38525	Biopsy/removal, lymph nodes		T	0113	24.5854	$1,658.01		$331.61
38530	Biopsy/removal, lymph nodes		T	0113	24.5854	$1,658.01		$331.61
38542	Explore deep node(s), neck		T	0114	48.6341	$3,279.84		$655.97
38550	Removal, neck/armpit lesion		T	0113	24.5854	$1,658.01		$331.61
38555	Removal, neck/armpit lesion		T	0113	24.5854	$1,658.01		$331.61
38562	Removal, pelvic lymph nodes		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
38564	Removal, abdomen lymph nodes		C					
38570	Laparoscopy, lymph node biop		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
38571	Laparoscopy, lymphadenectomy		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
38572	Laparoscopy, lymphadenectomy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
38589	Laparoscope proc, lymphatic		T	0130	37.6286	$2,537.64	$659.53	$507.53
38700	Removal of lymph nodes, neck		T	0113	24.5854	$1,658.01		$331.61
38720	Removal of lymph nodes, neck		T	0113	24.5854	$1,658.01		$331.61
38724	Removal of lymph nodes, neck		C					
38740	Remove armpit lymph nodes		T	0114	48.6341	$3,279.84		$655.97
38745	Remove armpit lymph nodes		T	0114	48.6341	$3,279.84		$655.97
38746	Remove thoracic lymph nodes		C					
38747	Remove abdominal lymph nodes		C					
38760	Remove groin lymph nodes		T	0113	24.5854	$1,658.01		$331.61
38765	Remove groin lymph nodes		C					
38770	Remove pelvis lymph nodes		C					
38780	Remove abdomen lymph nodes		C					
38790	Inject for lymphatic x-ray		N					
38792	Identify sentinel node		Q1	0392	2.4752	$166.93	$43.95	$33.39
38794	Access thoracic lymph duct		N					
38999	Blood/lymph system procedure		S	0110	3.3601	$226.60		$45.32
39000	Exploration of chest		C					
39010	Exploration of chest		C					
39200	Removal chest lesion		C					
39220	Removal chest lesion		C					
39400	Visualization of chest		T	0069	34.2737	$2,311.38	$591.64	$462.28
39499	Chest procedure		C					
39501	Repair diaphragm laceration		C					
39502	Repair paraesophageal hernia		C					
39503	Repair of diaphragm hernia		C					
39520	Repair of diaphragm hernia		C					
39530	Repair of diaphragm hernia		C					
39531	Repair of diaphragm hernia		C					
39540	Repair of diaphragm hernia		C					
39541	Repair of diaphragm hernia		C					
39545	Revision of diaphragm		C					
39560	Resect diaphragm, simple		C					
39561	Resect diaphragm, complex		C					
39599	Diaphragm surgery procedure		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
40490	Biopsy of lip		T	0251	3.4720	$234.15		$46.83
40500	Partial excision of lip		T	0253	17.0446	$1,149.47	$282.29	$229.90
40510	Partial excision of lip		T	0254	24.8215	$1,673.94		$334.79
40520	Partial excision of lip		T	0253	17.0446	$1,149.47	$282.29	$229.90
40525	Reconstruct lip with flap		T	0254	24.8215	$1,673.94		$334.79
40527	Reconstruct lip with flap		T	0254	24.8215	$1,673.94		$334.79
40530	Partial removal of lip		T	0254	24.8215	$1,673.94		$334.79
40650	Repair lip		T	0252	7.5340	$508.09	$109.16	$101.62
40652	Repair lip		T	0252	7.5340	$508.09	$109.16	$101.62
40654	Repair lip		T	0252	7.5340	$508.09	$109.16	$101.62
40700	Repair cleft lip/nasal		T	0256	42.8890	$2,892.39		$578.48
40701	Repair cleft lip/nasal		T	0256	42.8890	$2,892.39		$578.48
40702	Repair cleft lip/nasal		T	0256	42.8890	$2,892.39		$578.48
40720	Repair cleft lip/nasal		T	0256	42.8890	$2,892.39		$578.48
40761	Repair cleft lip/nasal		T	0256	42.8890	$2,892.39		$578.48
40799	Lip surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
40800	Drainage of mouth lesion		T	0006	1.4437	$97.36		$19.48
40801	Drainage of mouth lesion		T	0252	7.5340	$508.09	$109.16	$101.62
40804	Removal, foreign body, mouth		X	0340	0.6682	$45.06		$9.02
40805	Removal, foreign body, mouth		T	0252	7.5340	$508.09	$109.16	$101.62
40806	Incision of lip fold		T	0251	3.4720	$234.15		$46.83
40808	Biopsy of mouth lesion		T	0251	3.4720	$234.15		$46.83
40810	Excision of mouth lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
40812	Excise/repair mouth lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
40814	Excise/repair mouth lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
40816	Excision of mouth lesion		T	0254	24.8215	$1,673.94		$334.79
40818	Excise oral mucosa for graft		T	0251	3.4720	$234.15		$46.83
40819	Excise lip or cheek fold		T	0252	7.5340	$508.09	$109.16	$101.62
40820	Treatment of mouth lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
40830	Repair mouth laceration		T	0251	3.4720	$234.15		$46.83
40831	Repair mouth laceration		T	0252	7.5340	$508.09	$109.16	$101.62
40840	Reconstruction of mouth		T	0254	24.8215	$1,673.94		$334.79
40842	Reconstruction of mouth		T	0254	24.8215	$1,673.94		$334.79
40843	Reconstruction of mouth		T	0254	24.8215	$1,673.94		$334.79
40844	Reconstruction of mouth		T	0256	42.8890	$2,892.39		$578.48
40845	Reconstruction of mouth		T	0256	42.8890	$2,892.39		$578.48
40899	Mouth surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
41000	Drainage of mouth lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
41005	Drainage of mouth lesion		T	0251	3.4720	$234.15		$46.83
41006	Drainage of mouth lesion		T	0254	24.8215	$1,673.94		$334.79
41007	Drainage of mouth lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
41008	Drainage of mouth lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
41009	Drainage of mouth lesion		T	0251	3.4720	$234.15		$46.83
41010	Incision of tongue fold		T	0252	7.5340	$508.09	$109.16	$101.62
41015	Drainage of mouth lesion		T	0251	3.4720	$234.15		$46.83
41016	Drainage of mouth lesion		T	0252	7.5340	$508.09	$109.16	$101.62
41017	Drainage of mouth lesion		T	0252	7.5340	$508.09	$109.16	$101.62
41018	Drainage of mouth lesion		T	0252	7.5340	$508.09	$109.16	$101.62
41019	Place needles h&n for rt		T	0254	24.8215	$1,673.94		$334.79
41100	Biopsy of tongue		T	0252	7.5340	$508.09	$109.16	$101.62
41105	Biopsy of tongue		T	0253	17.0446	$1,149.47	$282.29	$229.90
41108	Biopsy of floor of mouth	CH	T	0019	4.3348	$292.33	$64.13	$58.47
41110	Excision of tongue lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
41112	Excision of tongue lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
41113	Excision of tongue lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
41114	Excision of tongue lesion		T	0254	24.8215	$1,673.94		$334.79
41115	Excision of tongue fold		T	0252	7.5340	$508.09	$109.16	$101.62
41116	Excision of mouth lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
41120	Partial removal of tongue		T	0254	24.8215	$1,673.94		$334.79
41130	Partial removal of tongue		C					
41135	Tongue and neck surgery		C					
41140	Removal of tongue		C					
41145	Tongue removal, neck surgery		C					
41150	Tongue, mouth, jaw surgery		C					
41153	Tongue, mouth, neck surgery		C					
41155	Tongue, jaw, & neck surgery		C					
41250	Repair tongue laceration		T	0250	1.1384	$76.77	$25.10	$15.36
41251	Repair tongue laceration		T	0251	3.4720	$234.15		$46.83
41252	Repair tongue laceration		T	0252	7.5340	$508.09	$109.16	$101.62
41500	Fixation of tongue		T	0254	24.8215	$1,673.94		$334.79
41510	Tongue to lip surgery		T	0253	17.0446	$1,149.47	$282.29	$229.90
41512	Tongue suspension		T	0252	7.5340	$508.09	$109.16	$101.62
41520	Reconstruction, tongue fold		T	0252	7.5340	$508.09	$109.16	$101.62
41530	Tongue base vol reduction	CH	T	0254	24.8215	$1,673.94		$334.79
41599	Tongue and mouth surgery		T	0250	1.1384	$76.77	$25.10	$15.36
41800	Drainage of gum lesion		T	0006	1.4437	$97.36		$19.48
41805	Removal foreign body, gum		T	0254	24.8215	$1,673.94		$334.79
41806	Removal foreign body,jawbone		T	0253	17.0446	$1,149.47	$282.29	$229.90
41820	Excision, gum, each quadrant		T	0252	7.5340	$508.09	$109.16	$101.62
41821	Excision of gum flap		T	0252	7.5340	$508.09	$109.16	$101.62
41822	Excision of gum lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
41823	Excision of gum lesion		T	0254	24.8215	$1,673.94		$334.79
41825	Excision of gum lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
41826	Excision of gum lesion	CH	T	0254	24.8215	$1,673.94		$334.79

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
41827	Excision of gum lesion		T	0254	24.8215	$1,673.94		$334.79
41828	Excision of gum lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
41830	Removal of gum tissue		T	0253	17.0446	$1,149.47	$282.29	$229.90
41850	Treatment of gum lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
41870	Gum graft		T	0254	24.8215	$1,673.94		$334.79
41872	Repair gum		T	0253	17.0446	$1,149.47	$282.29	$229.90
41874	Repair tooth socket		T	0254	24.8215	$1,673.94		$334.79
41899	Dental surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
42000	Drainage mouth roof lesion		T	0251	3.4720	$234.15		$46.83
42100	Biopsy roof of mouth		T	0252	7.5340	$508.09	$109.16	$101.62
42104	Excision lesion, mouth roof		T	0253	17.0446	$1,149.47	$282.29	$229.90
42106	Excision lesion, mouth roof		T	0253	17.0446	$1,149.47	$282.29	$229.90
42107	Excision lesion, mouth roof		T	0254	24.8215	$1,673.94		$334.79
42120	Remove palate/lesion		T	0256	42.8890	$2,892.39		$578.48
42140	Excision of uvula		T	0252	7.5340	$508.09	$109.16	$101.62
42145	Repair palate, pharynx/uvula		T	0254	24.8215	$1,673.94		$334.79
42160	Treatment mouth roof lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
42180	Repair palate		T	0251	3.4720	$234.15		$46.83
42182	Repair palate		T	0256	42.8890	$2,892.39		$578.48
42200	Reconstruct cleft palate		T	0256	42.8890	$2,892.39		$578.48
42205	Reconstruct cleft palate		T	0256	42.8890	$2,892.39		$578.48
42210	Reconstruct cleft palate		T	0256	42.8890	$2,892.39		$578.48
42215	Reconstruct cleft palate		T	0256	42.8890	$2,892.39		$578.48
42220	Reconstruct cleft palate		T	0256	42.8890	$2,892.39		$578.48
42225	Reconstruct cleft palate		T	0256	42.8890	$2,892.39		$578.48
42226	Lengthening of palate		T	0256	42.8890	$2,892.39		$578.48
42227	Lengthening of palate		T	0256	42.8890	$2,892.39		$578.48
42235	Repair palate		T	0253	17.0446	$1,149.47	$282.29	$229.90
42260	Repair nose to lip fistula		T	0254	24.8215	$1,673.94		$334.79
42280	Preparation, palate mold		T	0251	3.4720	$234.15		$46.83
42281	Insertion, palate prosthesis		T	0253	17.0446	$1,149.47	$282.29	$229.90
42299	Palate/uvula surgery		T	0250	1.1384	$76.77	$25.10	$15.36
42300	Drainage of salivary gland		T	0253	17.0446	$1,149.47	$282.29	$229.90
42305	Drainage of salivary gland		T	0253	17.0446	$1,149.47	$282.29	$229.90
42310	Drainage of salivary gland		T	0251	3.4720	$234.15		$46.83
42320	Drainage of salivary gland		T	0251	3.4720	$234.15		$46.83
42330	Removal of salivary stone		T	0253	17.0446	$1,149.47	$282.29	$229.90
42335	Removal of salivary stone		T	0253	17.0446	$1,149.47	$282.29	$229.90
42340	Removal of salivary stone		T	0253	17.0446	$1,149.47	$282.29	$229.90
42400	Biopsy of salivary gland		T	0005	7.6979	$519.14		$103.83
42405	Biopsy of salivary gland	CH	T	0254	24.8215	$1,673.94		$334.79
42408	Excision of salivary cyst		T	0253	17.0446	$1,149.47	$282.29	$229.90

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
42409	Drainage of salivary cyst		T	0253	17.0446	$1,149.47	$282.29	$229.90
42410	Excise parotid gland/lesion		T	0256	42.8890	$2,892.39		$578.48
42415	Excise parotid gland/lesion		T	0256	42.8890	$2,892.39		$578.48
42420	Excise parotid gland/lesion		T	0256	42.8890	$2,892.39		$578.48
42425	Excise parotid gland/lesion		T	0256	42.8890	$2,892.39		$578.48
42426	Excise parotid gland/lesion		C					
42440	Excise submaxillary gland		T	0256	42.8890	$2,892.39		$578.48
42450	Excise sublingual gland		T	0254	24.8215	$1,673.94		$334.79
42500	Repair salivary duct		T	0254	24.8215	$1,673.94		$334.79
42505	Repair salivary duct		T	0256	42.8890	$2,892.39		$578.48
42507	Parotid duct diversion		T	0256	42.8890	$2,892.39		$578.48
42508	Parotid duct diversion		T	0256	42.8890	$2,892.39		$578.48
42509	Parotid duct diversion		T	0256	42.8890	$2,892.39		$578.48
42510	Parotid duct diversion		T	0256	42.8890	$2,892.39		$578.48
42550	Injection for salivary x-ray		N					
42600	Closure of salivary fistula		T	0253	17.0446	$1,149.47	$282.29	$229.90
42650	Dilation of salivary duct		T	0252	7.5340	$508.09	$109.16	$101.62
42660	Dilation of salivary duct		T	0251	3.4720	$234.15		$46.83
42665	Ligation of salivary duct		T	0254	24.8215	$1,673.94		$334.79
42699	Salivary surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
42700	Drainage of tonsil abscess		T	0251	3.4720	$234.15		$46.83
42720	Drainage of throat abscess		T	0253	17.0446	$1,149.47	$282.29	$229.90
42725	Drainage of throat abscess		T	0256	42.8890	$2,892.39		$578.48
42800	Biopsy of throat		T	0253	17.0446	$1,149.47	$282.29	$229.90
42802	Biopsy of throat		T	0253	17.0446	$1,149.47	$282.29	$229.90
42804	Biopsy of upper nose/throat		T	0253	17.0446	$1,149.47	$282.29	$229.90
42806	Biopsy of upper nose/throat		T	0254	24.8215	$1,673.94		$334.79
42808	Excise pharynx lesion	CH	T	0254	24.8215	$1,673.94		$334.79
42809	Remove pharynx foreign body		X	0340	0.6682	$45.06		$9.02
42810	Excision of neck cyst		T	0254	24.8215	$1,673.94		$334.79
42815	Excision of neck cyst		T	0256	42.8890	$2,892.39		$578.48
42820	Remove tonsils and adenoids		T	0254	24.8215	$1,673.94		$334.79
42821	Remove tonsils and adenoids		T	0254	24.8215	$1,673.94		$334.79
42825	Removal of tonsils		T	0254	24.8215	$1,673.94		$334.79
42826	Removal of tonsils		T	0254	24.8215	$1,673.94		$334.79
42830	Removal of adenoids		T	0254	24.8215	$1,673.94		$334.79
42831	Removal of adenoids		T	0254	24.8215	$1,673.94		$334.79
42835	Removal of adenoids		T	0254	24.8215	$1,673.94		$334.79
42836	Removal of adenoids		T	0254	24.8215	$1,673.94		$334.79
42842	Extensive surgery of throat		T	0254	24.8215	$1,673.94		$334.79
42844	Extensive surgery of throat		T	0256	42.8890	$2,892.39		$578.48
42845	Extensive surgery of throat		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
42860	Excision of tonsil tags		T	0254	24.8215	$1,673.94		$334.79
42870	Excision of lingual tonsil		T	0254	24.8215	$1,673.94		$334.79
42890	Partial removal of pharynx		T	0256	42.8890	$2,892.39		$578.48
42892	Revision of pharyngeal walls		T	0256	42.8890	$2,892.39		$578.48
42894	Revision of pharyngeal walls		C					
42900	Repair throat wound		T	0252	7.5340	$508.09	$109.16	$101.62
42950	Reconstruction of throat		T	0254	24.8215	$1,673.94		$334.79
42953	Repair throat, esophagus		C					
42955	Surgical opening of throat		T	0254	24.8215	$1,673.94		$334.79
42960	Control throat bleeding		T	0250	1.1384	$76.77	$25.10	$15.36
42961	Control throat bleeding		C					
42962	Control throat bleeding		T	0256	42.8890	$2,892.39		$578.48
42970	Control nose/throat bleeding		T	0250	1.1384	$76.77	$25.10	$15.36
42971	Control nose/throat bleeding		C					
42972	Control nose/throat bleeding		T	0253	17.0446	$1,149.47	$282.29	$229.90
42999	Throat surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
43020	Incision of esophagus		T	0252	7.5340	$508.09	$109.16	$101.62
43030	Throat muscle surgery		T	0253	17.0446	$1,149.47	$282.29	$229.90
43045	Incision of esophagus		C					
43100	Excision of esophagus lesion		C					
43101	Excision of esophagus lesion		C					
43107	Removal of esophagus		C					
43108	Removal of esophagus		C					
43112	Removal of esophagus		C					
43113	Removal of esophagus		C					
43116	Partial removal of esophagus		C					
43117	Partial removal of esophagus		C					
43118	Partial removal of esophagus		C					
43121	Partial removal of esophagus		C					
43122	Partial removal of esophagus		C					
43123	Partial removal of esophagus		C					
43124	Removal of esophagus		C					
43130	Removal of esophagus pouch		T	0256	42.8890	$2,892.39		$578.48
43135	Removal of esophagus pouch		C					
43200	Esophagus endoscopy		T	0141	8.7364	$589.17	$143.38	$117.84
43201	Esoph scope w/submucous inj		T	0141	8.7364	$589.17	$143.38	$117.84
43202	Esophagus endoscopy, biopsy		T	0141	8.7364	$589.17	$143.38	$117.84
43204	Esoph scope w/sclerosis inj		T	0141	8.7364	$589.17	$143.38	$117.84
43205	Esophagus endoscopy/ligation		T	0141	8.7364	$589.17	$143.38	$117.84
43215	Esophagus endoscopy		T	0141	8.7364	$589.17	$143.38	$117.84
43216	Esophagus endoscopy/lesion		T	0141	8.7364	$589.17	$143.38	$117.84
43217	Esophagus endoscopy		T	0141	8.7364	$589.17	$143.38	$117.84

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
43219	Esophagus endoscopy		T	0384	26.1458	$1,763.25		$352.65
43220	Esoph endoscopy, dilation		T	0141	8.7364	$589.17	$143.38	$117.84
43226	Esoph endoscopy, dilation		T	0141	8.7364	$589.17	$143.38	$117.84
43227	Esoph endoscopy, repair		T	0141	8.7364	$589.17	$143.38	$117.84
43228	Esoph endoscopy, ablation		T	0422	24.2194	$1,633.33	$437.26	$326.67
43231	Esoph endoscopy w/us exam		T	0141	8.7364	$589.17	$143.38	$117.84
43232	Esoph endoscopy w/us fn bx		T	0141	8.7364	$589.17	$143.38	$117.84
43234	Upper GI endoscopy, exam		T	0141	8.7364	$589.17	$143.38	$117.84
43235	Uppr gi endoscopy, diagnosis		T	0141	8.7364	$589.17	$143.38	$117.84
43236	Uppr gi scope w/submuc inj		T	0141	8.7364	$589.17	$143.38	$117.84
43237	Endoscopic us exam, esoph		T	0141	8.7364	$589.17	$143.38	$117.84
43238	Uppr gi endoscopy w/us fn bx		T	0141	8.7364	$589.17	$143.38	$117.84
43239	Upper GI endoscopy, biopsy		T	0141	8.7364	$589.17	$143.38	$117.84
43240	Esoph endoscope w/drain cyst		T	0141	8.7364	$589.17	$143.38	$117.84
43241	Upper GI endoscopy with tube		T	0141	8.7364	$589.17	$143.38	$117.84
43242	Uppr gi endoscopy w/us fn bx		T	0141	8.7364	$589.17	$143.38	$117.84
43243	Upper gi endoscopy & inject		T	0141	8.7364	$589.17	$143.38	$117.84
43244	Upper GI endoscopy/ligation		T	0141	8.7364	$589.17	$143.38	$117.84
43245	Uppr gi scope dilate strictr		T	0141	8.7364	$589.17	$143.38	$117.84
43246	Place gastrostomy tube		T	0141	8.7364	$589.17	$143.38	$117.84
43247	Operative upper GI endoscopy		T	0141	8.7364	$589.17	$143.38	$117.84
43248	Uppr gi endoscopy/guide wire		T	0141	8.7364	$589.17	$143.38	$117.84
43249	Esoph endoscopy, dilation		T	0141	8.7364	$589.17	$143.38	$117.84
43250	Upper GI endoscopy/tumor		T	0141	8.7364	$589.17	$143.38	$117.84
43251	Operative upper GI endoscopy		T	0141	8.7364	$589.17	$143.38	$117.84
43255	Operative upper GI endoscopy		T	0141	8.7364	$589.17	$143.38	$117.84
43256	Uppr gi endoscopy w/stent		T	0384	26.1458	$1,763.25		$352.65
43257	Uppr gi scope w/thrml txmnt		T	0422	24.2194	$1,633.33	$437.26	$326.67
43258	Operative upper GI endoscopy		T	0141	8.7364	$589.17	$143.38	$117.84
43259	Endoscopic ultrasound exam		T	0141	8.7364	$589.17	$143.38	$117.84
43260	Endo cholangiopancreatograph		T	0151	22.4446	$1,513.64		$302.73
43261	Endo cholangiopancreatograph		T	0151	22.4446	$1,513.64		$302.73
43262	Endo cholangiopancreatograph		T	0151	22.4446	$1,513.64		$302.73
43263	Endo cholangiopancreatograph		T	0151	22.4446	$1,513.64		$302.73
43264	Endo cholangiopancreatograph		T	0151	22.4446	$1,513.64		$302.73
43265	Endo cholangiopancreatograph		T	0151	22.4446	$1,513.64		$302.73
43267	Endo cholangiopancreatograph		T	0151	22.4446	$1,513.64		$302.73
43268	Endo cholangiopancreatograph		T	0384	26.1458	$1,763.25		$352.65
43269	Endo cholangiopancreatograph		T	0384	26.1458	$1,763.25		$352.65
43271	Endo cholangiopancreatograph		T	0151	22.4446	$1,513.64		$302.73
43272	Endo cholangiopancreatograph		T	0151	22.4446	$1,513.64		$302.73
43273	Endoscopic pancreatoscopy		T	0151	22.4446	$1,513.64		$302.73

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
43279	Lap myotomy, heller		C					
43280	Laparoscopy, fundoplasty		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
43289	Laparoscope proc, esoph		T	0130	37.6286	$2,537.64	$659.53	$507.53
43300	Repair of esophagus		C					
43305	Repair esophagus and fistula		C					
43310	Repair of esophagus		C					
43312	Repair esophagus and fistula		C					
43313	Esophagoplasty congenital		C					
43314	Tracheo-esophagoplasty cong		C					
43320	Fuse esophagus & stomach		C					
43324	Revise esophagus & stomach		C					
43325	Revise esophagus & stomach		C					
43326	Revise esophagus & stomach		C					
43330	Repair of esophagus		C					
43331	Repair of esophagus		C					
43340	Fuse esophagus & intestine		C					
43341	Fuse esophagus & intestine		C					
43350	Surgical opening, esophagus		C					
43351	Surgical opening, esophagus		C					
43352	Surgical opening, esophagus		C					
43360	Gastrointestinal repair		C					
43361	Gastrointestinal repair		C					
43400	Ligate esophagus veins		C					
43401	Esophagus surgery for veins		C					
43405	Ligate/staple esophagus		C					
43410	Repair esophagus wound		C					
43415	Repair esophagus wound		C					
43420	Repair esophagus opening		T	0254	24.8215	$1,673.94		$334.79
43425	Repair esophagus opening		C					
43450	Dilate esophagus		T	0140	6.2227	$419.65	$88.54	$83.93
43453	Dilate esophagus		T	0140	6.2227	$419.65	$88.54	$83.93
43456	Dilate esophagus		T	0140	6.2227	$419.65	$88.54	$83.93
43458	Dilate esophagus		T	0141	8.7364	$589.17	$143.38	$117.84
43460	Pressure treatment esophagus		C					
43496	Free jejunum flap, microvasc		C					
43499	Esophagus surgery procedure		T	0141	8.7364	$589.17	$143.38	$117.84
43500	Surgical opening of stomach		C					
43501	Surgical repair of stomach		C					
43502	Surgical repair of stomach		C					
43510	Surgical opening of stomach		T	0141	8.7364	$589.17	$143.38	$117.84
43520	Incision of pyloric muscle		C					
43600	Biopsy of stomach		T	0141	8.7364	$589.17	$143.38	$117.84

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
43605	Biopsy of stomach		C					
43610	Excision of stomach lesion		C					
43611	Excision of stomach lesion		C					
43620	Removal of stomach		C					
43621	Removal of stomach		C					
43622	Removal of stomach		C					
43631	Removal of stomach, partial		C					
43632	Removal of stomach, partial		C					
43633	Removal of stomach, partial		C					
43634	Removal of stomach, partial		C					
43635	Removal of stomach, partial		C					
43640	Vagotomy & pylorus repair		C					
43641	Vagotomy & pylorus repair		C					
43644	Lap gastric bypass/roux-en-y		C					
43645	Lap gastr bypass incl smll i		C					
43647	Lap impl electrode, antrum		S	0061	86.4702	$5,831.46		$1,166.30
43648	Lap revise/remv eltrd antrum		T	0130	37.6286	$2,537.64	$659.53	$507.53
43651	Laparoscopy, vagus nerve		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
43652	Laparoscopy, vagus nerve		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
43653	Laparoscopy, gastrostomy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
43659	Laparoscope proc, stom		T	0130	37.6286	$2,537.64	$659.53	$507.53
43752	Nasal/orogastric w/stent		X	0272	1.2691	$85.59	$31.15	$17.12
43760	Change gastrostomy tube	CH	T	0676	2.3717	$159.95		$31.99
43761	Reposition gastrostomy tube		T	0141	8.7364	$589.17	$143.38	$117.84
43770	Lap place gastr adj device		C					
43771	Lap revise gastr adj device		C					
43772	Lap rmvl gastr adj device		C					
43773	Lap replace gastr adj device		C					
43774	Lap rmvl gastr adj all parts		C					
43800	Reconstruction of pylorus		C					
43810	Fusion of stomach and bowel		C					
43820	Fusion of stomach and bowel		C					
43825	Fusion of stomach and bowel		C					
43830	Place gastrostomy tube		T	0422	24.2194	$1,633.33	$437.26	$326.67
43831	Place gastrostomy tube		T	0141	8.7364	$589.17	$143.38	$117.84
43832	Place gastrostomy tube		C					
43840	Repair of stomach lesion		C					
43842	V-band gastroplasty		E					
43843	Gastroplasty w/o v-band		C					
43845	Gastroplasty duodenal switch		C					
43846	Gastric bypass for obesity		C					
43847	Gastric bypass incl small i		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
43848	Revision gastroplasty		C					
43850	Revise stomach-bowel fusion		C					
43855	Revise stomach-bowel fusion		C					
43860	Revise stomach-bowel fusion		C					
43865	Revise stomach-bowel fusion		C					
43870	Repair stomach opening		T	0141	8.7364	$589.17	$143.38	$117.84
43880	Repair stomach-bowel fistula		C					
43881	Impl/redo electrd, antrum		C					
43882	Revise/remove electrd antrum		C					
43886	Revise gastric port, open		T	0137	21.0538	$1,419.85		$283.97
43887	Remove gastric port, open		T	0135	4.3990	$296.66		$59.34
43888	Change gastric port, open		T	0137	21.0538	$1,419.85		$283.97
43999	Stomach surgery procedure		T	0141	8.7364	$589.17	$143.38	$117.84
44005	Freeing of bowel adhesion		C					
44010	Incision of small bowel		C					
44015	Insert needle cath bowel		C					
44020	Explore small intestine		C					
44021	Decompress small bowel		C					
44025	Incision of large bowel		C					
44050	Reduce bowel obstruction		C					
44055	Correct malrotation of bowel		C					
44100	Biopsy of bowel		T	0141	8.7364	$589.17	$143.38	$117.84
44110	Excise intestine lesion(s)		C					
44111	Excision of bowel lesion(s)		C					
44120	Removal of small intestine		C					
44121	Removal of small intestine		C					
44125	Removal of small intestine		C					
44126	Enterectomy w/o taper, cong		C					
44127	Enterectomy w/taper, cong		C					
44128	Enterectomy cong, add-on		C					
44130	Bowel to bowel fusion		C					
44132	Enterectomy, cadaver donor		C					
44133	Enterectomy, live donor		C					
44135	Intestine transplnt, cadaver		C					
44136	Intestine transplant, live		C					
44137	Remove intestinal allograft		C					
44139	Mobilization of colon		C					
44140	Partial removal of colon		C					
44141	Partial removal of colon		C					
44143	Partial removal of colon		C					
44144	Partial removal of colon		C					
44145	Partial removal of colon		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
44146	Partial removal of colon		C					
44147	Partial removal of colon		C					
44150	Removal of colon		C					
44151	Removal of colon/ileostomy		C					
44155	Removal of colon/ileostomy		C					
44156	Removal of colon/ileostomy		C					
44157	Colectomy w/ileoanal anast		C					
44158	Colectomy w/neo-rectum pouch		C					
44160	Removal of colon		C					
44180	Lap, enterolysis		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
44186	Lap, jejunostomy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
44187	Lap, ileo/jejuno-stomy		C					
44188	Lap, colostomy		C					
44202	Lap, enterectomy		C					
44203	Lap resect s/intestine, addl		C					
44204	Laparo partial colectomy		C					
44205	Lap colectomy part w/ileum		C					
44206	Lap part colectomy w/stoma		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
44207	L colectomy/coloproctostomy		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
44208	L colectomy/coloproctostomy		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
44210	Laparo total proctocolectomy		C					
44211	Lap colectomy w/proctectomy		C					
44212	Laparo total proctocolectomy		C					
44213	Lap, mobil splenic fl add-on		T	0130	37.6286	$2,537.64	$659.53	$507.53
44227	Lap, close enterostomy		C					
44238	Laparoscope proc, intestine		T	0130	37.6286	$2,537.64	$659.53	$507.53
44300	Open bowel to skin		C					
44310	Ileostomy/jejunostomy		C					
44312	Revision of ileostomy		T	0137	21.0538	$1,419.85		$283.97
44314	Revision of ileostomy		C					
44316	Devise bowel pouch		C					
44320	Colostomy		C					
44322	Colostomy with biopsies		C					
44340	Revision of colostomy		T	0137	21.0538	$1,419.85		$283.97
44345	Revision of colostomy		C					
44346	Revision of colostomy		C					
44360	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44361	Small bowel endoscopy/biopsy		T	0142	9.5594	$644.68	$152.78	$128.94
44363	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44364	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44365	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44366	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
44369	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44370	Small bowel endoscopy/stent		T	0384	26.1458	$1,763.25		$352.65
44372	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44373	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44376	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44377	Small bowel endoscopy/biopsy		T	0142	9.5594	$644.68	$152.78	$128.94
44378	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44379	S bowel endoscope w/stent		T	0384	26.1458	$1,763.25		$352.65
44380	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44382	Small bowel endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
44383	Ileoscopy w/stent		T	0384	26.1458	$1,763.25		$352.65
44385	Endoscopy of bowel pouch		T	0143	9.1061	$614.11	$186.06	$122.83
44386	Endoscopy, bowel pouch/biop		T	0143	9.1061	$614.11	$186.06	$122.83
44388	Colonoscopy		T	0143	9.1061	$614.11	$186.06	$122.83
44389	Colonoscopy with biopsy		T	0143	9.1061	$614.11	$186.06	$122.83
44390	Colonoscopy for foreign body		T	0143	9.1061	$614.11	$186.06	$122.83
44391	Colonoscopy for bleeding		T	0143	9.1061	$614.11	$186.06	$122.83
44392	Colonoscopy & polypectomy		T	0143	9.1061	$614.11	$186.06	$122.83
44393	Colonoscopy, lesion removal		T	0143	9.1061	$614.11	$186.06	$122.83
44394	Colonoscopy w/snare		T	0143	9.1061	$614.11	$186.06	$122.83
44397	Colonoscopy w/stent		T	0384	26.1458	$1,763.25		$352.65
44500	Intro, gastrointestinal tube		T	0121	6.3407	$427.61		$85.53
44602	Suture, small intestine		C					
44603	Suture, small intestine		C					
44604	Suture, large intestine		C					
44605	Repair of bowel lesion		C					
44615	Intestinal stricturoplasty		C					
44620	Repair bowel opening		C					
44625	Repair bowel opening		C					
44626	Repair bowel opening		C					
44640	Repair bowel-skin fistula		C					
44650	Repair bowel fistula		C					
44660	Repair bowel-bladder fistula		C					
44661	Repair bowel-bladder fistula		C					
44680	Surgical revision, intestine		C					
44700	Suspend bowel w/prosthesis		C					
44701	Intraop colon lavage add-on		N					
44715	Prepare donor intestine		C					
44720	Prep donor intestine/venous		C					
44721	Prep donor intestine/artery		C					
44799	Unlisted procedure intestine		T	0153	25.0073	$1,686.47	$376.05	$337.30
44800	Excision of bowel pouch		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
44820	Excision of mesentery lesion		C					
44850	Repair of mesentery		C					
44899	Bowel surgery procedure		C					
44900	Drain app abscess, open		C					
44901	Drain app abscess, percut		T	0037	15.2766	$1,030.24	$228.76	$206.05
44950	Appendectomy		C					
44955	Appendectomy add-on		C					
44960	Appendectomy		C					
44970	Laparoscopy, appendectomy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
44979	Laparoscope proc, app		T	0130	37.6286	$2,537.64	$659.53	$507.53
45000	Drainage of pelvic abscess		T	0155	13.1439	$886.41		$177.29
45005	Drainage of rectal abscess		T	0155	13.1439	$886.41		$177.29
45020	Drainage of rectal abscess		T	0155	13.1439	$886.41		$177.29
45100	Biopsy of rectum		T	0149	23.7978	$1,604.90		$320.98
45108	Removal of anorectal lesion		T	0149	23.7978	$1,604.90		$320.98
45110	Removal of rectum		C					
45111	Partial removal of rectum		C					
45112	Removal of rectum		C					
45113	Partial proctectomy		C					
45114	Partial removal of rectum		C					
45116	Partial removal of rectum		C					
45119	Remove rectum w/reservoir		C					
45120	Removal of rectum		C					
45121	Removal of rectum and colon		C					
45123	Partial proctectomy		C					
45126	Pelvic exenteration		C					
45130	Excision of rectal prolapse		C					
45135	Excision of rectal prolapse		C					
45136	Excise ileoanal reservior		C					
45150	Excision of rectal stricture		T	0149	23.7978	$1,604.90		$320.98
45160	Excision of rectal lesion		T	0149	23.7978	$1,604.90		$320.98
45170	Excision of rectal lesion		T	0149	23.7978	$1,604.90		$320.98
45190	Destruction, rectal tumor		T	0149	23.7978	$1,604.90		$320.98
45300	Proctosigmoidoscopy dx		T	0146	5.8906	$397.26		$79.46
45303	Proctosigmoidoscopy dilate		T	0147	9.2151	$621.46		$124.30
45305	Proctosigmoidoscopy w/bx		T	0147	9.2151	$621.46		$124.30
45307	Proctosigmoidoscopy fb		T	0428	22.3635	$1,508.17		$301.64
45308	Proctosigmoidoscopy removal		T	0147	9.2151	$621.46		$124.30
45309	Proctosigmoidoscopy removal		T	0147	9.2151	$621.46		$124.30
45315	Proctosigmoidoscopy removal		T	0147	9.2151	$621.46		$124.30
45317	Proctosigmoidoscopy bleed		T	0147	9.2151	$621.46		$124.30
45320	Proctosigmoidoscopy ablate		T	0428	22.3635	$1,508.17		$301.64

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
45321	Proctosigmoidoscopy volvul		T	0428	22.3635	$1,508.17		$301.64
45327	Proctosigmoidoscopy w/stent		T	0384	26.1458	$1,763.25		$352.65
45330	Diagnostic sigmoidoscopy		T	0146	5.8906	$397.26		$79.46
45331	Sigmoidoscopy and biopsy		T	0146	5.8906	$397.26		$79.46
45332	Sigmoidoscopy w/fb removal		T	0146	5.8906	$397.26		$79.46
45333	Sigmoidoscopy & polypectomy		T	0147	9.2151	$621.46		$124.30
45334	Sigmoidoscopy for bleeding		T	0147	9.2151	$621.46		$124.30
45335	Sigmoidoscopy w/submuc inj		T	0146	5.8906	$397.26		$79.46
45337	Sigmoidoscopy & decompress		T	0146	5.8906	$397.26		$79.46
45338	Sigmoidoscopy w/tumr remove		T	0147	9.2151	$621.46		$124.30
45339	Sigmoidoscopy w/ablate tumr		T	0147	9.2151	$621.46		$124.30
45340	Sig w/balloon dilation		T	0147	9.2151	$621.46		$124.30
45341	Sigmoidoscopy w/ultrasound		T	0147	9.2151	$621.46		$124.30
45342	Sigmoidoscopy w/us guide bx		T	0147	9.2151	$621.46		$124.30
45345	Sigmoidoscopy w/stent		T	0384	26.1458	$1,763.25		$352.65
45355	Surgical colonoscopy		T	0143	9.1061	$614.11	$186.06	$122.83
45378	Diagnostic colonoscopy		T	0143	9.1061	$614.11	$186.06	$122.83
45379	Colonoscopy w/fb removal		T	0143	9.1061	$614.11	$186.06	$122.83
45380	Colonoscopy and biopsy		T	0143	9.1061	$614.11	$186.06	$122.83
45381	Colonoscopy, submucous inj		T	0143	9.1061	$614.11	$186.06	$122.83
45382	Colonoscopy/control bleeding		T	0143	9.1061	$614.11	$186.06	$122.83
45383	Lesion removal colonoscopy		T	0143	9.1061	$614.11	$186.06	$122.83
45384	Lesion remove colonoscopy		T	0143	9.1061	$614.11	$186.06	$122.83
45385	Lesion removal colonoscopy		T	0143	9.1061	$614.11	$186.06	$122.83
45386	Colonoscopy dilate stricture		T	0143	9.1061	$614.11	$186.06	$122.83
45387	Colonoscopy w/stent		T	0384	26.1458	$1,763.25		$352.65
45391	Colonoscopy w/endoscope us		T	0143	9.1061	$614.11	$186.06	$122.83
45392	Colonoscopy w/endoscopic fnb		T	0143	9.1061	$614.11	$186.06	$122.83
45395	Lap, removal of rectum		C					
45397	Lap, remove rectum w/pouch		C					
45400	Laparoscopic proc		C					
45402	Lap proctopexy w/sig resect		C					
45499	Laparoscope proc, rectum		T	0130	37.6286	$2,537.64	$659.53	$507.53
45500	Repair of rectum		T	0149	23.7978	$1,604.90		$320.98
45505	Repair of rectum		T	0150	31.8277	$2,146.43	$437.12	$429.29
45520	Treatment of rectal prolapse		T	0013	0.8679	$58.53		$11.71
45540	Correct rectal prolapse		C					
45541	Correct rectal prolapse		T	0150	31.8277	$2,146.43	$437.12	$429.29
45550	Repair rectum/remove sigmoid		C					
45560	Repair of rectocele		T	0150	31.8277	$2,146.43	$437.12	$429.29
45562	Exploration/repair of rectum		C					
45563	Exploration/repair of rectum		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
45800	Repair rect/bladder fistula		C					
45805	Repair fistula w/colostomy		C					
45820	Repair rectourethral fistula		C					
45825	Repair fistula w/colostomy		C					
45900	Reduction of rectal prolapse		T	0148	5.7790	$389.73		$77.95
45905	Dilation of anal sphincter		T	0149	23.7978	$1,604.90		$320.98
45910	Dilation of rectal narrowing		T	0149	23.7978	$1,604.90		$320.98
45915	Remove rectal obstruction		T	0155	13.1439	$886.41		$177.29
45990	Surg dx exam, anorectal		T	0149	23.7978	$1,604.90		$320.98
45999	Rectum surgery procedure		T	0148	5.7790	$389.73		$77.95
46020	Placement of seton		T	0149	23.7978	$1,604.90		$320.98
46030	Removal of rectal marker		T	0148	5.7790	$389.73		$77.95
46040	Incision of rectal abscess		T	0149	23.7978	$1,604.90		$320.98
46045	Incision of rectal abscess		T	0149	23.7978	$1,604.90		$320.98
46050	Incision of anal abscess		T	0155	13.1439	$886.41		$177.29
46060	Incision of rectal abscess		T	0149	23.7978	$1,604.90		$320.98
46070	Incision of anal septum		T	0155	13.1439	$886.41		$177.29
46080	Incision of anal sphincter		T	0149	23.7978	$1,604.90		$320.98
46083	Incise external hemorrhoid		T	0164	1.9814	$133.62		$26.73
46200	Removal of anal fissure		T	0149	23.7978	$1,604.90		$320.98
46210	Removal of anal crypt		T	0149	23.7978	$1,604.90		$320.98
46211	Removal of anal crypts		T	0149	23.7978	$1,604.90		$320.98
46220	Removal of anal tag		T	0149	23.7978	$1,604.90		$320.98
46221	Ligation of hemorrhoid(s)		T	0148	5.7790	$389.73		$77.95
46230	Removal of anal tags		T	0149	23.7978	$1,604.90		$320.98
46250	Hemorrhoidectomy		T	0149	23.7978	$1,604.90		$320.98
46255	Hemorrhoidectomy		T	0149	23.7978	$1,604.90		$320.98
46257	Remove hemorrhoids & fissure		T	0149	23.7978	$1,604.90		$320.98
46258	Remove hemorrhoids & fistula		T	0149	23.7978	$1,604.90		$320.98
46260	Hemorrhoidectomy		T	0149	23.7978	$1,604.90		$320.98
46261	Remove hemorrhoids & fissure		T	0149	23.7978	$1,604.90		$320.98
46262	Remove hemorrhoids & fistula		T	0149	23.7978	$1,604.90		$320.98
46270	Removal of anal fistula		T	0149	23.7978	$1,604.90		$320.98
46275	Removal of anal fistula		T	0149	23.7978	$1,604.90		$320.98
46280	Removal of anal fistula		T	0149	23.7978	$1,604.90		$320.98
46285	Removal of anal fistula		T	0149	23.7978	$1,604.90		$320.98
46288	Repair anal fistula		T	0149	23.7978	$1,604.90		$320.98
46320	Removal of hemorrhoid clot		T	0149	23.7978	$1,604.90		$320.98
46500	Injection into hemorrhoid(s)		T	0155	13.1439	$886.41		$177.29
46505	Chemodenervation anal musc	CH	T	0149	23.7978	$1,604.90		$320.98
46600	Diagnostic anoscopy		X	0340	0.6682	$45.06		$9.02
46604	Anoscopy and dilation		T	0147	9.2151	$621.46		$124.30

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
46606	Anoscopy and biopsy		T	0146	5.8906	$397.26		$79.46
46608	Anoscopy, remove for body		T	0147	9.2151	$621.46		$124.30
46610	Anoscopy, remove lesion		T	0428	22.3635	$1,508.17		$301.64
46611	Anoscopy		T	0147	9.2151	$621.46		$124.30
46612	Anoscopy, remove lesions		T	0428	22.3635	$1,508.17		$301.64
46614	Anoscopy, control bleeding		T	0146	5.8906	$397.26		$79.46
46615	Anoscopy		T	0428	22.3635	$1,508.17		$301.64
46700	Repair of anal stricture		T	0149	23.7978	$1,604.90		$320.98
46705	Repair of anal stricture		C					
46706	Repr of anal fistula w/glue		T	0150	31.8277	$2,146.43	$437.12	$429.29
46710	Repr per/vag pouch sngl proc		C					
46712	Repr per/vag pouch dbl proc		C					
46715	Rep perf anoper fistu		C					
46716	Rep perf anoper/vestib fistu		C					
46730	Construction of absent anus		C					
46735	Construction of absent anus		C					
46740	Construction of absent anus		C					
46742	Repair of imperforated anus		C					
46744	Repair of cloacal anomaly		C					
46746	Repair of cloacal anomaly		C					
46748	Repair of cloacal anomaly		C					
46750	Repair of anal sphincter		T	0150	31.8277	$2,146.43	$437.12	$429.29
46751	Repair of anal sphincter		C					
46753	Reconstruction of anus		T	0149	23.7978	$1,604.90		$320.98
46754	Removal of suture from anus		T	0149	23.7978	$1,604.90		$320.98
46760	Repair of anal sphincter		T	0150	31.8277	$2,146.43	$437.12	$429.29
46761	Repair of anal sphincter		T	0150	31.8277	$2,146.43	$437.12	$429.29
46762	Implant artificial sphincter		T	0150	31.8277	$2,146.43	$437.12	$429.29
46900	Destruction, anal lesion(s)		T	0016	2.7920	$188.29		$37.66
46910	Destruction, anal lesion(s)		T	0017	21.4837	$1,448.84		$289.77
46916	Cryosurgery, anal lesion(s)		T	0015	1.5025	$101.33		$20.27
46917	Laser surgery, anal lesions		T	0017	21.4837	$1,448.84		$289.77
46922	Excision of anal lesion(s)		T	0017	21.4837	$1,448.84		$289.77
46924	Destruction, anal lesion(s)		T	0017	21.4837	$1,448.84		$289.77
46930	Destroy internal hemorrhoids		T	0148	5.7790	$389.73		$77.95
46937	Cryotherapy of rectal lesion		T	0149	23.7978	$1,604.90		$320.98
46938	Cryotherapy of rectal lesion		T	0150	31.8277	$2,146.43	$437.12	$429.29
46940	Treatment of anal fissure		T	0149	23.7978	$1,604.90		$320.98
46942	Treatment of anal fissure		T	0148	5.7790	$389.73		$77.95
46945	Ligation of hemorrhoids		T	0155	13.1439	$886.41		$177.29
46946	Ligation of hemorrhoids		T	0155	13.1439	$886.41		$177.29
46947	Hemorrhoidopexy by stapling		T	0150	31.8277	$2,146.43	$437.12	$429.29

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
46999	Anus surgery procedure		T	0148	5.7790	$389.73		$77.95
47000	Needle biopsy of liver		T	0685	9.6646	$651.77		$130.36
47001	Needle biopsy, liver add-on		N					
47010	Open drainage, liver lesion		C					
47011	Percut drain, liver lesion		T	0037	15.2766	$1,030.24	$228.76	$206.05
47015	Inject/aspirate liver cyst		C					
47100	Wedge biopsy of liver		C					
47120	Partial removal of liver		C					
47122	Extensive removal of liver		C					
47125	Partial removal of liver		C					
47130	Partial removal of liver		C					
47133	Removal of donor liver		C					
47135	Transplantation of liver		C					
47136	Transplantation of liver		C					
47140	Partial removal, donor liver		C					
47141	Partial removal, donor liver		C					
47142	Partial removal, donor liver		C					
47143	Prep donor liver, whole		C					
47144	Prep donor liver, 3-segment		C					
47145	Prep donor liver, lobe split		C					
47146	Prep donor liver/venous		C					
47147	Prep donor liver/arterial		C					
47300	Surgery for liver lesion		C					
47350	Repair liver wound		C					
47360	Repair liver wound		C					
47361	Repair liver wound		C					
47362	Repair liver wound		C					
47370	Laparo ablate liver tumor rf		T	0174	115.1545	$7,765.90	$2,168.83	$1,553.18
47371	Laparo ablate liver cryosurg		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
47379	Laparoscope procedure, liver		T	0130	37.6286	$2,537.64	$659.53	$507.53
47380	Open ablate liver tumor rf		C					
47381	Open ablate liver tumor cryo		C					
47382	Percut ablate liver rf		T	0423	49.3672	$3,329.27		$665.86
47399	Liver surgery procedure		T	0004	4.5886	$309.45		$61.89
47400	Incision of liver duct		C					
47420	Incision of bile duct		C					
47425	Incision of bile duct		C					
47460	Incise bile duct sphincter		C					
47480	Incision of gallbladder		C					
47490	Incision of gallbladder		T	0152	30.6070	$2,064.11		$412.83
47500	Injection for liver x-rays		N					
47505	Injection for liver x-rays		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
47510	Insert catheter, bile duct		T	0152	30.6070	$2,064.11		$412.83
47511	Insert bile duct drain		T	0152	30.6070	$2,064.11		$412.83
47525	Change bile duct catheter		T	0427	16.0318	$1,081.17		$216.24
47530	Revise/reinsert bile tube		T	0427	16.0318	$1,081.17		$216.24
47550	Bile duct endoscopy add-on		C					
47552	Biliary endoscopy thru skin		T	0152	30.6070	$2,064.11		$412.83
47553	Biliary endoscopy thru skin		T	0152	30.6070	$2,064.11		$412.83
47554	Biliary endoscopy thru skin		T	0152	30.6070	$2,064.11		$412.83
47555	Biliary endoscopy thru skin		T	0152	30.6070	$2,064.11		$412.83
47556	Biliary endoscopy thru skin		T	0152	30.6070	$2,064.11		$412.83
47560	Laparoscopy w/cholangio		T	0130	37.6286	$2,537.64	$659.53	$507.53
47561	Laparo w/cholangio/biopsy		T	0130	37.6286	$2,537.64	$659.53	$507.53
47562	Laparoscopic cholecystectomy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
47563	Laparo cholecystectomy/graph		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
47564	Laparo cholecystectomy/explr		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
47570	Laparo cholecystoenterostomy		C					
47579	Laparoscope proc, biliary		T	0130	37.6286	$2,537.64	$659.53	$507.53
47600	Removal of gallbladder		C					
47605	Removal of gallbladder		C					
47610	Removal of gallbladder		C					
47612	Removal of gallbladder		C					
47620	Removal of gallbladder		C					
47630	Remove bile duct stone		T	0152	30.6070	$2,064.11		$412.83
47700	Exploration of bile ducts		C					
47701	Bile duct revision		C					
47711	Excision of bile duct tumor		C					
47712	Excision of bile duct tumor		C					
47715	Excision of bile duct cyst		C					
47720	Fuse gallbladder & bowel		C					
47721	Fuse upper gi structures		C					
47740	Fuse gallbladder & bowel		C					
47741	Fuse gallbladder & bowel		C					
47760	Fuse bile ducts and bowel		C					
47765	Fuse liver ducts & bowel		C					
47780	Fuse bile ducts and bowel		C					
47785	Fuse bile ducts and bowel		C					
47800	Reconstruction of bile ducts		C					
47801	Placement, bile duct support		C					
47802	Fuse liver duct & intestine		C					
47900	Suture bile duct injury		C					
47999	Bile tract surgery procedure		T	0152	30.6070	$2,064.11		$412.83
48000	Drainage of abdomen		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
48001	Placement of drain, pancreas		C					
48020	Removal of pancreatic stone		C					
48100	Biopsy of pancreas, open		C					
48102	Needle biopsy, pancreas		T	0685	9.6646	$651.77		$130.36
48105	Resect/debride pancreas		C					
48120	Removal of pancreas lesion		C					
48140	Partial removal of pancreas		C					
48145	Partial removal of pancreas		C					
48146	Pancreatectomy		C					
48148	Removal of pancreatic duct		C					
48150	Partial removal of pancreas		C					
48152	Pancreatectomy		C					
48153	Pancreatectomy		C					
48154	Pancreatectomy		C					
48155	Removal of pancreas		C					
48160	Pancreas removal/transplant		E					
48400	Injection, intraop add-on		C					
48500	Surgery of pancreatic cyst		C					
48510	Drain pancreatic pseudocyst		C					
48511	Drain pancreatic pseudocyst		T	0037	15.2766	$1,030.24	$228.76	$206.05
48520	Fuse pancreas cyst and bowel		C					
48540	Fuse pancreas cyst and bowel		C					
48545	Pancreatorrhaphy		C					
48547	Duodenal exclusion		C					
48548	Fuse pancreas and bowel		C					
48550	Donor pancreatectomy		E					
48551	Prep donor pancreas		C					
48552	Prep donor pancreas/venous		C					
48554	Transpl allograft pancreas		C					
48556	Removal, allograft pancreas		C					
48999	Pancreas surgery procedure		T	0004	4.5886	$309.45		$61.89
49000	Exploration of abdomen		C					
49002	Reopening of abdomen		C					
49010	Exploration behind abdomen		C					
49020	Drain abdominal abscess		C					
49021	Drain abdominal abscess		T	0037	15.2766	$1,030.24	$228.76	$206.05
49040	Drain, open, abdom abscess		C					
49041	Drain, percut, abdom abscess		T	0037	15.2766	$1,030.24	$228.76	$206.05
49060	Drain, open, retrop abscess		C					
49061	Drain, percut, retroper absc		T	0037	15.2766	$1,030.24	$228.76	$206.05
49062	Drain to peritoneal cavity		C					
49080	Puncture, peritoneal cavity		T	0070	5.5115	$371.69		$74.34

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
49081	Removal of abdominal fluid		T	0070	5.5115	$371.69		$74.34
49180	Biopsy, abdominal mass		T	0685	9.6646	$651.77		$130.36
49203	Exc abd tum 5 cm or less		C					
49204	Exc abd tum over 5 cm		C					
49205	Exc abd tum over 10 cm		C					
49215	Excise sacral spine tumor		C					
49220	Multiple surgery, abdomen		C					
49250	Excision of umbilicus		T	0153	25.0073	$1,686.47	$376.05	$337.30
49255	Removal of omentum		C					
49320	Diag laparo separate proc		T	0130	37.6286	$2,537.64	$659.53	$507.53
49321	Laparoscopy, biopsy		T	0130	37.6286	$2,537.64	$659.53	$507.53
49322	Laparoscopy, aspiration		T	0130	37.6286	$2,537.64	$659.53	$507.53
49323	Laparo drain lymphocele		T	0130	37.6286	$2,537.64	$659.53	$507.53
49324	Lap insertion perm ip cath		T	0130	37.6286	$2,537.64	$659.53	$507.53
49325	Lap revision perm ip cath		T	0130	37.6286	$2,537.64	$659.53	$507.53
49326	Lap w/omentopexy add-on		T	0130	37.6286	$2,537.64	$659.53	$507.53
49329	Laparo proc, abdm/per/oment		T	0130	37.6286	$2,537.64	$659.53	$507.53
49400	Air injection into abdomen		N					
49402	Remove foreign body, adbomen		T	0153	25.0073	$1,686.47	$376.05	$337.30
49419	Insrt abdom cath for chemotx		T	0115	31.4839	$2,123.24		$424.65
49420	Insert abdom drain, temp		T	0652	30.7428	$2,073.26		$414.66
49421	Insert abdom drain, perm		T	0652	30.7428	$2,073.26		$414.66
49422	Remove perm cannula/catheter		T	0105	23.2144	$1,565.56		$313.12
49423	Exchange drainage catheter		T	0427	16.0318	$1,081.17		$216.24
49424	Assess cyst, contrast inject		N					
49425	Insert abdomen-venous drain		C					
49426	Revise abdomen-venous shunt		T	0153	25.0073	$1,686.47	$376.05	$337.30
49427	Injection, abdominal shunt		N					
49428	Ligation of shunt		C					
49429	Removal of shunt		T	0105	23.2144	$1,565.56		$313.12
49435	Insert subq exten to ip cath		T	0427	16.0318	$1,081.17		$216.24
49436	Embedded ip cath exit-site		T	0427	16.0318	$1,081.17		$216.24
49440	Place gastrostomy tube perc		T	0141	8.7364	$589.17	$143.38	$117.84
49441	Place duod/jej tube perc		T	0141	8.7364	$589.17	$143.38	$117.84
49442	Place cecostomy tube perc		T	0155	13.1439	$886.41		$177.29
49446	Change g-tube to g-j perc		T	0141	8.7364	$589.17	$143.38	$117.84
49450	Replace g/c tube perc		T	0121	6.3407	$427.61		$85.53
49451	Replace duod/jej tube perc		T	0121	6.3407	$427.61		$85.53
49452	Replace g-j tube perc		T	0121	6.3407	$427.61		$85.53
49460	Fix g/colon tube w/device		T	0121	6.3407	$427.61		$85.53
49465	Fluoro exam of g/colon tube		Q1	0276	1.3242	$89.30	$34.87	$17.86

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
49491	Rpr hern preemie reduc		T	0154	32.2956	$2,177.98	$464.85	$435.60
49492	Rpr ing hern premie, blocked		T	0154	32.2956	$2,177.98	$464.85	$435.60
49495	Rpr ing hernia baby, reduc		T	0154	32.2956	$2,177.98	$464.85	$435.60
49496	Rpr ing hernia baby, blocked		T	0154	32.2956	$2,177.98	$464.85	$435.60
49500	Rpr ing hernia, init, reduce		T	0154	32.2956	$2,177.98	$464.85	$435.60
49501	Rpr ing hernia, init blocked		T	0154	32.2956	$2,177.98	$464.85	$435.60
49505	Prp i/hern init reduc >5 yr		T	0154	32.2956	$2,177.98	$464.85	$435.60
49507	Prp i/hern init block >5 yr		T	0154	32.2956	$2,177.98	$464.85	$435.60
49520	Rerepair ing hernia, reduce		T	0154	32.2956	$2,177.98	$464.85	$435.60
49521	Rerepair ing hernia, blocked		T	0154	32.2956	$2,177.98	$464.85	$435.60
49525	Repair ing hernia, sliding		T	0154	32.2956	$2,177.98	$464.85	$435.60
49540	Repair lumbar hernia		T	0154	32.2956	$2,177.98	$464.85	$435.60
49550	Rpr rem hernia, init, reduce		T	0154	32.2956	$2,177.98	$464.85	$435.60
49553	Rpr fem hernia, init blocked		T	0154	32.2956	$2,177.98	$464.85	$435.60
49555	Rerepair fem hernia, reduce		T	0154	32.2956	$2,177.98	$464.85	$435.60
49557	Rerepair fem hernia, blocked		T	0154	32.2956	$2,177.98	$464.85	$435.60
49560	Rpr ventral hern init, reduc		T	0154	32.2956	$2,177.98	$464.85	$435.60
49561	Rpr ventral hern init, block		T	0154	32.2956	$2,177.98	$464.85	$435.60
49565	Rerepair ventrl hern, reduce		T	0154	32.2956	$2,177.98	$464.85	$435.60
49566	Rerepair ventrl hern, block		T	0154	32.2956	$2,177.98	$464.85	$435.60
49568	Hernia repair w/mesh		T	0154	32.2956	$2,177.98	$464.85	$435.60
49570	Rpr epigastric hern, reduce		T	0154	32.2956	$2,177.98	$464.85	$435.60
49572	Rpr epigastric hern, blocked		T	0154	32.2956	$2,177.98	$464.85	$435.60
49580	Rpr umbil hern, reduc < 5 yr		T	0154	32.2956	$2,177.98	$464.85	$435.60
49582	Rpr umbil hern, block < 5 yr		T	0154	32.2956	$2,177.98	$464.85	$435.60
49585	Rpr umbil hern, reduc > 5 yr		T	0154	32.2956	$2,177.98	$464.85	$435.60
49587	Rpr umbil hern, block > 5 yr		T	0154	32.2956	$2,177.98	$464.85	$435.60
49590	Repair spigelian hernia		T	0154	32.2956	$2,177.98	$464.85	$435.60
49600	Repair umbilical lesion		T	0154	32.2956	$2,177.98	$464.85	$435.60
49605	Repair umbilical lesion		C					
49606	Repair umbilical lesion		C					
49610	Repair umbilical lesion		C					
49611	Repair umbilical lesion		C					
49650	Lap ing hernia repair init		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
49651	Lap ing hernia repair recur		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
49652	Lap vent/abd hernia repair	CH	T	0131	47.1642	$3,180.71	$1,001.89	$636.15
49653	Lap vent/abd hern proc comp	CH	T	0131	47.1642	$3,180.71	$1,001.89	$636.15
49654	Lap inc hernia repair	CH	T	0131	47.1642	$3,180.71	$1,001.89	$636.15
49655	Lap inc hern repair comp	CH	T	0131	47.1642	$3,180.71	$1,001.89	$636.15
49656	Lap inc hernia repair recur	CH	T	0131	47.1642	$3,180.71	$1,001.89	$636.15
49657	Lap inc hern recur comp	CH	T	0131	47.1642	$3,180.71	$1,001.89	$636.15
49659	Laparo proc, hernia repair		T	0130	37.6286	$2,537.64	$659.53	$507.53

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
49900	Repair of abdominal wall		C					
49904	Omental flap, extra-abdom		C					
49905	Omental flap, intra-abdom		C					
49906	Free omental flap, microvasc		C					
49999	Abdomen surgery procedure		T	0153	25.0073	$1,686.47	$376.05	$337.30
50010	Exploration of kidney		C					
50020	Renal abscess, open drain		T	0162	25.5689	$1,724.34		$344.87
50021	Renal abscess, percut drain		T	0037	15.2766	$1,030.24	$228.76	$206.05
50040	Drainage of kidney		C					
50045	Exploration of kidney		C					
50060	Removal of kidney stone		C					
50065	Incision of kidney		C					
50070	Incision of kidney		C					
50075	Removal of kidney stone		C					
50080	Removal of kidney stone		T	0429	45.9518	$3,098.94		$619.79
50081	Removal of kidney stone		T	0429	45.9518	$3,098.94		$619.79
50100	Revise kidney blood vessels		C					
50120	Exploration of kidney		C					
50125	Explore and drain kidney		C					
50130	Removal of kidney stone		C					
50135	Exploration of kidney		C					
50200	Biopsy of kidney		T	0685	9.6646	$651.77		$130.36
50205	Biopsy of kidney		C					
50220	Remove kidney, open		C					
50225	Removal kidney open, complex		C					
50230	Removal kidney open, radical		C					
50234	Removal of kidney & ureter		C					
50236	Removal of kidney & ureter		C					
50240	Partial removal of kidney		C					
50250	Cryoablate renal mass open		C					
50280	Removal of kidney lesion		C					
50290	Removal of kidney lesion		C					
50300	Remove cadaver donor kidney		C					
50320	Remove kidney, living donor		C					
50323	Prep cadaver renal allograft		C					
50325	Prep donor renal graft		C					
50327	Prep renal graft/venous		C					
50328	Prep renal graft/arterial		C					
50329	Prep renal graft/ureteral		C					
50340	Removal of kidney		C					
50360	Transplantation of kidney		C					
50365	Transplantation of kidney		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
50370	Remove transplanted kidney		C					
50380	Reimplantation of kidney		C					
50382	Change ureter stent, percut		T	0162	25.5689	$1,724.34		$344.87
50384	Remove ureter stent, percut		T	0161	17.1519	$1,156.71		$231.35
50385	Change stent via transureth	CH	T	0162	25.5689	$1,724.34		$344.87
50386	Remove stent via transureth		T	0160	7.1100	$479.49		$95.90
50387	Change ext/int ureter stent		T	0427	16.0318	$1,081.17		$216.24
50389	Remove renal tube w/fluoro		T	0160	7.1100	$479.49		$95.90
50390	Drainage of kidney lesion		T	0685	9.6646	$651.77		$130.36
50391	Instll rx agnt into rnal tub		T	0126	1.0735	$72.40	$16.21	$14.48
50392	Insert kidney drain		T	0161	17.1519	$1,156.71		$231.35
50393	Insert ureteral tube		T	0162	25.5689	$1,724.34		$344.87
50394	Injection for kidney x-ray		N					
50395	Create passage to kidney	CH	T	0162	25.5689	$1,724.34		$344.87
50396	Measure kidney pressure		T	0164	1.9814	$133.62		$26.73
50398	Change kidney tube		T	0427	16.0318	$1,081.17		$216.24
50400	Revision of kidney/ureter		C					
50405	Revision of kidney/ureter		C					
50500	Repair of kidney wound		C					
50520	Close kidney-skin fistula		C					
50525	Repair renal-abdomen fistula		C					
50526	Repair renal-abdomen fistula		C					
50540	Revision of horseshoe kidney		C					
50541	Laparo ablate renal cyst		T	0130	37.6286	$2,537.64	$659.53	$507.53
50542	Laparo ablate renal mass		T	0174	115.1545	$7,765.90	$2,168.83	$1,553.18
50543	Laparo partial nephrectomy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
50544	Laparoscopy, pyeloplasty		T	0130	37.6286	$2,537.64	$659.53	$507.53
50545	Laparo radical nephrectomy		C					
50546	Laparoscopic nephrectomy		C					
50547	Laparo removal donor kidney		C					
50548	Laparo remove w/ureter		C					
50549	Laparoscope proc, renal		T	0130	37.6286	$2,537.64	$659.53	$507.53
50551	Kidney endoscopy		T	0160	7.1100	$479.49		$95.90
50553	Kidney endoscopy		T	0162	25.5689	$1,724.34		$344.87
50555	Kidney endoscopy & biopsy		T	0160	7.1100	$479.49		$95.90
50557	Kidney endoscopy & treatment		T	0162	25.5689	$1,724.34		$344.87
50561	Kidney endoscopy & treatment		T	0162	25.5689	$1,724.34		$344.87
50562	Renal scope w/tumor resect		T	0160	7.1100	$479.49		$95.90
50570	Kidney endoscopy		T	0160	7.1100	$479.49		$95.90
50572	Kidney endoscopy		T	0160	7.1100	$479.49		$95.90
50574	Kidney endoscopy & biopsy		T	0160	7.1100	$479.49		$95.90
50575	Kidney endoscopy		T	0163	36.0712	$2,432.61		$486.53

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
50576	Kidney endoscopy & treatment		T	0161	17.1519	$1,156.71		$231.35
50580	Kidney endoscopy & treatment		T	0161	17.1519	$1,156.71		$231.35
50590	Fragmenting of kidney stone		T	0169	41.5880	$2,804.65	$997.74	$560.93
50592	Perc rf ablate renal tumor		T	0423	49.3672	$3,329.27		$665.86
50593	Perc cryo ablate renal tum		T	0423	49.3672	$3,329.27		$665.86
50600	Exploration of ureter		C					
50605	Insert ureteral support		C					
50610	Removal of ureter stone		C					
50620	Removal of ureter stone		C					
50630	Removal of ureter stone		C					
50650	Removal of ureter		C					
50660	Removal of ureter		C					
50684	Injection for ureter x-ray		N					
50686	Measure ureter pressure		T	0126	1.0735	$72.40	$16.21	$14.48
50688	Change of ureter tube/stent		T	0427	16.0318	$1,081.17		$216.24
50690	Injection for ureter x-ray		N					
50700	Revision of ureter		C					
50715	Release of ureter		C					
50722	Release of ureter		C					
50725	Release/revise ureter		C					
50727	Revise ureter		T	0165	20.0655	$1,353.20		$270.64
50728	Revise ureter		C					
50740	Fusion of ureter & kidney		C					
50750	Fusion of ureter & kidney		C					
50760	Fusion of ureters		C					
50770	Splicing of ureters		C					
50780	Reimplant ureter in bladder		C					
50782	Reimplant ureter in bladder		C					
50783	Reimplant ureter in bladder		C					
50785	Reimplant ureter in bladder		C					
50800	Implant ureter in bowel		C					
50810	Fusion of ureter & bowel		C					
50815	Urine shunt to intestine		C					
50820	Construct bowel bladder		C					
50825	Construct bowel bladder		C					
50830	Revise urine flow		C					
50840	Replace ureter by bowel		C					
50845	Appendico-vesicostomy		C					
50860	Transplant ureter to skin		C					
50900	Repair of ureter		C					
50920	Closure ureter/skin fistula		C					
50930	Closure ureter/bowel fistula		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
50940	Release of ureter		C					
50945	Laparoscopy ureterolithotomy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
50947	Laparo new ureter/bladder		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
50948	Laparo new ureter/bladder		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
50949	Laparoscope proc, ureter		T	0130	37.6286	$2,537.64	$659.53	$507.53
50951	Endoscopy of ureter		T	0160	7.1100	$479.49		$95.90
50953	Endoscopy of ureter		T	0160	7.1100	$479.49		$95.90
50955	Ureter endoscopy & biopsy		T	0162	25.5689	$1,724.34		$344.87
50957	Ureter endoscopy & treatment		T	0162	25.5689	$1,724.34		$344.87
50961	Ureter endoscopy & treatment		T	0162	25.5689	$1,724.34		$344.87
50970	Ureter endoscopy		T	0160	7.1100	$479.49		$95.90
50972	Ureter endoscopy & catheter		T	0160	7.1100	$479.49		$95.90
50974	Ureter endoscopy & biopsy		T	0161	17.1519	$1,156.71		$231.35
50976	Ureter endoscopy & treatment		T	0161	17.1519	$1,156.71		$231.35
50980	Ureter endoscopy & treatment		T	0162	25.5689	$1,724.34		$344.87
51020	Incise & treat bladder		T	0162	25.5689	$1,724.34		$344.87
51030	Incise & treat bladder		T	0162	25.5689	$1,724.34		$344.87
51040	Incise & drain bladder		T	0162	25.5689	$1,724.34		$344.87
51045	Incise bladder/drain ureter		T	0160	7.1100	$479.49		$95.90
51050	Removal of bladder stone		T	0162	25.5689	$1,724.34		$344.87
51060	Removal of ureter stone	CH	T	0163	36.0712	$2,432.61		$486.53
51065	Remove ureter calculus		T	0162	25.5689	$1,724.34		$344.87
51080	Drainage of bladder abscess		T	0008	19.6942	$1,328.16		$265.64
51100	Drain bladder by needle		T	0164	1.9814	$133.62		$26.73
51101	Drain bladder by trocar/cath		T	0126	1.0735	$72.40	$16.21	$14.48
51102	Drain bl w/cath insertion		T	0165	20.0655	$1,353.20		$270.64
51500	Removal of bladder cyst		T	0154	32.2956	$2,177.98	$464.85	$435.60
51520	Removal of bladder lesion		T	0162	25.5689	$1,724.34		$344.87
51525	Removal of bladder lesion		C					
51530	Removal of bladder lesion		C					
51535	Repair of ureter lesion		T	0162	25.5689	$1,724.34		$344.87
51550	Partial removal of bladder		C					
51555	Partial removal of bladder		C					
51565	Revise bladder & ureter(s)		C					
51570	Removal of bladder		C					
51575	Removal of bladder & nodes		C					
51580	Remove bladder/revise tract		C					
51585	Removal of bladder & nodes		C					
51590	Remove bladder/revise tract		C					
51595	Remove bladder/revise tract		C					
51596	Remove bladder/create pouch		C					
51597	Removal of pelvic structures		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
51600	Injection for bladder x-ray		N					
51605	Preparation for bladder xray		N					
51610	Injection for bladder x-ray		N					
51700	Irrigation of bladder		T	0164	1.9814	$133.62		$26.73
51701	Insert bladder catheter		X	0340	0.6682	$45.06		$9.02
51702	Insert temp bladder cath		X	0340	0.6682	$45.06		$9.02
51703	Insert bladder cath, complex		T	0126	1.0735	$72.40	$16.21	$14.48
51705	Change of bladder tube		T	0164	1.9814	$133.62		$26.73
51710	Change of bladder tube	CH	T	0121	6.3407	$427.61		$85.53
51715	Endoscopic injection/implant		T	0168	30.9839	$2,089.52		$417.91
51720	Treatment of bladder lesion		T	0156	2.9944	$201.94		$40.39
51725	Simple cystometrogram		T	0156	2.9944	$201.94		$40.39
51726	Complex cystometrogram		T	0156	2.9944	$201.94		$40.39
51736	Urine flow measurement		T	0126	1.0735	$72.40	$16.21	$14.48
51741	Electro-uroflowmetry, first		T	0126	1.0735	$72.40	$16.21	$14.48
51772	Urethra pressure profile	CH	T	0156	2.9944	$201.94		$40.39
51784	Anal/urinary muscle study		T	0126	1.0735	$72.40	$16.21	$14.48
51785	Anal/urinary muscle study		T	0164	1.9814	$133.62		$26.73
51792	Urinary reflex study		T	0126	1.0735	$72.40	$16.21	$14.48
51795	Urine voiding pressure study		T	0164	1.9814	$133.62		$26.73
51797	Intraabdominal pressure test		T	0164	1.9814	$133.62		$26.73
51798	Us urine capacity measure		X	0340	0.6682	$45.06		$9.02
51800	Revision of bladder/urethra		C					
51820	Revision of urinary tract		C					
51840	Attach bladder/urethra		C					
51841	Attach bladder/urethra		C					
51845	Repair bladder neck		T	0202	44.3545	$2,991.22	$981.50	$598.25
51860	Repair of bladder wound		T	0162	25.5689	$1,724.34		$344.87
51865	Repair of bladder wound		C					
51880	Repair of bladder opening		T	0162	25.5689	$1,724.34		$344.87
51900	Repair bladder/vagina lesion		C					
51920	Close bladder-uterus fistula		C					
51925	Hysterectomy/bladder repair		C					
51940	Correction of bladder defect		C					
51960	Revision of bladder & bowel		C					
51980	Construct bladder opening		C					
51990	Laparo urethral suspension		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
51992	Laparo sling operation		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
51999	Laparoscope proc, bla		T	0130	37.6286	$2,537.64	$659.53	$507.53
52000	Cystoscopy		T	0160	7.1100	$479.49		$95.90
52001	Cystoscopy, removal of clots		T	0161	17.1519	$1,156.71		$231.35
52005	Cystoscopy & ureter catheter	CH	T	0162	25.5689	$1,724.34		$344.87

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
52007	Cystoscopy and biopsy		T	0162	25.5689	$1,724.34		$344.87
52010	Cystoscopy & duct catheter		T	0160	7.1100	$479.49		$95.90
52204	Cystoscopy w/biopsy(s)	CH	T	0162	25.5689	$1,724.34		$344.87
52214	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52224	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52234	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52235	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52240	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52250	Cystoscopy and radiotracer		T	0162	25.5689	$1,724.34		$344.87
52260	Cystoscopy and treatment		T	0161	17.1519	$1,156.71		$231.35
52265	Cystoscopy and treatment		T	0160	7.1100	$479.49		$95.90
52270	Cystoscopy & revise urethra		T	0161	17.1519	$1,156.71		$231.35
52275	Cystoscopy & revise urethra		T	0162	25.5689	$1,724.34		$344.87
52276	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52277	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52281	Cystoscopy and treatment		T	0161	17.1519	$1,156.71		$231.35
52282	Cystoscopy, implant stent		T	0163	36.0712	$2,432.61		$486.53
52283	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52285	Cystoscopy and treatment		T	0161	17.1519	$1,156.71		$231.35
52290	Cystoscopy and treatment	CH	T	0162	25.5689	$1,724.34		$344.87
52300	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52301	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52305	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52310	Cystoscopy and treatment		T	0161	17.1519	$1,156.71		$231.35
52315	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52317	Remove bladder stone		T	0162	25.5689	$1,724.34		$344.87
52318	Remove bladder stone		T	0162	25.5689	$1,724.34		$344.87
52320	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52325	Cystoscopy, stone removal		T	0162	25.5689	$1,724.34		$344.87
52327	Cystoscopy, inject material		T	0163	36.0712	$2,432.61		$486.53
52330	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52332	Cystoscopy and treatment		T	0162	25.5689	$1,724.34		$344.87
52334	Create passage to kidney		T	0162	25.5689	$1,724.34		$344.87
52341	Cysto w/ureter stricture tx		T	0162	25.5689	$1,724.34		$344.87
52342	Cysto w/up stricture tx		T	0162	25.5689	$1,724.34		$344.87
52343	Cysto w/renal stricture tx		T	0162	25.5689	$1,724.34		$344.87
52344	Cysto/uretero, stricture tx		T	0162	25.5689	$1,724.34		$344.87
52345	Cysto/uretero w/up stricture		T	0162	25.5689	$1,724.34		$344.87
52346	Cystouretero w/renal strict		T	0162	25.5689	$1,724.34		$344.87
52351	Cystouretero & or pyeloscope		T	0162	25.5689	$1,724.34		$344.87
52352	Cystouretero w/stone remove		T	0162	25.5689	$1,724.34		$344.87
52353	Cystouretero w/lithotripsy		T	0163	36.0712	$2,432.61		$486.53

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
52354	Cystouretero w/biopsy		T	0162	25.5689	$1,724.34		$344.87
52355	Cystouretero w/excise tumor		T	0162	25.5689	$1,724.34		$344.87
52400	Cystouretero w/congen repr		T	0162	25.5689	$1,724.34		$344.87
52402	Cystourethro cut ejacul duct		T	0162	25.5689	$1,724.34		$344.87
52450	Incision of prostate		T	0162	25.5689	$1,724.34		$344.87
52500	Revision of bladder neck		T	0162	25.5689	$1,724.34		$344.87
52601	Prostatectomy (TURP)		T	0163	36.0712	$2,432.61		$486.53
52630	Remove prostate regrowth		T	0163	36.0712	$2,432.61		$486.53
52640	Relieve bladder contracture		T	0162	25.5689	$1,724.34		$344.87
52647	Laser surgery of prostate		T	0429	45.9518	$3,098.94		$619.79
52648	Laser surgery of prostate		T	0429	45.9518	$3,098.94		$619.79
52649	Prostate laser enucleation		T	0429	45.9518	$3,098.94		$619.79
52700	Drainage of prostate abscess		T	0162	25.5689	$1,724.34		$344.87
53000	Incision of urethra		T	0166	20.1930	$1,361.80		$272.36
53010	Incision of urethra		T	0166	20.1930	$1,361.80		$272.36
53020	Incision of urethra		T	0166	20.1930	$1,361.80		$272.36
53025	Incision of urethra		T	0166	20.1930	$1,361.80		$272.36
53040	Drainage of urethra abscess		T	0166	20.1930	$1,361.80		$272.36
53060	Drainage of urethra abscess		T	0166	20.1930	$1,361.80		$272.36
53080	Drainage of urinary leakage		T	0166	20.1930	$1,361.80		$272.36
53085	Drainage of urinary leakage		T	0166	20.1930	$1,361.80		$272.36
53200	Biopsy of urethra		T	0166	20.1930	$1,361.80		$272.36
53210	Removal of urethra		T	0168	30.9839	$2,089.52		$417.91
53215	Removal of urethra		T	0166	20.1930	$1,361.80		$272.36
53220	Treatment of urethra lesion		T	0168	30.9839	$2,089.52		$417.91
53230	Removal of urethra lesion		T	0168	30.9839	$2,089.52		$417.91
53235	Removal of urethra lesion		T	0166	20.1930	$1,361.80		$272.36
53240	Surgery for urethra pouch		T	0168	30.9839	$2,089.52		$417.91
53250	Removal of urethra gland		T	0166	20.1930	$1,361.80		$272.36
53260	Treatment of urethra lesion		T	0166	20.1930	$1,361.80		$272.36
53265	Treatment of urethra lesion		T	0166	20.1930	$1,361.80		$272.36
53270	Removal of urethra gland		T	0166	20.1930	$1,361.80		$272.36
53275	Repair of urethra defect		T	0166	20.1930	$1,361.80		$272.36
53400	Revise urethra, stage 1		T	0168	30.9839	$2,089.52		$417.91
53405	Revise urethra, stage 2		T	0168	30.9839	$2,089.52		$417.91
53410	Reconstruction of urethra		T	0168	30.9839	$2,089.52		$417.91
53415	Reconstruction of urethra		C					
53420	Reconstruct urethra, stage 1		T	0168	30.9839	$2,089.52		$417.91
53425	Reconstruct urethra, stage 2		T	0168	30.9839	$2,089.52		$417.91
53430	Reconstruction of urethra		T	0168	30.9839	$2,089.52		$417.91
53431	Reconstruct urethra/bladder		T	0168	30.9839	$2,089.52		$417.91
53440	Male sling procedure		S	0385	94.6254	$6,381.44		$1,276.29

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
53442	Remove/revise male sling		T	0168	30.9839	$2,089.52		$417.91
53444	Insert tandem cuff		S	0385	94.6254	$6,381.44		$1,276.29
53445	Insert uro/ves nck sphincter		S	0386	163.2631	$11,010.30		$2,202.06
53446	Remove uro sphincter		T	0168	30.9839	$2,089.52		$417.91
53447	Remove/replace ur sphincter		S	0386	163.2631	$11,010.30		$2,202.06
53448	Remov/replc ur sphinctr comp		C					
53449	Repair uro sphincter		T	0168	30.9839	$2,089.52		$417.91
53450	Revision of urethra		T	0168	30.9839	$2,089.52		$417.91
53460	Revision of urethra		T	0166	20.1930	$1,361.80		$272.36
53500	Urethrlys, transvag w/ scope		T	0168	30.9839	$2,089.52		$417.91
53502	Repair of urethra injury		T	0166	20.1930	$1,361.80		$272.36
53505	Repair of urethra injury		T	0168	30.9839	$2,089.52		$417.91
53510	Repair of urethra injury		T	0166	20.1930	$1,361.80		$272.36
53515	Repair of urethra injury		T	0168	30.9839	$2,089.52		$417.91
53520	Repair of urethra defect		T	0168	30.9839	$2,089.52		$417.91
53600	Dilate urethra stricture		T	0156	2.9944	$201.94		$40.39
53601	Dilate urethra stricture		T	0126	1.0735	$72.40	$16.21	$14.48
53605	Dilate urethra stricture		T	0161	17.1519	$1,156.71		$231.35
53620	Dilate urethra stricture		T	0165	20.0655	$1,353.20		$270.64
53621	Dilate urethra stricture		T	0164	1.9814	$133.62		$26.73
53660	Dilation of urethra		T	0126	1.0735	$72.40	$16.21	$14.48
53661	Dilation of urethra		T	0126	1.0735	$72.40	$16.21	$14.48
53665	Dilation of urethra		T	0166	20.1930	$1,361.80		$272.36
53850	Prostatic microwave thermotx		T	0429	45.9518	$3,098.94		$619.79
53852	Prostatic rf thermotx		T	0429	45.9518	$3,098.94		$619.79
53899	Urology surgery procedure		T	0126	1.0735	$72.40	$16.21	$14.48
54000	Slitting of prepuce		T	0166	20.1930	$1,361.80		$272.36
54001	Slitting of prepuce		T	0166	20.1930	$1,361.80		$272.36
54015	Drain penis lesion		T	0008	19.6942	$1,328.16		$265.64
54050	Destruction, penis lesion(s)		T	0013	0.8679	$58.53		$11.71
54055	Destruction, penis lesion(s)		T	0017	21.4837	$1,448.84		$289.77
54056	Cryosurgery, penis lesion(s)		T	0013	0.8679	$58.53		$11.71
54057	Laser surg, penis lesion(s)		T	0017	21.4837	$1,448.84		$289.77
54060	Excision of penis lesion(s)		T	0017	21.4837	$1,448.84		$289.77
54065	Destruction, penis lesion(s)		T	0017	21.4837	$1,448.84		$289.77
54100	Biopsy of penis		T	0021	16.2353	$1,094.89	$219.48	$218.98
54105	Biopsy of penis		T	0022	22.4616	$1,514.79	$354.45	$302.96
54110	Treatment of penis lesion		T	0181	34.6253	$2,335.10	$618.06	$467.02
54111	Treat penis lesion, graft		T	0181	34.6253	$2,335.10	$618.06	$467.02
54112	Treat penis lesion, graft		T	0181	34.6253	$2,335.10	$618.06	$467.02
54115	Treatment of penis lesion		T	0008	19.6942	$1,328.16		$265.64
54120	Partial removal of penis		T	0181	34.6253	$2,335.10	$618.06	$467.02

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
54125	Removal of penis		C					
54130	Remove penis & nodes		C					
54135	Remove penis & nodes		C					
54150	Circumcision w/regionl block		T	0183	23.3426	$1,574.20		$314.84
54160	Circumcision, neonate		T	0183	23.3426	$1,574.20		$314.84
54161	Circum 28 days or older		T	0183	23.3426	$1,574.20		$314.84
54162	Lysis penil circumic lesion		T	0183	23.3426	$1,574.20		$314.84
54163	Repair of circumcision		T	0183	23.3426	$1,574.20		$314.84
54164	Frenulotomy of penis		T	0183	23.3426	$1,574.20		$314.84
54200	Treatment of penis lesion		T	0164	1.9814	$133.62		$26.73
54205	Treatment of penis lesion		T	0181	34.6253	$2,335.10	$618.06	$467.02
54220	Treatment of penis lesion		T	0164	1.9814	$133.62		$26.73
54230	Prepare penis study		N					
54231	Dynamic cavernosometry		T	0165	20.0655	$1,353.20		$270.64
54235	Penile injection		T	0164	1.9814	$133.62		$26.73
54240	Penis study		T	0126	1.0735	$72.40	$16.21	$14.48
54250	Penis study		T	0164	1.9814	$133.62		$26.73
54300	Revision of penis		T	0181	34.6253	$2,335.10	$618.06	$467.02
54304	Revision of penis		T	0181	34.6253	$2,335.10	$618.06	$467.02
54308	Reconstruction of urethra		T	0181	34.6253	$2,335.10	$618.06	$467.02
54312	Reconstruction of urethra		T	0181	34.6253	$2,335.10	$618.06	$467.02
54316	Reconstruction of urethra		T	0181	34.6253	$2,335.10	$618.06	$467.02
54318	Reconstruction of urethra		T	0181	34.6253	$2,335.10	$618.06	$467.02
54322	Reconstruction of urethra		T	0181	34.6253	$2,335.10	$618.06	$467.02
54324	Reconstruction of urethra		T	0181	34.6253	$2,335.10	$618.06	$467.02
54326	Reconstruction of urethra		T	0181	34.6253	$2,335.10	$618.06	$467.02
54328	Revise penis/urethra		T	0181	34.6253	$2,335.10	$618.06	$467.02
54332	Revise penis/urethra		T	0181	34.6253	$2,335.10	$618.06	$467.02
54336	Revise penis/urethra		T	0181	34.6253	$2,335.10	$618.06	$467.02
54340	Secondary urethral surgery		T	0181	34.6253	$2,335.10	$618.06	$467.02
54344	Secondary urethral surgery		T	0181	34.6253	$2,335.10	$618.06	$467.02
54348	Secondary urethral surgery		T	0181	34.6253	$2,335.10	$618.06	$467.02
54352	Reconstruct urethra/penis		T	0181	34.6253	$2,335.10	$618.06	$467.02
54360	Penis plastic surgery		T	0181	34.6253	$2,335.10	$618.06	$467.02
54380	Repair penis		T	0181	34.6253	$2,335.10	$618.06	$467.02
54385	Repair penis		T	0181	34.6253	$2,335.10	$618.06	$467.02
54390	Repair penis and bladder		C					
54400	Insert semi-rigid prosthesis		S	0385	94.6254	$6,381.44		$1,276.29
54401	Insert self-contd prosthesis		S	0386	163.2631	$11,010.30		$2,202.06
54405	Insert multi-comp penis pros		S	0386	163.2631	$11,010.30		$2,202.06
54406	Remove muti-comp penis pros		T	0181	34.6253	$2,335.10	$618.06	$467.02
54408	Repair multi-comp penis pros		T	0181	34.6253	$2,335.10	$618.06	$467.02

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
54410	Remove/replace penis prosth		S	0386	163.2631	$11,010.30		$2,202.06
54411	Remov/replc penis pros, comp		C					
54415	Remove self-contd penis pros		T	0181	34.6253	$2,335.10	$618.06	$467.02
54416	Remv/repl penis contain pros		S	0386	163.2631	$11,010.30		$2,202.06
54417	Remv/replc penis pros, compl		C					
54420	Revision of penis		T	0181	34.6253	$2,335.10	$618.06	$467.02
54430	Revision of penis		C					
54435	Revision of penis		T	0181	34.6253	$2,335.10	$618.06	$467.02
54440	Repair of penis		T	0181	34.6253	$2,335.10	$618.06	$467.02
54450	Preputial stretching		T	0156	2.9944	$201.94		$40.39
54500	Biopsy of testis		T	0037	15.2766	$1,030.24	$228.76	$206.05
54505	Biopsy of testis		T	0183	23.3426	$1,574.20		$314.84
54512	Excise lesion testis		T	0183	23.3426	$1,574.20		$314.84
54520	Removal of testis		T	0183	23.3426	$1,574.20		$314.84
54522	Orchiectomy, partial		T	0183	23.3426	$1,574.20		$314.84
54530	Removal of testis		T	0154	32.2956	$2,177.98	$464.85	$435.60
54535	Extensive testis surgery		T	0181	34.6253	$2,335.10	$618.06	$467.02
54550	Exploration for testis		T	0154	32.2956	$2,177.98	$464.85	$435.60
54560	Exploration for testis		T	0183	23.3426	$1,574.20		$314.84
54600	Reduce testis torsion		T	0183	23.3426	$1,574.20		$314.84
54620	Suspension of testis		T	0183	23.3426	$1,574.20		$314.84
54640	Suspension of testis		T	0154	32.2956	$2,177.98	$464.85	$435.60
54650	Orchiopexy (Fowler-Stephens)		C					
54660	Revision of testis		T	0183	23.3426	$1,574.20		$314.84
54670	Repair testis injury		T	0183	23.3426	$1,574.20		$314.84
54680	Relocation of testis(es)		T	0183	23.3426	$1,574.20		$314.84
54690	Laparoscopy, orchiectomy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
54692	Laparoscopy, orchiopexy		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
54699	Laparoscope proc, testis		T	0130	37.6286	$2,537.64	$659.53	$507.53
54700	Drainage of scrotum		T	0183	23.3426	$1,574.20		$314.84
54800	Biopsy of epididymis		T	0004	4.5886	$309.45		$61.89
54830	Remove epididymis lesion		T	0183	23.3426	$1,574.20		$314.84
54840	Remove epididymis lesion		T	0183	23.3426	$1,574.20		$314.84
54860	Removal of epididymis		T	0183	23.3426	$1,574.20		$314.84
54861	Removal of epididymis		T	0183	23.3426	$1,574.20		$314.84
54865	Explore epididymis		T	0183	23.3426	$1,574.20		$314.84
54900	Fusion of spermatic ducts		T	0183	23.3426	$1,574.20		$314.84
54901	Fusion of spermatic ducts		T	0183	23.3426	$1,574.20		$314.84
55000	Drainage of hydrocele		T	0004	4.5886	$309.45		$61.89
55040	Removal of hydrocele		T	0154	32.2956	$2,177.98	$464.85	$435.60
55041	Removal of hydroceles		T	0154	32.2956	$2,177.98	$464.85	$435.60
55060	Repair of hydrocele		T	0183	23.3426	$1,574.20		$314.84

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
55100	Drainage of scrotum abscess		T	0007	12.4456	$839.32		$167.87
55110	Explore scrotum		T	0183	23.3426	$1,574.20		$314.84
55120	Removal of scrotum lesion		T	0183	23.3426	$1,574.20		$314.84
55150	Removal of scrotum		T	0183	23.3426	$1,574.20		$314.84
55175	Revision of scrotum		T	0183	23.3426	$1,574.20		$314.84
55180	Revision of scrotum		T	0183	23.3426	$1,574.20		$314.84
55200	Incision of sperm duct		T	0183	23.3426	$1,574.20		$314.84
55250	Removal of sperm duct(s)		T	0183	23.3426	$1,574.20		$314.84
55300	Prepare, sperm duct x-ray		N					
55400	Repair of sperm duct		T	0183	23.3426	$1,574.20		$314.84
55450	Ligation of sperm duct		T	0183	23.3426	$1,574.20		$314.84
55500	Removal of hydrocele		T	0183	23.3426	$1,574.20		$314.84
55520	Removal of sperm cord lesion		T	0183	23.3426	$1,574.20		$314.84
55530	Revise spermatic cord veins		T	0183	23.3426	$1,574.20		$314.84
55535	Revise spermatic cord veins		T	0154	32.2956	$2,177.98	$464.85	$435.60
55540	Revise hernia & sperm veins		T	0154	32.2956	$2,177.98	$464.85	$435.60
55550	Laparo ligate spermatic vein		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
55559	Laparo proc, spermatic cord		T	0130	37.6286	$2,537.64	$659.53	$507.53
55600	Incise sperm duct pouch		T	0183	23.3426	$1,574.20		$314.84
55605	Incise sperm duct pouch		C					
55650	Remove sperm duct pouch		C					
55680	Remove sperm pouch lesion		T	0183	23.3426	$1,574.20		$314.84
55700	Biopsy of prostate		T	0184	12.2667	$827.25		$165.45
55705	Biopsy of prostate		T	0184	12.2667	$827.25		$165.45
55706	Prostate saturation sampling		T	0184	12.2667	$827.25		$165.45
55720	Drainage of prostate abscess		T	0162	25.5689	$1,724.34		$344.87
55725	Drainage of prostate abscess		T	0162	25.5689	$1,724.34		$344.87
55801	Removal of prostate		C					
55810	Extensive prostate surgery		C					
55812	Extensive prostate surgery		C					
55815	Extensive prostate surgery		C					
55821	Removal of prostate		C					
55831	Removal of prostate		C					
55840	Extensive prostate surgery		C					
55842	Extensive prostate surgery		C					
55845	Extensive prostate surgery		C					
55860	Surgical exposure, prostate		T	0165	20.0655	$1,353.20		$270.64
55862	Extensive prostate surgery		C					
55865	Extensive prostate surgery		C					
55866	Laparo radical prostatectomy		C					
55870	Electroejaculation		T	0189	3.4866	$235.13		$47.03
55873	Cryoablate prostate		T	0674	117.1828	$7,902.69		$1,580.54

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
55875	Transperi needle place, pros		Q3	0163	36.0712	$2,432.61		$486.53
55876	Place rt device/marker, pros		X	0310	13.6600	$921.22	$325.27	$184.25
55899	Genital surgery procedure		T	0126	1.0735	$72.40	$16.21	$14.48
55920	Place needles pelvic for rt		T	0153	25.0073	$1,686.47	$376.05	$337.30
55970	Sex transformation, M to F		E					
55980	Sex transformation, F to M		E					
56405	I & D of vulva/perineum	CH	T	0188	1.5209	$102.57		$20.52
56420	Drainage of gland abscess		T	0188	1.5209	$102.57		$20.52
56440	Surgery for vulva lesion		T	0193	19.9751	$1,347.10		$269.42
56441	Lysis of labial lesion(s)		T	0193	19.9751	$1,347.10		$269.42
56442	Hymenotomy		T	0193	19.9751	$1,347.10		$269.42
56501	Destroy, vulva lesions, sim		T	0017	21.4837	$1,448.84		$289.77
56515	Destroy vulva lesion/s compl		T	0017	21.4837	$1,448.84		$289.77
56605	Biopsy of vulva/perineum		T	0189	3.4866	$235.13		$47.03
56606	Biopsy of vulva/perineum		T	0188	1.5209	$102.57		$20.52
56620	Partial removal of vulva		T	0193	19.9751	$1,347.10		$269.42
56625	Complete removal of vulva		T	0193	19.9751	$1,347.10		$269.42
56630	Extensive vulva surgery		C					
56631	Extensive vulva surgery		C					
56632	Extensive vulva surgery		C					
56633	Extensive vulva surgery		C					
56634	Extensive vulva surgery		C					
56637	Extensive vulva surgery		C					
56640	Extensive vulva surgery		C					
56700	Partial removal of hymen		T	0193	19.9751	$1,347.10		$269.42
56740	Remove vagina gland lesion		T	0193	19.9751	$1,347.10		$269.42
56800	Repair of vagina		T	0193	19.9751	$1,347.10		$269.42
56805	Repair clitoris		T	0193	19.9751	$1,347.10		$269.42
56810	Repair of perineum		T	0193	19.9751	$1,347.10		$269.42
56820	Exam of vulva w/scope		T	0188	1.5209	$102.57		$20.52
56821	Exam/biopsy of vulva w/scope		T	0188	1.5209	$102.57		$20.52
57000	Exploration of vagina		T	0193	19.9751	$1,347.10		$269.42
57010	Drainage of pelvic abscess		T	0193	19.9751	$1,347.10		$269.42
57020	Drainage of pelvic fluid		T	0192	6.7169	$452.98		$90.60
57022	I & d vaginal hematoma, pp		T	0007	12.4456	$839.32		$167.87
57023	I & d vag hematoma, non-ob		T	0008	19.6942	$1,328.16		$265.64
57061	Destroy vag lesions, simple		T	0193	19.9751	$1,347.10		$269.42
57065	Destroy vag lesions, complex		T	0193	19.9751	$1,347.10		$269.42
57100	Biopsy of vagina		T	0192	6.7169	$452.98		$90.60
57105	Biopsy of vagina		T	0193	19.9751	$1,347.10		$269.42
57106	Remove vagina wall, partial		T	0193	19.9751	$1,347.10		$269.42
57107	Remove vagina tissue, part		T	0195	35.1179	$2,368.32	$483.80	$473.67

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
57109	Vaginectomy partial w/nodes		T	0195	35.1179	$2,368.32	$483.80	$473.67
57110	Remove vagina wall, complete		C					
57111	Remove vagina tissue, compl		C					
57112	Vaginectomy w/nodes, compl		C					
57120	Closure of vagina		T	0195	35.1179	$2,368.32	$483.80	$473.67
57130	Remove vagina lesion		T	0193	19.9751	$1,347.10		$269.42
57135	Remove vagina lesion		T	0193	19.9751	$1,347.10		$269.42
57150	Treat vagina infection		T	0188	1.5209	$102.57		$20.52
57155	Insert uteri tandems/ovoids		T	0192	6.7169	$452.98		$90.60
57160	Insert pessary/other device		T	0188	1.5209	$102.57		$20.52
57170	Fitting of diaphragm/cap		T	0191	0.1502	$10.13	$2.36	$2.03
57180	Treat vaginal bleeding		T	0188	1.5209	$102.57		$20.52
57200	Repair of vagina		T	0193	19.9751	$1,347.10		$269.42
57210	Repair vagina/perineum		T	0193	19.9751	$1,347.10		$269.42
57220	Revision of urethra		T	0202	44.3545	$2,991.22	$981.50	$598.25
57230	Repair of urethral lesion		T	0195	35.1179	$2,368.32	$483.80	$473.67
57240	Repair bladder & vagina		T	0195	35.1179	$2,368.32	$483.80	$473.67
57250	Repair rectum & vagina		T	0195	35.1179	$2,368.32	$483.80	$473.67
57260	Repair of vagina		T	0195	35.1179	$2,368.32	$483.80	$473.67
57265	Extensive repair of vagina		T	0202	44.3545	$2,991.22	$981.50	$598.25
57267	Insert mesh/pelvic flr addon		T	0195	35.1179	$2,368.32	$483.80	$473.67
57268	Repair of bowel bulge		T	0195	35.1179	$2,368.32	$483.80	$473.67
57270	Repair of bowel pouch		C					
57280	Suspension of vagina		C					
57282	Colpopexy, extraperitoneal		T	0202	44.3545	$2,991.22	$981.50	$598.25
57283	Colpopexy, intraperitoneal		T	0202	44.3545	$2,991.22	$981.50	$598.25
57284	Repair paravag defect, open		T	0202	44.3545	$2,991.22	$981.50	$598.25
57285	Repair paravag defect, vag	CH	T	0202	44.3545	$2,991.22	$981.50	$598.25
57287	Revise/remove sling repair		T	0195	35.1179	$2,368.32	$483.80	$473.67
57288	Repair bladder defect		T	0202	44.3545	$2,991.22	$981.50	$598.25
57289	Repair bladder & vagina		T	0195	35.1179	$2,368.32	$483.80	$473.67
57291	Construction of vagina		T	0195	35.1179	$2,368.32	$483.80	$473.67
57292	Construct vagina with graft		T	0195	35.1179	$2,368.32	$483.80	$473.67
57295	Revise vag graft via vagina		T	0193	19.9751	$1,347.10		$269.42
57296	Revise vag graft, open abd		C					
57300	Repair rectum-vagina fistula		T	0195	35.1179	$2,368.32	$483.80	$473.67
57305	Repair rectum-vagina fistula		C					
57307	Fistula repair & colostomy		C					
57308	Fistula repair, transperine		C					
57310	Repair urethrovaginal lesion		T	0202	44.3545	$2,991.22	$981.50	$598.25
57311	Repair urethrovaginal lesion		C					
57320	Repair bladder-vagina lesion		T	0195	35.1179	$2,368.32	$483.80	$473.67

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
57330	Repair bladder-vagina lesion		T	0195	35.1179	$2,368.32	$483.80	$473.67
57335	Repair vagina		T	0195	35.1179	$2,368.32	$483.80	$473.67
57400	Dilation of vagina		T	0193	19.9751	$1,347.10		$269.42
57410	Pelvic examination		T	0193	19.9751	$1,347.10		$269.42
57415	Remove vaginal foreign body		T	0193	19.9751	$1,347.10		$269.42
57420	Exam of vagina w/scope		T	0189	3.4866	$235.13		$47.03
57421	Exam/biopsy of vag w/scope		T	0189	3.4866	$235.13		$47.03
57423	Repair paravag defect, lap		T	0202	44.3545	$2,991.22	$981.50	$598.25
57425	Laparoscopy, surg, colpopexy		T	0130	37.6286	$2,537.64	$659.53	$507.53
57452	Exam of cervix w/scope	CH	T	0188	1.5209	$102.57		$20.52
57454	Bx/curett of cervix w/scope		T	0189	3.4866	$235.13		$47.03
57455	Biopsy of cervix w/scope		T	0189	3.4866	$235.13		$47.03
57456	Endocerv curettage w/scope		T	0189	3.4866	$235.13		$47.03
57460	Bx of cervix w/scope, leep		T	0193	19.9751	$1,347.10		$269.42
57461	Conz of cervix w/scope, leep		T	0193	19.9751	$1,347.10		$269.42
57500	Biopsy of cervix		T	0192	6.7169	$452.98		$90.60
57505	Endocervical curettage		T	0192	6.7169	$452.98		$90.60
57510	Cauterization of cervix		T	0193	19.9751	$1,347.10		$269.42
57511	Cryocautery of cervix		T	0188	1.5209	$102.57		$20.52
57513	Laser surgery of cervix		T	0193	19.9751	$1,347.10		$269.42
57520	Conization of cervix		T	0193	19.9751	$1,347.10		$269.42
57522	Conization of cervix		T	0193	19.9751	$1,347.10		$269.42
57530	Removal of cervix		T	0195	35.1179	$2,368.32	$483.80	$473.67
57531	Removal of cervix, radical		C					
57540	Removal of residual cervix		C					
57545	Remove cervix/repair pelvis		C					
57550	Removal of residual cervix		T	0195	35.1179	$2,368.32	$483.80	$473.67
57555	Remove cervix/repair vagina		T	0195	35.1179	$2,368.32	$483.80	$473.67
57556	Remove cervix, repair bowel		T	0202	44.3545	$2,991.22	$981.50	$598.25
57558	D&c of cervical stump		T	0193	19.9751	$1,347.10		$269.42
57700	Revision of cervix		T	0193	19.9751	$1,347.10		$269.42
57720	Revision of cervix		T	0193	19.9751	$1,347.10		$269.42
57800	Dilation of cervical canal		T	0193	19.9751	$1,347.10		$269.42
58100	Biopsy of uterus lining		T	0188	1.5209	$102.57		$20.52
58110	Bx done w/colposcopy add-on		N					
58120	Dilation and curettage		T	0193	19.9751	$1,347.10		$269.42
58140	Myomectomy abdom method		C					
58145	Myomectomy vag method		T	0195	35.1179	$2,368.32	$483.80	$473.67
58146	Myomectomy abdom complex		C					
58150	Total hysterectomy		C					
58152	Total hysterectomy		C					
58180	Partial hysterectomy		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
58200	Extensive hysterectomy		C					
58210	Extensive hysterectomy		C					
58240	Removal of pelvis contents		C					
58260	Vaginal hysterectomy		T	0195	35.1179	$2,368.32	$483.80	$473.67
58262	Vag hyst including t/o		T	0195	35.1179	$2,368.32	$483.80	$473.67
58263	Vag hyst w/t/o & vag repair		T	0195	35.1179	$2,368.32	$483.80	$473.67
58267	Vag hyst w/urinary repair		C					
58270	Vag hyst w/enterocele repair		T	0195	35.1179	$2,368.32	$483.80	$473.67
58275	Hysterectomy/revise vagina		C					
58280	Hysterectomy/revise vagina		C					
58285	Extensive hysterectomy		C					
58290	Vag hyst complex		T	0202	44.3545	$2,991.22	$981.50	$598.25
58291	Vag hyst incl t/o, complex		T	0202	44.3545	$2,991.22	$981.50	$598.25
58292	Vag hyst t/o & repair, compl		T	0202	44.3545	$2,991.22	$981.50	$598.25
58293	Vag hyst w/uro repair, compl		C					
58294	Vag hyst w/enterocele, compl		T	0202	44.3545	$2,991.22	$981.50	$598.25
58300	Insert intrauterine device		E					
58301	Remove intrauterine device		T	0188	1.5209	$102.57		$20.52
58321	Artificial insemination		T	0189	3.4866	$235.13		$47.03
58322	Artificial insemination		T	0189	3.4866	$235.13		$47.03
58323	Sperm washing		T	0189	3.4866	$235.13		$47.03
58340	Catheter for hysterography		N					
58345	Reopen fallopian tube		T	0193	19.9751	$1,347.10		$269.42
58346	Insert heyman uteri capsule		T	0193	19.9751	$1,347.10		$269.42
58350	Reopen fallopian tube		T	0195	35.1179	$2,368.32	$483.80	$473.67
58353	Endometr ablate, thermal		T	0195	35.1179	$2,368.32	$483.80	$473.67
58356	Endometrial cryoablation		T	0202	44.3545	$2,991.22	$981.50	$598.25
58400	Suspension of uterus		C					
58410	Suspension of uterus		C					
58520	Repair of ruptured uterus		C					
58540	Revision of uterus		C					
58541	Lsh, uterus 250 g or less		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
58542	Lsh w/t/o ut 250 g or less		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
58543	Lsh uterus above 250 g		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
58544	Lsh w/t/o uterus above 250 g		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
58545	Laparoscopic myomectomy		T	0130	37.6286	$2,537.64	$659.53	$507.53
58546	Laparo-myomectomy, complex		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58548	Lap radical hyst		C					
58550	Laparo-asst vag hysterectomy		T	0132	72.7026	$4,902.99	$1,239.22	$980.60
58552	Laparo-vag hyst incl t/o		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58553	Laparo-vag hyst, complex		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58554	Laparo-vag hyst w/t/o, compl		T	0131	47.1642	$3,180.71	$1,001.89	$636.15

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
58555	Hysteroscopy, dx, sep proc		T	0190	22.5891	$1,523.39	$424.28	$304.68
58558	Hysteroscopy, biopsy		T	0190	22.5891	$1,523.39	$424.28	$304.68
58559	Hysteroscopy, lysis		T	0190	22.5891	$1,523.39	$424.28	$304.68
58560	Hysteroscopy, resect septum		T	0387	37.0661	$2,499.70	$655.55	$499.94
58561	Hysteroscopy, remove myoma		T	0387	37.0661	$2,499.70	$655.55	$499.94
58562	Hysteroscopy, remove fb		T	0190	22.5891	$1,523.39	$424.28	$304.68
58563	Hysteroscopy, ablation		T	0387	37.0661	$2,499.70	$655.55	$499.94
58565	Hysteroscopy, sterilization		T	0202	44.3545	$2,991.22	$981.50	$598.25
58570	Tlh, uterus 250 g or less		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58571	Tlh w/t/o 250 g or less		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58572	Tlh, uterus over 250 g		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58573	Tlh w/t/o uterus over 250 g		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58578	Laparo proc, uterus		T	0130	37.6286	$2,537.64	$659.53	$507.53
58579	Hysteroscope procedure		T	0190	22.5891	$1,523.39	$424.28	$304.68
58600	Division of fallopian tube		T	0195	35.1179	$2,368.32	$483.80	$473.67
58605	Division of fallopian tube		C					
58611	Ligate oviduct(s) add-on		C					
58615	Occlude fallopian tube(s)		T	0193	19.9751	$1,347.10		$269.42
58660	Laparoscopy, lysis		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58661	Laparoscopy, remove adnexa		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58662	Laparoscopy, excise lesions		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58670	Laparoscopy, tubal cautery		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58671	Laparoscopy, tubal block		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58672	Laparoscopy, fimbrioplasty		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58673	Laparoscopy, salpingostomy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
58679	Laparo proc, oviduct-ovary		T	0130	37.6286	$2,537.64	$659.53	$507.53
58700	Removal of fallopian tube		C					
58720	Removal of ovary/tube(s)		C					
58740	Adhesiolysis tube, ovary		C					
58750	Repair oviduct		C					
58752	Revise ovarian tube(s)		C					
58760	Fimbrioplasty		C					
58770	Create new tubal opening		T	0195	35.1179	$2,368.32	$483.80	$473.67
58800	Drainage of ovarian cyst(s)		T	0193	19.9751	$1,347.10		$269.42
58805	Drainage of ovarian cyst(s)		T	0195	35.1179	$2,368.32	$483.80	$473.67
58820	Drain ovary abscess, open		T	0195	35.1179	$2,368.32	$483.80	$473.67
58822	Drain ovary abscess, percut		C					
58823	Drain pelvic abscess, percut		T	0193	19.9751	$1,347.10		$269.42
58825	Transposition, ovary(s)		C					
58900	Biopsy of ovary(s)		T	0193	19.9751	$1,347.10		$269.42
58920	Partial removal of ovary(s)		T	0195	35.1179	$2,368.32	$483.80	$473.67
58925	Removal of ovarian cyst(s)		T	0195	35.1179	$2,368.32	$483.80	$473.67

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
58940	Removal of ovary(s)		C					
58943	Removal of ovary(s)		C					
58950	Resect ovarian malignancy		C					
58951	Resect ovarian malignancy		C					
58952	Resect ovarian malignancy		C					
58953	Tah, rad dissect for debulk		C					
58954	Tah rad debulk/lymph remove		C					
58956	Bso, omentectomy w/tah		C					
58957	Resect recurrent gyn mal		C					
58958	Resect recur gyn mal w/lym		C					
58960	Exploration of abdomen		C					
58970	Retrieval of oocyte		T	0189	3.4866	$235.13		$47.03
58974	Transfer of embryo		T	0189	3.4866	$235.13		$47.03
58976	Transfer of embryo		T	0189	3.4866	$235.13		$47.03
58999	Genital surgery procedure		T	0191	0.1502	$10.13	$2.36	$2.03
59000	Amniocentesis, diagnostic		T	0189	3.4866	$235.13		$47.03
59001	Amniocentesis, therapeutic		T	0192	6.7169	$452.98		$90.60
59012	Fetal cord puncture,prenatal		T	0189	3.4866	$235.13		$47.03
59015	Chorion biopsy		T	0189	3.4866	$235.13		$47.03
59020	Fetal contract stress test		T	0188	1.5209	$102.57		$20.52
59025	Fetal non-stress test		T	0188	1.5209	$102.57		$20.52
59030	Fetal scalp blood sample		T	0189	3.4866	$235.13		$47.03
59050	Fetal monitor w/report		M					
59051	Fetal monitor/interpret only		B					
59070	Transabdom amnioinfus w/us	CH	T	0188	1.5209	$102.57		$20.52
59072	Umbilical cord occlud w/us		T	0189	3.4866	$235.13		$47.03
59074	Fetal fluid drainage w/us		T	0189	3.4866	$235.13		$47.03
59076	Fetal shunt placement, w/us		T	0189	3.4866	$235.13		$47.03
59100	Remove uterus lesion		T	0195	35.1179	$2,368.32	$483.80	$473.67
59120	Treat ectopic pregnancy		C					
59121	Treat ectopic pregnancy		C					
59130	Treat ectopic pregnancy		C					
59135	Treat ectopic pregnancy		C					
59136	Treat ectopic pregnancy		C					
59140	Treat ectopic pregnancy		C					
59150	Treat ectopic pregnancy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
59151	Treat ectopic pregnancy		T	0131	47.1642	$3,180.71	$1,001.89	$636.15
59160	D & c after delivery		T	0193	19.9751	$1,347.10		$269.42
59200	Insert cervical dilator	CH	T	0188	1.5209	$102.57		$20.52
59300	Episiotomy or vaginal repair		T	0193	19.9751	$1,347.10		$269.42
59320	Revision of cervix		T	0193	19.9751	$1,347.10		$269.42
59325	Revision of cervix		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
59350	Repair of uterus		C					
59400	Obstetrical care		B					
59409	Obstetrical care		T	0193	19.9751	$1,347.10		$269.42
59410	Obstetrical care		B					
59412	Antepartum manipulation		T	0193	19.9751	$1,347.10		$269.42
59414	Deliver placenta		T	0193	19.9751	$1,347.10		$269.42
59425	Antepartum care only		B					
59426	Antepartum care only		B					
59430	Care after delivery		B					
59510	Cesarean delivery		B					
59514	Cesarean delivery only		C					
59515	Cesarean delivery		B					
59525	Remove uterus after cesarean		C					
59610	Vbac delivery		B					
59612	Vbac delivery only		T	0193	19.9751	$1,347.10		$269.42
59614	Vbac care after delivery		B					
59618	Attempted vbac delivery		B					
59620	Attempted vbac delivery only		C					
59622	Attempted vbac after care		B					
59812	Treatment of miscarriage		T	0193	19.9751	$1,347.10		$269.42
59820	Care of miscarriage		T	0193	19.9751	$1,347.10		$269.42
59821	Treatment of miscarriage		T	0193	19.9751	$1,347.10		$269.42
59830	Treat uterus infection		C					
59840	Abortion		T	0193	19.9751	$1,347.10		$269.42
59841	Abortion		T	0193	19.9751	$1,347.10		$269.42
59850	Abortion		C					
59851	Abortion		C					
59852	Abortion		C					
59855	Abortion		C					
59856	Abortion		C					
59857	Abortion		C					
59866	Abortion (mpr)		T	0189	3.4866	$235.13		$47.03
59870	Evacuate mole of uterus		T	0193	19.9751	$1,347.10		$269.42
59871	Remove cerclage suture		T	0193	19.9751	$1,347.10		$269.42
59897	Fetal invas px w/us		T	0191	0.1502	$10.13	$2.36	$2.03
59898	Laparo proc, ob care/deliver		T	0130	37.6286	$2,537.64	$659.53	$507.53
59899	Maternity care procedure		T	0191	0.1502	$10.13	$2.36	$2.03
60000	Drain thyroid/tongue cyst		T	0252	7.5340	$508.09	$109.16	$101.62
60100	Biopsy of thyroid		T	0004	4.5886	$309.45		$61.89
60200	Remove thyroid lesion		T	0114	48.6341	$3,279.84		$655.97
60210	Partial thyroid excision		T	0114	48.6341	$3,279.84		$655.97
60212	Partial thyroid excision		T	0114	48.6341	$3,279.84		$655.97

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
60220	Partial removal of thyroid		T	0114	48.6341	$3,279.84		$655.97
60225	Partial removal of thyroid		T	0114	48.6341	$3,279.84		$655.97
60240	Removal of thyroid		T	0114	48.6341	$3,279.84		$655.97
60252	Removal of thyroid		T	0256	42.8890	$2,892.39		$578.48
60254	Extensive thyroid surgery		C					
60260	Repeat thyroid surgery		T	0256	42.8890	$2,892.39		$578.48
60270	Removal of thyroid		C					
60271	Removal of thyroid		T	0256	42.8890	$2,892.39		$578.48
60280	Remove thyroid duct lesion		T	0114	48.6341	$3,279.84		$655.97
60281	Remove thyroid duct lesion		T	0114	48.6341	$3,279.84		$655.97
60300	Aspir/inj thyroid cyst		T	0004	4.5886	$309.45		$61.89
60500	Explore parathyroid glands		T	0256	42.8890	$2,892.39		$578.48
60502	Re-explore parathyroids		T	0256	42.8890	$2,892.39		$578.48
60505	Explore parathyroid glands		C					
60512	Autotransplant parathyroid		T	0022	22.4616	$1,514.79	$354.45	$302.96
60520	Removal of thymus gland		T	0256	42.8890	$2,892.39		$578.48
60521	Removal of thymus gland		C					
60522	Removal of thymus gland		C					
60540	Explore adrenal gland		C					
60545	Explore adrenal gland		C					
60600	Remove carotid body lesion		C					
60605	Remove carotid body lesion		C					
60650	Laparoscopy adrenalectomy		C					
60659	Laparo proc, endocrine		T	0130	37.6286	$2,537.64	$659.53	$507.53
60699	Endocrine surgery procedure		T	0114	48.6341	$3,279.84		$655.97
61000	Remove cranial cavity fluid		T	0207	7.4043	$499.34		$99.87
61001	Remove cranial cavity fluid		T	0207	7.4043	$499.34		$99.87
61020	Remove brain cavity fluid		T	0207	7.4043	$499.34		$99.87
61026	Injection into brain canal		T	0207	7.4043	$499.34		$99.87
61050	Remove brain canal fluid		T	0207	7.4043	$499.34		$99.87
61055	Injection into brain canal		T	0207	7.4043	$499.34		$99.87
61070	Brain canal shunt procedure		T	0121	6.3407	$427.61		$85.53
61105	Twist drill hole		C					
61107	Drill skull for implantation		C					
61108	Drill skull for drainage		C					
61120	Burr hole for puncture		C					
61140	Pierce skull for biopsy		C					
61150	Pierce skull for drainage		C					
61151	Pierce skull for drainage		C					
61154	Pierce skull & remove clot		C					
61156	Pierce skull for drainage		C					
61210	Pierce skull, implant device		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
61215	Insert brain-fluid device		T	0224	40.7150	$2,745.78		$549.16
61250	Pierce skull & explore		C					
61253	Pierce skull & explore		C					
61304	Open skull for exploration		C					
61305	Open skull for exploration		C					
61312	Open skull for drainage		C					
61313	Open skull for drainage		C					
61314	Open skull for drainage		C					
61315	Open skull for drainage		C					
61316	Implt cran bone flap to abdo		C					
61320	Open skull for drainage		C					
61321	Open skull for drainage		C					
61322	Decompressive craniotomy		C					
61323	Decompressive lobectomy		C					
61330	Decompress eye socket		T	0256	42.8890	$2,892.39		$578.48
61332	Explore/biopsy eye socket		C					
61333	Explore orbit/remove lesion		C					
61334	Explore orbit/remove object		T	0256	42.8890	$2,892.39		$578.48
61340	Subtemporal decompression		C					
61343	Incise skull (press relief)		C					
61345	Relieve cranial pressure		C					
61440	Incise skull for surgery		C					
61450	Incise skull for surgery		C					
61458	Incise skull for brain wound		C					
61460	Incise skull for surgery		C					
61470	Incise skull for surgery		C					
61480	Incise skull for surgery		C					
61490	Incise skull for surgery		C					
61500	Removal of skull lesion		C					
61501	Remove infected skull bone		C					
61510	Removal of brain lesion		C					
61512	Remove brain lining lesion		C					
61514	Removal of brain abscess		C					
61516	Removal of brain lesion		C					
61517	Implt brain chemotx add-on		C					
61518	Removal of brain lesion		C					
61519	Remove brain lining lesion		C					
61520	Removal of brain lesion		C					
61521	Removal of brain lesion		C					
61522	Removal of brain abscess		C					
61524	Removal of brain lesion		C					
61526	Removal of brain lesion		C					

ADDENDUM B.–PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
61530	Removal of brain lesion		C					
61531	Implant brain electrodes		C					
61533	Implant brain electrodes		C					
61534	Removal of brain lesion		C					
61535	Remove brain electrodes		C					
61536	Removal of brain lesion		C					
61537	Removal of brain tissue		C					
61538	Removal of brain tissue		C					
61539	Removal of brain tissue		C					
61540	Removal of brain tissue		C					
61541	Incision of brain tissue		C					
61542	Removal of brain tissue		C					
61543	Removal of brain tissue		C					
61544	Remove & treat brain lesion		C					
61545	Excision of brain tumor		C					
61546	Removal of pituitary gland		C					
61548	Removal of pituitary gland		C					
61550	Release of skull seams		C					
61552	Release of skull seams		C					
61556	Incise skull/sutures		C					
61557	Incise skull/sutures		C					
61558	Excision of skull/sutures		C					
61559	Excision of skull/sutures		C					
61563	Excision of skull tumor		C					
61564	Excision of skull tumor		C					
61566	Removal of brain tissue		C					
61567	Incision of brain tissue		C					
61570	Remove foreign body, brain		C					
61571	Incise skull for brain wound		C					
61575	Skull base/brainstem surgery		C					
61576	Skull base/brainstem surgery		C					
61580	Craniofacial approach, skull		C					
61581	Craniofacial approach, skull		C					
61582	Craniofacial approach, skull		C					
61583	Craniofacial approach, skull		C					
61584	Orbitocranial approach/skull		C					
61585	Orbitocranial approach/skull		C					
61586	Resect nasopharynx, skull		C					
61590	Infratemporal approach/skull		C					
61591	Infratemporal approach/skull		C					
61592	Orbitocranial approach/skull		C					
61595	Transtemporal approach/skull		C					

ADDENDUM B.–PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
61596	Transcochlear approach/skull		C					
61597	Transcondylar approach/skull		C					
61598	Transpetrosal approach/skull		C					
61600	Resect/excise cranial lesion		C					
61601	Resect/excise cranial lesion		C					
61605	Resect/excise cranial lesion		C					
61606	Resect/excise cranial lesion		C					
61607	Resect/excise cranial lesion		C					
61608	Resect/excise cranial lesion		C					
61609	Transect artery, sinus		C					
61610	Transect artery, sinus		C					
61611	Transect artery, sinus		C					
61612	Transect artery, sinus		C					
61613	Remove aneurysm, sinus		C					
61615	Resect/excise lesion, skull		C					
61616	Resect/excise lesion, skull		C					
61618	Repair dura		C					
61619	Repair dura		C					
61623	Endovasc tempory vessel occl		T	0082	91.2890	$6,156.44		$1,231.29
61624	Transcath occlusion, cns		C					
61626	Transcath occlusion, non-cns		T	0082	91.2890	$6,156.44		$1,231.29
61630	Intracranial angioplasty		C					
61635	Intracran angioplsty w/stent		C					
61640	Dilate ic vasospasm, init		E					
61641	Dilate ic vasospasm add-on		E					
61642	Dilate ic vasospasm add-on		E					
61680	Intracranial vessel surgery		C					
61682	Intracranial vessel surgery		C					
61684	Intracranial vessel surgery		C					
61686	Intracranial vessel surgery		C					
61690	Intracranial vessel surgery		C					
61692	Intracranial vessel surgery		C					
61697	Brain aneurysm repr, complx		C					
61698	Brain aneurysm repr, complx		C					
61700	Brain aneurysm repr, simple		C					
61702	Inner skull vessel surgery		C					
61703	Clamp neck artery		C					
61705	Revise circulation to head		C					
61708	Revise circulation to head		C					
61710	Revise circulation to head		C					
61711	Fusion of skull arteries		C					
61720	Incise skull/brain surgery		T	0221	37.0582	$2,499.17		$499.84

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
61735	Incise skull/brain surgery		C					
61750	Incise skull/brain biopsy		C					
61751	Brain biopsy w/ct/mr guide		C					
61760	Implant brain electrodes		C					
61770	Incise skull for treatment		T	0221	37.0582	$2,499.17		$499.84
61790	Treat trigeminal nerve		T	0220	18.7545	$1,264.78		$252.96
61791	Treat trigeminal tract		T	0203	15.6673	$1,056.59	$240.33	$211.32
61795	Brain surgery using computer		N					
61796	Srs, cranial lesion simple		B					
61797	Srs, cran les simple, addl		B					
61798	Srs, cranial lesion complex		B					
61799	Srs, cran les complex, addl		B					
61800	Apply srs headframe add-on		B					
61850	Implant neuroelectrodes		C					
61860	Implant neuroelectrodes		C					
61863	Implant neuroelectrode		C					
61864	Implant neuroelectrde, addl		C					
61867	Implant neuroelectrode		C					
61868	Implant neuroelectrde, add'l		C					
61870	Implant neuroelectrodes		C					
61875	Implant neuroelectrodes		C					
61880	Revise/remove neuroelectrode		T	0687	19.0861	$1,287.15	$394.28	$257.43
61885	Insrt/redo neurostim 1 array		S	0039	205.1503	$13,835.13		$2,767.03
61886	Implant neurostim arrays		S	0315	273.6298	$18,453.32		$3,690.67
61888	Revise/remove neuroreceiver		T	0688	28.7757	$1,940.60	$774.22	$388.12
62000	Treat skull fracture		T	0254	24.8215	$1,673.94		$334.79
62005	Treat skull fracture		C					
62010	Treatment of head injury		C					
62100	Repair brain fluid leakage		C					
62115	Reduction of skull defect		C					
62116	Reduction of skull defect		C					
62117	Reduction of skull defect		C					
62120	Repair skull cavity lesion		C					
62121	Incise skull repair		C					
62140	Repair of skull defect		C					
62141	Repair of skull defect		C					
62142	Remove skull plate/flap		C					
62143	Replace skull plate/flap		C					
62145	Repair of skull & brain		C					
62146	Repair of skull with graft		C					
62147	Repair of skull with graft		C					
62148	Retr bone flap to fix skull		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
62160	Neuroendoscopy add-on		N					
62161	Dissect brain w/scope		C					
62162	Remove colloid cyst w/scope		C					
62163	Neuroendoscopy w/fb removal		C					
62164	Remove brain tumor w/scope		C					
62165	Remove pituit tumor w/scope		C					
62180	Establish brain cavity shunt		C					
62190	Establish brain cavity shunt		C					
62192	Establish brain cavity shunt		C					
62194	Replace/irrigate catheter		T	0207	7.4043	$499.34		$99.87
62200	Establish brain cavity shunt		C					
62201	Brain cavity shunt w/scope		C					
62220	Establish brain cavity shunt		C					
62223	Establish brain cavity shunt		C					
62225	Replace/irrigate catheter		T	0427	16.0318	$1,081.17		$216.24
62230	Replace/revise brain shunt		T	0224	40.7150	$2,745.78		$549.16
62252	Csf shunt reprogram		S	0691	2.2764	$153.52		$30.71
62256	Remove brain cavity shunt		C					
62258	Replace brain cavity shunt		C					
62263	Epidural lysis mult sessions		T	0207	7.4043	$499.34		$99.87
62264	Epidural lysis on single day		T	0203	15.6673	$1,056.59	$240.33	$211.32
62267	Interdiscal perq aspir, dx		T	0004	4.5886	$309.45		$61.89
62268	Drain spinal cord cyst		T	0207	7.4043	$499.34		$99.87
62269	Needle biopsy, spinal cord		T	0685	9.6646	$651.77		$130.36
62270	Spinal fluid tap, diagnostic		T	0206	3.7273	$251.37	$51.76	$50.28
62272	Drain cerebro spinal fluid		T	0206	3.7273	$251.37	$51.76	$50.28
62273	Inject epidural patch		T	0206	3.7273	$251.37	$51.76	$50.28
62280	Treat spinal cord lesion		T	0207	7.4043	$499.34		$99.87
62281	Treat spinal cord lesion		T	0207	7.4043	$499.34		$99.87
62282	Treat spinal canal lesion		T	0207	7.4043	$499.34		$99.87
62284	Injection for myelogram		N					
62287	Percutaneous diskectomy		T	0221	37.0582	$2,499.17		$499.84
62290	Inject for spine disk x-ray		N					
62291	Inject for spine disk x-ray		N					
62292	Injection into disk lesion		T	0207	7.4043	$499.34		$99.87
62294	Injection into spinal artery		T	0207	7.4043	$499.34		$99.87
62310	Inject spine c/t		T	0207	7.4043	$499.34		$99.87
62311	Inject spine l/s (cd)		T	0207	7.4043	$499.34		$99.87
62318	Inject spine w/cath, c/t		T	0207	7.4043	$499.34		$99.87
62319	Inject spine w/cath l/s (cd)		T	0207	7.4043	$499.34		$99.87
62350	Implant spinal canal cath		T	0224	40.7150	$2,745.78		$549.16
62351	Implant spinal canal cath		T	0208	49.7505	$3,355.12		$671.03

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
62355	Remove spinal canal catheter		T	0203	15.6673	$1,056.59	$240.33	$211.32
62360	Insert spine infusion device		T	0224	40.7150	$2,745.78		$549.16
62361	Implant spine infusion pump		T	0227	193.2505	$13,032.62		$2,606.53
62362	Implant spine infusion pump		T	0227	193.2505	$13,032.62		$2,606.53
62365	Remove spine infusion device		T	0221	37.0582	$2,499.17		$499.84
62367	Analyze spine infusion pump	CH	S	0691	2.2764	$153.52		$30.71
62368	Analyze spine infusion pump		S	0691	2.2764	$153.52		$30.71
63001	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63003	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63005	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63011	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63012	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63015	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63016	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63017	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63020	Neck spine disk surgery		T	0208	49.7505	$3,355.12		$671.03
63030	Low back disk surgery		T	0208	49.7505	$3,355.12		$671.03
63035	Spinal disk surgery add-on		T	0208	49.7505	$3,355.12		$671.03
63040	Laminotomy, single cervical		T	0208	49.7505	$3,355.12		$671.03
63042	Laminotomy, single lumbar		T	0208	49.7505	$3,355.12		$671.03
63043	Laminotomy, add'l cervical		C					
63044	Laminotomy, add'l lumbar		C					
63045	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63046	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63047	Removal of spinal lamina		T	0208	49.7505	$3,355.12		$671.03
63048	Remove spinal lamina add-on		T	0208	49.7505	$3,355.12		$671.03
63050	Cervical laminoplasty		C					
63051	C-laminoplasty w/graft/plate		C					
63055	Decompress spinal cord		T	0208	49.7505	$3,355.12		$671.03
63056	Decompress spinal cord		T	0208	49.7505	$3,355.12		$671.03
63057	Decompress spine cord add-on		T	0208	49.7505	$3,355.12		$671.03
63064	Decompress spinal cord		T	0208	49.7505	$3,355.12		$671.03
63066	Decompress spine cord add-on		T	0208	49.7505	$3,355.12		$671.03
63075	Neck spine disk surgery		T	0208	49.7505	$3,355.12		$671.03
63076	Neck spine disk surgery		C					
63077	Spine disk surgery, thorax		C					
63078	Spine disk surgery, thorax		C					
63081	Removal of vertebral body		C					
63082	Remove vertebral body add-on		C					
63085	Removal of vertebral body		C					
63086	Remove vertebral body add-on		C					
63087	Removal of vertebral body		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
63088	Remove vertebral body add-on		C					
63090	Removal of vertebral body		C					
63091	Remove vertebral body add-on		C					
63101	Removal of vertebral body		C					
63102	Removal of vertebral body		C					
63103	Remove vertebral body add-on		C					
63170	Incise spinal cord tract(s)		C					
63172	Drainage of spinal cyst		C					
63173	Drainage of spinal cyst		C					
63180	Revise spinal cord ligaments		C					
63182	Revise spinal cord ligaments		C					
63185	Incise spinal column/nerves		C					
63190	Incise spinal column/nerves		C					
63191	Incise spinal column/nerves		C					
63194	Incise spinal column & cord		C					
63195	Incise spinal column & cord		C					
63196	Incise spinal column & cord		C					
63197	Incise spinal column & cord		C					
63198	Incise spinal column & cord		C					
63199	Incise spinal column & cord		C					
63200	Release of spinal cord		C					
63250	Revise spinal cord vessels		C					
63251	Revise spinal cord vessels		C					
63252	Revise spinal cord vessels		C					
63265	Excise intraspinal lesion		C					
63266	Excise intraspinal lesion		C					
63267	Excise intraspinal lesion		C					
63268	Excise intraspinal lesion		C					
63270	Excise intraspinal lesion		C					
63271	Excise intraspinal lesion		C					
63272	Excise intraspinal lesion		C					
63273	Excise intraspinal lesion		C					
63275	Biopsy/excise spinal tumor		C					
63276	Biopsy/excise spinal tumor		C					
63277	Biopsy/excise spinal tumor		C					
63278	Biopsy/excise spinal tumor		C					
63280	Biopsy/excise spinal tumor		C					
63281	Biopsy/excise spinal tumor		C					
63282	Biopsy/excise spinal tumor		C					
63283	Biopsy/excise spinal tumor		C					
63285	Biopsy/excise spinal tumor		C					
63286	Biopsy/excise spinal tumor		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
63287	Biopsy/excise spinal tumor		C					
63290	Biopsy/excise spinal tumor		C					
63295	Repair of laminectomy defect		C					
63300	Removal of vertebral body		C					
63301	Removal of vertebral body		C					
63302	Removal of vertebral body		C					
63303	Removal of vertebral body		C					
63304	Removal of vertebral body		C					
63305	Removal of vertebral body		C					
63306	Removal of vertebral body		C					
63307	Removal of vertebral body		C					
63308	Remove vertebral body add-on		C					
63600	Remove spinal cord lesion		T	0220	18.7545	$1,264.78		$252.96
63610	Stimulation of spinal cord		T	0220	18.7545	$1,264.78		$252.96
63615	Remove lesion of spinal cord		T	0220	18.7545	$1,264.78		$252.96
63620	Srs, spinal lesion		B					
63621	Srs, spinal lesion, addl		B					
63650	Implant neuroelectrodes		S	0040	65.1812	$4,395.75		$879.15
63655	Implant neuroelectrodes		S	0061	86.4702	$5,831.46		$1,166.30
63660	Revise/remove neuroelectrode		T	0687	19.0861	$1,287.15	$394.28	$257.43
63685	Insrt/redo spine n generator	CH	S	0039	205.1503	$13,835.13		$2,767.03
63688	Revise/remove neuroreceiver		T	0688	28.7757	$1,940.60	$774.22	$388.12
63700	Repair of spinal herniation		C					
63702	Repair of spinal herniation		C					
63704	Repair of spinal herniation		C					
63706	Repair of spinal herniation		C					
63707	Repair spinal fluid leakage		C					
63709	Repair spinal fluid leakage		C					
63710	Graft repair of spine defect		C					
63740	Install spinal shunt		C					
63741	Install spinal shunt		T	0224	40.7150	$2,745.78		$549.16
63744	Revision of spinal shunt		T	0224	40.7150	$2,745.78		$549.16
63746	Removal of spinal shunt		T	0203	15.6673	$1,056.59	$240.33	$211.32
64400	N block inj, trigeminal		T	0204	2.6572	$179.20	$40.13	$35.84
64402	N block inj, facial		T	0204	2.6572	$179.20	$40.13	$35.84
64405	N block inj, occipital		T	0206	3.7273	$251.37	$51.76	$50.28
64408	N block inj, vagus	CH	T	0207	7.4043	$499.34		$99.87
64410	N block inj, phrenic		T	0207	7.4043	$499.34		$99.87
64412	N block inj, spinal accessor		T	0207	7.4043	$499.34		$99.87
64413	N block inj, cervical plexus		T	0206	3.7273	$251.37	$51.76	$50.28
64415	N block inj, brachial plexus		T	0206	3.7273	$251.37	$51.76	$50.28
64416	N block cont infuse, b plex		T	0207	7.4043	$499.34		$99.87

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
64417	N block inj, axillary		T	0206	3.7273	$251.37	$51.76	$50.28
64418	N block inj, suprascapular		T	0206	3.7273	$251.37	$51.76	$50.28
64420	N block inj, intercost, sng		T	0206	3.7273	$251.37	$51.76	$50.28
64421	N block inj, intercost, mlt		T	0207	7.4043	$499.34		$99.87
64425	N block inj, ilio-ing/hypogi		T	0206	3.7273	$251.37	$51.76	$50.28
64430	N block inj, pudendal		T	0207	7.4043	$499.34		$99.87
64435	N block inj, paracervical		T	0206	3.7273	$251.37	$51.76	$50.28
64445	N block inj, sciatic, sng	CH	T	0207	7.4043	$499.34		$99.87
64446	N blk inj, sciatic, cont inf	CH	T	0207	7.4043	$499.34		$99.87
64447	N block inj fem, single		T	0206	3.7273	$251.37	$51.76	$50.28
64448	N block inj fem, cont inf	CH	T	0207	7.4043	$499.34		$99.87
64449	N block inj, lumbar plexus		T	0207	7.4043	$499.34		$99.87
64450	N block, other peripheral		T	0206	3.7273	$251.37	$51.76	$50.28
64455	N block inj, plantar digit		T	0204	2.6572	$179.20	$40.13	$35.84
64470	Inj paravertebral c/t		T	0207	7.4043	$499.34		$99.87
64472	Inj paravertebral c/t add-on		T	0206	3.7273	$251.37	$51.76	$50.28
64475	Inj paravertebral l/s		T	0207	7.4043	$499.34		$99.87
64476	Inj paravertebral l/s add-on		T	0204	2.6572	$179.20	$40.13	$35.84
64479	Inj foramen epidural c/t		T	0207	7.4043	$499.34		$99.87
64480	Inj foramen epidural add-on		T	0206	3.7273	$251.37	$51.76	$50.28
64483	Inj foramen epidural l/s		T	0207	7.4043	$499.34		$99.87
64484	Inj foramen epidural add-on		T	0206	3.7273	$251.37	$51.76	$50.28
64505	N block, spenopalatine gangl		T	0204	2.6572	$179.20	$40.13	$35.84
64508	N block, carotid sinus s/p		T	0204	2.6572	$179.20	$40.13	$35.84
64510	N block, stellate ganglion		T	0207	7.4043	$499.34		$99.87
64517	N block inj, hypogas plxs		T	0207	7.4043	$499.34		$99.87
64520	N block, lumbar/thoracic		T	0207	7.4043	$499.34		$99.87
64530	N block inj, celiac pelus		T	0207	7.4043	$499.34		$99.87
64550	Apply neurostimulator		A					
64553	Implant neuroelectrodes		S	0040	65.1812	$4,395.75		$879.15
64555	Implant neuroelectrodes		S	0040	65.1812	$4,395.75		$879.15
64560	Implant neuroelectrodes		S	0040	65.1812	$4,395.75		$879.15
64561	Implant neuroelectrodes		S	0040	65.1812	$4,395.75		$879.15
64565	Implant neuroelectrodes		S	0040	65.1812	$4,395.75		$879.15
64573	Implant neuroelectrodes		S	0225	155.4285	$10,481.94		$2,096.39
64575	Implant neuroelectrodes		S	0061	86.4702	$5,831.46		$1,166.30
64577	Implant neuroelectrodes		S	0061	86.4702	$5,831.46		$1,166.30
64580	Implant neuroelectrodes		S	0061	86.4702	$5,831.46		$1,166.30
64581	Implant neuroelectrodes		S	0061	86.4702	$5,831.46		$1,166.30
64585	Revise/remove neuroelectrode		T	0687	19.0861	$1,287.15	$394.28	$257.43
64590	Insrt/redo pn/gastr stimul		S	0039	205.1503	$13,835.13		$2,767.03
64595	Revise/rmv pn/gastr stimul		T	0688	28.7757	$1,940.60	$774.22	$388.12

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
64600	Injection treatment of nerve		T	0203	15.6673	$1,056.59	$240.33	$211.32
64605	Injection treatment of nerve		T	0203	15.6673	$1,056.59	$240.33	$211.32
64610	Injection treatment of nerve		T	0203	15.6673	$1,056.59	$240.33	$211.32
64612	Destroy nerve, face muscle		T	0204	2.6572	$179.20	$40.13	$35.84
64613	Destroy nerve, neck muscle		T	0206	3.7273	$251.37	$51.76	$50.28
64614	Destroy nerve, extrem musc		T	0206	3.7273	$251.37	$51.76	$50.28
64620	Injection treatment of nerve		T	0207	7.4043	$499.34		$99.87
64622	Destr paravertebrl nerve l/s		T	0203	15.6673	$1,056.59	$240.33	$211.32
64623	Destr paravertebral n add-on		T	0207	7.4043	$499.34		$99.87
64626	Destr paravertebrl nerve c/t	CH	T	0207	7.4043	$499.34		$99.87
64627	Destr paravertebral n add-on		T	0204	2.6572	$179.20	$40.13	$35.84
64630	Injection treatment of nerve		T	0207	7.4043	$499.34		$99.87
64632	N block inj, common digit		T	0204	2.6572	$179.20	$40.13	$35.84
64640	Injection treatment of nerve		T	0207	7.4043	$499.34		$99.87
64650	Chemodenerv eccrine glands		T	0204	2.6572	$179.20	$40.13	$35.84
64653	Chemodenerv eccrine glands		T	0204	2.6572	$179.20	$40.13	$35.84
64680	Injection treatment of nerve	CH	T	0207	7.4043	$499.34		$99.87
64681	Injection treatment of nerve		T	0203	15.6673	$1,056.59	$240.33	$211.32
64702	Revise finger/toe nerve		T	0220	18.7545	$1,264.78		$252.96
64704	Revise hand/foot nerve		T	0220	18.7545	$1,264.78		$252.96
64708	Revise arm/leg nerve		T	0220	18.7545	$1,264.78		$252.96
64712	Revision of sciatic nerve		T	0220	18.7545	$1,264.78		$252.96
64713	Revision of arm nerve(s)		T	0220	18.7545	$1,264.78		$252.96
64714	Revise low back nerve(s)		T	0220	18.7545	$1,264.78		$252.96
64716	Revision of cranial nerve		T	0220	18.7545	$1,264.78		$252.96
64718	Revise ulnar nerve at elbow		T	0220	18.7545	$1,264.78		$252.96
64719	Revise ulnar nerve at wrist		T	0220	18.7545	$1,264.78		$252.96
64721	Carpal tunnel surgery		T	0220	18.7545	$1,264.78		$252.96
64722	Relieve pressure on nerve(s)		T	0220	18.7545	$1,264.78		$252.96
64726	Release foot/toe nerve		T	0220	18.7545	$1,264.78		$252.96
64727	Internal nerve revision		T	0220	18.7545	$1,264.78		$252.96
64732	Incision of brow nerve		T	0220	18.7545	$1,264.78		$252.96
64734	Incision of cheek nerve		T	0220	18.7545	$1,264.78		$252.96
64736	Incision of chin nerve		T	0220	18.7545	$1,264.78		$252.96
64738	Incision of jaw nerve		T	0220	18.7545	$1,264.78		$252.96
64740	Incision of tongue nerve		T	0220	18.7545	$1,264.78		$252.96
64742	Incision of facial nerve		T	0220	18.7545	$1,264.78		$252.96
64744	Incise nerve, back of head		T	0220	18.7545	$1,264.78		$252.96
64746	Incise diaphragm nerve		T	0220	18.7545	$1,264.78		$252.96
64752	Incision of vagus nerve		C					
64755	Incision of stomach nerves		C					
64760	Incision of vagus nerve		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
64761	Incision of pelvis nerve		T	0220	18.7545	$1,264.78		$252.96
64763	Incise hip/thigh nerve		T	0220	18.7545	$1,264.78		$252.96
64766	Incise hip/thigh nerve		T	0221	37.0582	$2,499.17		$499.84
64771	Sever cranial nerve		T	0220	18.7545	$1,264.78		$252.96
64772	Incision of spinal nerve		T	0220	18.7545	$1,264.78		$252.96
64774	Remove skin nerve lesion		T	0220	18.7545	$1,264.78		$252.96
64776	Remove digit nerve lesion		T	0220	18.7545	$1,264.78		$252.96
64778	Digit nerve surgery add-on		T	0220	18.7545	$1,264.78		$252.96
64782	Remove limb nerve lesion		T	0220	18.7545	$1,264.78		$252.96
64783	Limb nerve surgery add-on		T	0220	18.7545	$1,264.78		$252.96
64784	Remove nerve lesion		T	0220	18.7545	$1,264.78		$252.96
64786	Remove sciatic nerve lesion		T	0221	37.0582	$2,499.17		$499.84
64787	Implant nerve end		T	0220	18.7545	$1,264.78		$252.96
64788	Remove skin nerve lesion		T	0220	18.7545	$1,264.78		$252.96
64790	Removal of nerve lesion		T	0220	18.7545	$1,264.78		$252.96
64792	Removal of nerve lesion		T	0221	37.0582	$2,499.17		$499.84
64795	Biopsy of nerve		T	0220	18.7545	$1,264.78		$252.96
64802	Remove sympathetic nerves		T	0220	18.7545	$1,264.78		$252.96
64804	Remove sympathetic nerves		T	0220	18.7545	$1,264.78		$252.96
64809	Remove sympathetic nerves		C					
64818	Remove sympathetic nerves		C					
64820	Remove sympathetic nerves		T	0220	18.7545	$1,264.78		$252.96
64821	Remove sympathetic nerves		T	0054	28.2465	$1,904.92		$380.99
64822	Remove sympathetic nerves		T	0054	28.2465	$1,904.92		$380.99
64823	Remove sympathetic nerves		T	0054	28.2465	$1,904.92		$380.99
64831	Repair of digit nerve		T	0221	37.0582	$2,499.17		$499.84
64832	Repair nerve add-on		T	0221	37.0582	$2,499.17		$499.84
64834	Repair of hand or foot nerve		T	0221	37.0582	$2,499.17		$499.84
64835	Repair of hand or foot nerve		T	0221	37.0582	$2,499.17		$499.84
64836	Repair of hand or foot nerve		T	0221	37.0582	$2,499.17		$499.84
64837	Repair nerve add-on		T	0221	37.0582	$2,499.17		$499.84
64840	Repair of leg nerve		T	0221	37.0582	$2,499.17		$499.84
64856	Repair/transpose nerve		T	0221	37.0582	$2,499.17		$499.84
64857	Repair arm/leg nerve		T	0221	37.0582	$2,499.17		$499.84
64858	Repair sciatic nerve		T	0221	37.0582	$2,499.17		$499.84
64859	Nerve surgery		T	0221	37.0582	$2,499.17		$499.84
64861	Repair of arm nerves		T	0221	37.0582	$2,499.17		$499.84
64862	Repair of low back nerves		T	0221	37.0582	$2,499.17		$499.84
64864	Repair of facial nerve		T	0221	37.0582	$2,499.17		$499.84
64865	Repair of facial nerve		T	0221	37.0582	$2,499.17		$499.84
64866	Fusion of facial/other nerve		C					
64868	Fusion of facial/other nerve		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
64870	Fusion of facial/other nerve		T	0221	37.0582	$2,499.17		$499.84
64872	Subsequent repair of nerve		T	0221	37.0582	$2,499.17		$499.84
64874	Repair & revise nerve add-on		T	0221	37.0582	$2,499.17		$499.84
64876	Repair nerve/shorten bone		T	0221	37.0582	$2,499.17		$499.84
64885	Nerve graft, head or neck		T	0221	37.0582	$2,499.17		$499.84
64886	Nerve graft, head or neck		T	0221	37.0582	$2,499.17		$499.84
64890	Nerve graft, hand or foot		T	0221	37.0582	$2,499.17		$499.84
64891	Nerve graft, hand or foot		T	0221	37.0582	$2,499.17		$499.84
64892	Nerve graft, arm or leg		T	0221	37.0582	$2,499.17		$499.84
64893	Nerve graft, arm or leg		T	0221	37.0582	$2,499.17		$499.84
64895	Nerve graft, hand or foot		T	0221	37.0582	$2,499.17		$499.84
64896	Nerve graft, hand or foot		T	0221	37.0582	$2,499.17		$499.84
64897	Nerve graft, arm or leg		T	0221	37.0582	$2,499.17		$499.84
64898	Nerve graft, arm or leg		T	0221	37.0582	$2,499.17		$499.84
64901	Nerve graft add-on		T	0221	37.0582	$2,499.17		$499.84
64902	Nerve graft add-on		T	0221	37.0582	$2,499.17		$499.84
64905	Nerve pedicle transfer		T	0221	37.0582	$2,499.17		$499.84
64907	Nerve pedicle transfer		T	0221	37.0582	$2,499.17		$499.84
64910	Nerve repair w/allograft		T	0221	37.0582	$2,499.17		$499.84
64911	Neurorraphy w/vein autograft		T	0221	37.0582	$2,499.17		$499.84
64999	Nervous system surgery		T	0204	2.6572	$179.20	$40.13	$35.84
65091	Revise eye		T	0242	38.8308	$2,618.71	$597.36	$523.75
65093	Revise eye with implant		T	0242	38.8308	$2,618.71	$597.36	$523.75
65101	Removal of eye		T	0242	38.8308	$2,618.71	$597.36	$523.75
65103	Remove eye/insert implant		T	0242	38.8308	$2,618.71	$597.36	$523.75
65105	Remove eye/attach implant		T	0242	38.8308	$2,618.71	$597.36	$523.75
65110	Removal of eye		T	0242	38.8308	$2,618.71	$597.36	$523.75
65112	Remove eye/revise socket		T	0242	38.8308	$2,618.71	$597.36	$523.75
65114	Remove eye/revise socket		T	0242	38.8308	$2,618.71	$597.36	$523.75
65125	Revise ocular implant		T	0241	26.4858	$1,786.18	$383.45	$357.24
65130	Insert ocular implant		T	0241	26.4858	$1,786.18	$383.45	$357.24
65135	Insert ocular implant		T	0241	26.4858	$1,786.18	$383.45	$357.24
65140	Attach ocular implant		T	0242	38.8308	$2,618.71	$597.36	$523.75
65150	Revise ocular implant		T	0241	26.4858	$1,786.18	$383.45	$357.24
65155	Reinsert ocular implant		T	0242	38.8308	$2,618.71	$597.36	$523.75
65175	Removal of ocular implant		T	0240	19.2686	$1,299.46	$309.52	$259.90
65205	Remove foreign body from eye		S	0698	0.9841	$66.37		$13.28
65210	Remove foreign body from eye		S	0698	0.9841	$66.37		$13.28
65220	Remove foreign body from eye		S	0698	0.9841	$66.37		$13.28
65222	Remove foreign body from eye		S	0698	0.9841	$66.37		$13.28
65235	Remove foreign body from eye		T	0233	16.4066	$1,106.44	$266.33	$221.29
65260	Remove foreign body from eye		T	0235	6.0497	$407.99		$81.60

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
65265	Remove foreign body from eye		T	0237	21.9719	$1,481.76		$296.36
65270	Repair of eye wound		T	0240	19.2686	$1,299.46	$309.52	$259.90
65272	Repair of eye wound		T	0234	24.3022	$1,638.92	$511.31	$327.79
65273	Repair of eye wound		C					
65275	Repair of eye wound		T	0234	24.3022	$1,638.92	$511.31	$327.79
65280	Repair of eye wound		T	0237	21.9719	$1,481.76		$296.36
65285	Repair of eye wound		T	0672	39.8051	$2,684.42		$536.89
65286	Repair of eye wound		T	0232	4.4078	$297.26	$74.47	$59.46
65290	Repair of eye socket wound		T	0243	24.7390	$1,668.37	$430.35	$333.68
65400	Removal of eye lesion		T	0233	16.4066	$1,106.44	$266.33	$221.29
65410	Biopsy of cornea		T	0233	16.4066	$1,106.44	$266.33	$221.29
65420	Removal of eye lesion		T	0233	16.4066	$1,106.44	$266.33	$221.29
65426	Removal of eye lesion		T	0234	24.3022	$1,638.92	$511.31	$327.79
65430	Corneal smear		S	0698	0.9841	$66.37		$13.28
65435	Curette/treat cornea		T	0239	7.9300	$534.79		$106.96
65436	Curette/treat cornea		T	0233	16.4066	$1,106.44	$266.33	$221.29
65450	Treatment of corneal lesion		S	0231	2.1314	$143.74		$28.75
65600	Revision of cornea		T	0240	19.2686	$1,299.46	$309.52	$259.90
65710	Corneal transplant		T	0244	37.5009	$2,529.02	$803.26	$505.81
65730	Corneal transplant		T	0244	37.5009	$2,529.02	$803.26	$505.81
65750	Corneal transplant		T	0244	37.5009	$2,529.02	$803.26	$505.81
65755	Corneal transplant		T	0244	37.5009	$2,529.02	$803.26	$505.81
65756	Corneal trnspl, endothelial		T	0244	37.5009	$2,529.02	$803.26	$505.81
65757	Prep corneal endo allograft		N					
65760	Revision of cornea		E					
65765	Revision of cornea		E					
65767	Corneal tissue transplant		E					
65770	Revise cornea with implant		T	0293	97.1843	$6,554.01		$1,310.81
65771	Radial keratotomy		E					
65772	Correction of astigmatism		T	0233	16.4066	$1,106.44	$266.33	$221.29
65775	Correction of astigmatism		T	0233	16.4066	$1,106.44	$266.33	$221.29
65780	Ocular reconst, transplant		T	0244	37.5009	$2,529.02	$803.26	$505.81
65781	Ocular reconst, transplant		T	0244	37.5009	$2,529.02	$803.26	$505.81
65782	Ocular reconst, transplant		T	0244	37.5009	$2,529.02	$803.26	$505.81
65800	Drainage of eye		T	0233	16.4066	$1,106.44	$266.33	$221.29
65805	Drainage of eye		T	0233	16.4066	$1,106.44	$266.33	$221.29
65810	Drainage of eye		T	0234	24.3022	$1,638.92	$511.31	$327.79
65815	Drainage of eye		T	0234	24.3022	$1,638.92	$511.31	$327.79
65820	Relieve inner eye pressure		T	0232	4.4078	$297.26	$74.47	$59.46
65850	Incision of eye		T	0234	24.3022	$1,638.92	$511.31	$327.79
65855	Laser surgery of eye		T	0247	5.4519	$367.67	$104.31	$73.54
65860	Incice inner eye adhesions		T	0247	5.4519	$367.67	$104.31	$73.54

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
65865	Incise inner eye adhesions		T	0233	16.4066	$1,106.44	$266.33	$221.29
65870	Incise inner eye adhesions		T	0234	24.3022	$1,638.92	$511.31	$327.79
65875	Incise inner eye adhesions		T	0234	24.3022	$1,638.92	$511.31	$327.79
65880	Incise inner eye adhesions		T	0233	16.4066	$1,106.44	$266.33	$221.29
65900	Remove eye lesion		T	0233	16.4066	$1,106.44	$266.33	$221.29
65920	Remove implant of eye		T	0234	24.3022	$1,638.92	$511.31	$327.79
65930	Remove blood clot from eye		T	0234	24.3022	$1,638.92	$511.31	$327.79
66020	Injection treatment of eye		T	0233	16.4066	$1,106.44	$266.33	$221.29
66030	Injection treatment of eye		T	0232	4.4078	$297.26	$74.47	$59.46
66130	Remove eye lesion		T	0234	24.3022	$1,638.92	$511.31	$327.79
66150	Glaucoma surgery		T	0234	24.3022	$1,638.92	$511.31	$327.79
66155	Glaucoma surgery		T	0234	24.3022	$1,638.92	$511.31	$327.79
66160	Glaucoma surgery		T	0234	24.3022	$1,638.92	$511.31	$327.79
66165	Glaucoma surgery		T	0234	24.3022	$1,638.92	$511.31	$327.79
66170	Glaucoma surgery		T	0234	24.3022	$1,638.92	$511.31	$327.79
66172	Incision of eye		T	0234	24.3022	$1,638.92	$511.31	$327.79
66180	Implant eye shunt		T	0673	41.3279	$2,787.11	$649.56	$557.43
66185	Revise eye shunt	CH	T	0234	24.3022	$1,638.92	$511.31	$327.79
66220	Repair eye lesion		T	0672	39.8051	$2,684.42		$536.89
66225	Repair/graft eye lesion		T	0673	41.3279	$2,787.11	$649.56	$557.43
66250	Follow-up surgery of eye		T	0233	16.4066	$1,106.44	$266.33	$221.29
66500	Incision of iris		T	0232	4.4078	$297.26	$74.47	$59.46
66505	Incision of iris		T	0232	4.4078	$297.26	$74.47	$59.46
66600	Remove iris and lesion		T	0234	24.3022	$1,638.92	$511.31	$327.79
66605	Removal of iris		T	0234	24.3022	$1,638.92	$511.31	$327.79
66625	Removal of iris		T	0233	16.4066	$1,106.44	$266.33	$221.29
66630	Removal of iris		T	0234	24.3022	$1,638.92	$511.31	$327.79
66635	Removal of iris		T	0234	24.3022	$1,638.92	$511.31	$327.79
66680	Repair iris & ciliary body		T	0234	24.3022	$1,638.92	$511.31	$327.79
66682	Repair iris & ciliary body		T	0234	24.3022	$1,638.92	$511.31	$327.79
66700	Destruction, ciliary body		T	0233	16.4066	$1,106.44	$266.33	$221.29
66710	Ciliary transsleral therapy		T	0233	16.4066	$1,106.44	$266.33	$221.29
66711	Ciliary endoscopic ablation		T	0233	16.4066	$1,106.44	$266.33	$221.29
66720	Destruction, ciliary body		T	0233	16.4066	$1,106.44	$266.33	$221.29
66740	Destruction, ciliary body		T	0234	24.3022	$1,638.92	$511.31	$327.79
66761	Revision of iris		T	0247	5.4519	$367.67	$104.31	$73.54
66762	Revision of iris		T	0247	5.4519	$367.67	$104.31	$73.54
66770	Removal of inner eye lesion		T	0247	5.4519	$367.67	$104.31	$73.54
66820	Incision, secondary cataract		T	0232	4.4078	$297.26	$74.47	$59.46
66821	After cataract laser surgery		T	0247	5.4519	$367.67	$104.31	$73.54
66825	Reposition intraocular lens		T	0234	24.3022	$1,638.92	$511.31	$327.79
66830	Removal of lens lesion		T	0232	4.4078	$297.26	$74.47	$59.46

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
66840	Removal of lens material		T	0245	15.7375	$1,061.32	$214.11	$212.27
66850	Removal of lens material		T	0249	30.1604	$2,033.99	$515.63	$406.80
66852	Removal of lens material		T	0249	30.1604	$2,033.99	$515.63	$406.80
66920	Extraction of lens		T	0249	30.1604	$2,033.99	$515.63	$406.80
66930	Extraction of lens		T	0249	30.1604	$2,033.99	$515.63	$406.80
66940	Extraction of lens		T	0245	15.7375	$1,061.32	$214.11	$212.27
66982	Cataract surgery, complex		T	0246	24.2001	$1,632.03	$495.96	$326.41
66983	Cataract surg w/iol, 1 stage		T	0246	24.2001	$1,632.03	$495.96	$326.41
66984	Cataract surg w/iol, 1 stage		T	0246	24.2001	$1,632.03	$495.96	$326.41
66985	Insert lens prosthesis		T	0246	24.2001	$1,632.03	$495.96	$326.41
66986	Exchange lens prosthesis		T	0246	24.2001	$1,632.03	$495.96	$326.41
66990	Ophthalmic endoscope add-on		N					
66999	Eye surgery procedure		T	0232	4.4078	$297.26	$74.47	$59.46
67005	Partial removal of eye fluid		T	0237	21.9719	$1,481.76		$296.36
67010	Partial removal of eye fluid		T	0237	21.9719	$1,481.76		$296.36
67015	Release of eye fluid		T	0672	39.8051	$2,684.42		$536.89
67025	Replace eye fluid		T	0237	21.9719	$1,481.76		$296.36
67027	Implant eye drug system		T	0672	39.8051	$2,684.42		$536.89
67028	Injection eye drug		T	0238	3.2686	$220.43		$44.09
67030	Incise inner eye strands		T	0237	21.9719	$1,481.76		$296.36
67031	Laser surgery, eye strands		T	0247	5.4519	$367.67	$104.31	$73.54
67036	Removal of inner eye fluid		T	0672	39.8051	$2,684.42		$536.89
67039	Laser treatment of retina		T	0672	39.8051	$2,684.42		$536.89
67040	Laser treatment of retina		T	0672	39.8051	$2,684.42		$536.89
67041	Vit for macular pucker		T	0672	39.8051	$2,684.42		$536.89
67042	Vit for macular hole		T	0672	39.8051	$2,684.42		$536.89
67043	Vit for membrane dissect		T	0672	39.8051	$2,684.42		$536.89
67101	Repair detached retina	CH	T	0237	21.9719	$1,481.76		$296.36
67105	Repair detached retina		T	0247	5.4519	$367.67	$104.31	$73.54
67107	Repair detached retina		T	0672	39.8051	$2,684.42		$536.89
67108	Repair detached retina		T	0672	39.8051	$2,684.42		$536.89
67110	Repair detached retina		T	0237	21.9719	$1,481.76		$296.36
67112	Rerepair detached retina		T	0672	39.8051	$2,684.42		$536.89
67113	Repair retinal detach, cplx		T	0672	39.8051	$2,684.42		$536.89
67115	Release encircling material		T	0237	21.9719	$1,481.76		$296.36
67120	Remove eye implant material		T	0237	21.9719	$1,481.76		$296.36
67121	Remove eye implant material		T	0237	21.9719	$1,481.76		$296.36
67141	Treatment of retina		T	0235	6.0497	$407.99		$81.60
67145	Treatment of retina		T	0247	5.4519	$367.67	$104.31	$73.54
67208	Treatment of retinal lesion		T	0235	6.0497	$407.99		$81.60
67210	Treatment of retinal lesion		T	0247	5.4519	$367.67	$104.31	$73.54
67218	Treatment of retinal lesion		T	0237	21.9719	$1,481.76		$296.36

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
67220	Treatment of choroid lesion		T	0235	6.0497	$407.99		$81.60
67221	Ocular photodynamic ther		T	0235	6.0497	$407.99		$81.60
67225	Eye photodynamic ther add-on		T	0235	6.0497	$407.99		$81.60
67227	Treatment of retinal lesion		T	0237	21.9719	$1,481.76		$296.36
67228	Treatment of retinal lesion		T	0247	5.4519	$367.67	$104.31	$73.54
67229	Tr retinal les preterm inf		T	0247	5.4519	$367.67	$104.31	$73.54
67250	Reinforce eye wall		T	0240	19.2686	$1,299.46	$309.52	$259.90
67255	Reinforce/graft eye wall		T	0237	21.9719	$1,481.76		$296.36
67299	Eye surgery procedure		T	0235	6.0497	$407.99		$81.60
67311	Revise eye muscle		T	0243	24.7390	$1,668.37	$430.35	$333.68
67312	Revise two eye muscles		T	0243	24.7390	$1,668.37	$430.35	$333.68
67314	Revise eye muscle		T	0243	24.7390	$1,668.37	$430.35	$333.68
67316	Revise two eye muscles		T	0243	24.7390	$1,668.37	$430.35	$333.68
67318	Revise eye muscle(s)		T	0243	24.7390	$1,668.37	$430.35	$333.68
67320	Revise eye muscle(s) add-on		T	0243	24.7390	$1,668.37	$430.35	$333.68
67331	Eye surgery follow-up add-on		T	0243	24.7390	$1,668.37	$430.35	$333.68
67332	Rerevise eye muscles add-on		T	0243	24.7390	$1,668.37	$430.35	$333.68
67334	Revise eye muscle w/suture		T	0243	24.7390	$1,668.37	$430.35	$333.68
67335	Eye suture during surgery		T	0243	24.7390	$1,668.37	$430.35	$333.68
67340	Revise eye muscle add-on		T	0243	24.7390	$1,668.37	$430.35	$333.68
67343	Release eye tissue		T	0243	24.7390	$1,668.37	$430.35	$333.68
67345	Destroy nerve of eye muscle		T	0238	3.2686	$220.43		$44.09
67346	Biopsy, eye muscle		T	0699	15.4833	$1,044.18		$208.84
67399	Eye muscle surgery procedure		T	0243	24.7390	$1,668.37	$430.35	$333.68
67400	Explore/biopsy eye socket		T	0240	19.2686	$1,299.46	$309.52	$259.90
67405	Explore/drain eye socket		T	0241	26.4858	$1,786.18	$383.45	$357.24
67412	Explore/treat eye socket		T	0240	19.2686	$1,299.46	$309.52	$259.90
67413	Explore/treat eye socket		T	0241	26.4858	$1,786.18	$383.45	$357.24
67414	Explr/decompress eye socket		T	0242	38.8308	$2,618.71	$597.36	$523.75
67415	Aspiration, orbital contents		T	0240	19.2686	$1,299.46	$309.52	$259.90
67420	Explore/treat eye socket		T	0242	38.8308	$2,618.71	$597.36	$523.75
67430	Explore/treat eye socket		T	0242	38.8308	$2,618.71	$597.36	$523.75
67440	Explore/drain eye socket		T	0242	38.8308	$2,618.71	$597.36	$523.75
67445	Explr/decompress eye socket		T	0242	38.8308	$2,618.71	$597.36	$523.75
67450	Explore/biopsy eye socket		T	0242	38.8308	$2,618.71	$597.36	$523.75
67500	Inject/treat eye socket		S	0231	2.1314	$143.74		$28.75
67505	Inject/treat eye socket		T	0238	3.2686	$220.43		$44.09
67515	Inject/treat eye socket		T	0238	3.2686	$220.43		$44.09
67550	Insert eye socket implant		T	0242	38.8308	$2,618.71	$597.36	$523.75
67560	Revise eye socket implant		T	0241	26.4858	$1,786.18	$383.45	$357.24
67570	Decompress optic nerve		T	0242	38.8308	$2,618.71	$597.36	$523.75
67599	Orbit surgery procedure		T	0238	3.2686	$220.43		$44.09

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
67700	Drainage of eyelid abscess		T	0238	3.2686	$220.43		$44.09
67710	Incision of eyelid		T	0239	7.9300	$534.79		$106.96
67715	Incision of eyelid fold		T	0240	19.2686	$1,299.46	$309.52	$259.90
67800	Remove eyelid lesion		T	0238	3.2686	$220.43		$44.09
67801	Remove eyelid lesions		T	0239	7.9300	$534.79		$106.96
67805	Remove eyelid lesions		T	0238	3.2686	$220.43		$44.09
67808	Remove eyelid lesion(s)		T	0240	19.2686	$1,299.46	$309.52	$259.90
67810	Biopsy of eyelid		T	0238	3.2686	$220.43		$44.09
67820	Revise eyelashes		S	0698	0.9841	$66.37		$13.28
67825	Revise eyelashes		T	0238	3.2686	$220.43		$44.09
67830	Revise eyelashes		T	0239	7.9300	$534.79		$106.96
67835	Revise eyelashes		T	0240	19.2686	$1,299.46	$309.52	$259.90
67840	Remove eyelid lesion		T	0239	7.9300	$534.79		$106.96
67850	Treat eyelid lesion		T	0239	7.9300	$534.79		$106.96
67875	Closure of eyelid by suture		T	0239	7.9300	$534.79		$106.96
67880	Revision of eyelid		T	0233	16.4066	$1,106.44	$266.33	$221.29
67882	Revision of eyelid		T	0240	19.2686	$1,299.46	$309.52	$259.90
67900	Repair brow defect		T	0241	26.4858	$1,786.18	$383.45	$357.24
67901	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67902	Repair eyelid defect		T	0241	26.4858	$1,786.18	$383.45	$357.24
67903	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67904	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67906	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67908	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67909	Revise eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67911	Revise eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67912	Correction eyelid w/implant		T	0240	19.2686	$1,299.46	$309.52	$259.90
67914	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67915	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67916	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67917	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67921	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67922	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67923	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67924	Repair eyelid defect		T	0240	19.2686	$1,299.46	$309.52	$259.90
67930	Repair eyelid wound		T	0240	19.2686	$1,299.46	$309.52	$259.90
67935	Repair eyelid wound		T	0240	19.2686	$1,299.46	$309.52	$259.90
67938	Remove eyelid foreign body		S	0231	2.1314	$143.74		$28.75
67950	Revision of eyelid		T	0240	19.2686	$1,299.46	$309.52	$259.90
67961	Revision of eyelid		T	0240	19.2686	$1,299.46	$309.52	$259.90
67966	Revision of eyelid		T	0240	19.2686	$1,299.46	$309.52	$259.90
67971	Reconstruction of eyelid		T	0240	19.2686	$1,299.46	$309.52	$259.90

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
67973	Reconstruction of eyelid		T	0241	26.4858	$1,786.18	$383.45	$357.24
67974	Reconstruction of eyelid		T	0240	19.2686	$1,299.46	$309.52	$259.90
67975	Reconstruction of eyelid		T	0240	19.2686	$1,299.46	$309.52	$259.90
67999	Revision of eyelid		T	0238	3.2686	$220.43		$44.09
68020	Incise/drain eyelid lining		T	0238	3.2686	$220.43		$44.09
68040	Treatment of eyelid lesions		S	0698	0.9841	$66.37		$13.28
68100	Biopsy of eyelid lining		T	0232	4.4078	$297.26	$74.47	$59.46
68110	Remove eyelid lining lesion		T	0699	15.4833	$1,044.18		$208.84
68115	Remove eyelid lining lesion		T	0240	19.2686	$1,299.46	$309.52	$259.90
68130	Remove eyelid lining lesion		T	0233	16.4066	$1,106.44	$266.33	$221.29
68135	Remove eyelid lining lesion		T	0239	7.9300	$534.79		$106.96
68200	Treat eyelid by injection		S	0698	0.9841	$66.37		$13.28
68320	Revise/graft eyelid lining		T	0241	26.4858	$1,786.18	$383.45	$357.24
68325	Revise/graft eyelid lining		T	0241	26.4858	$1,786.18	$383.45	$357.24
68326	Revise/graft eyelid lining		T	0240	19.2686	$1,299.46	$309.52	$259.90
68328	Revise/graft eyelid lining		T	0241	26.4858	$1,786.18	$383.45	$357.24
68330	Revise eyelid lining		T	0234	24.3022	$1,638.92	$511.31	$327.79
68335	Revise/graft eyelid lining		T	0241	26.4858	$1,786.18	$383.45	$357.24
68340	Separate eyelid adhesions		T	0240	19.2686	$1,299.46	$309.52	$259.90
68360	Revise eyelid lining		T	0234	24.3022	$1,638.92	$511.31	$327.79
68362	Revise eyelid lining		T	0234	24.3022	$1,638.92	$511.31	$327.79
68371	Harvest eye tissue, alograft		T	0233	16.4066	$1,106.44	$266.33	$221.29
68399	Eyelid lining surgery		T	0238	3.2686	$220.43		$44.09
68400	Incise/drain tear gland		T	0238	3.2686	$220.43		$44.09
68420	Incise/drain tear sac		T	0240	19.2686	$1,299.46	$309.52	$259.90
68440	Incise tear duct opening		T	0238	3.2686	$220.43		$44.09
68500	Removal of tear gland		T	0241	26.4858	$1,786.18	$383.45	$357.24
68505	Partial removal, tear gland		T	0241	26.4858	$1,786.18	$383.45	$357.24
68510	Biopsy of tear gland		T	0240	19.2686	$1,299.46	$309.52	$259.90
68520	Removal of tear sac		T	0241	26.4858	$1,786.18	$383.45	$357.24
68525	Biopsy of tear sac		T	0240	19.2686	$1,299.46	$309.52	$259.90
68530	Clearance of tear duct		T	0238	3.2686	$220.43		$44.09
68540	Remove tear gland lesion		T	0240	19.2686	$1,299.46	$309.52	$259.90
68550	Remove tear gland lesion		T	0241	26.4858	$1,786.18	$383.45	$357.24
68700	Repair tear ducts		T	0240	19.2686	$1,299.46	$309.52	$259.90
68705	Revise tear duct opening		T	0238	3.2686	$220.43		$44.09
68720	Create tear sac drain		T	0241	26.4858	$1,786.18	$383.45	$357.24
68745	Create tear duct drain		T	0241	26.4858	$1,786.18	$383.45	$357.24
68750	Create tear duct drain		T	0241	26.4858	$1,786.18	$383.45	$357.24
68760	Close tear duct opening		T	0238	3.2686	$220.43		$44.09
68761	Close tear duct opening		T	0238	3.2686	$220.43		$44.09
68770	Close tear system fistula		T	0241	26.4858	$1,786.18	$383.45	$357.24

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
68801	Dilate tear duct opening		S	0698	0.9841	$66.37		$13.28
68810	Probe nasolacrimal duct	CH	T	0238	3.2686	$220.43		$44.09
68811	Probe nasolacrimal duct		T	0240	19.2686	$1,299.46	$309.52	$259.90
68815	Probe nasolacrimal duct		T	0240	19.2686	$1,299.46	$309.52	$259.90
68816	Probe nl duct w/balloon		T	0240	19.2686	$1,299.46	$309.52	$259.90
68840	Explore/irrigate tear ducts		S	0231	2.1314	$143.74		$28.75
68850	Injection for tear sac x-ray		N					
68899	Tear duct system surgery		T	0238	3.2686	$220.43		$44.09
69000	Drain external ear lesion		T	0006	1.4437	$97.36		$19.48
69005	Drain external ear lesion		T	0008	19.6942	$1,328.16		$265.64
69020	Drain outer ear canal lesion		T	0006	1.4437	$97.36		$19.48
69090	Pierce earlobes		E					
69100	Biopsy of external ear		T	0251	3.4720	$234.15		$46.83
69105	Biopsy of external ear canal		T	0253	17.0446	$1,149.47	$282.29	$229.90
69110	Remove external ear, partial		T	0021	16.2353	$1,094.89	$219.48	$218.98
69120	Removal of external ear		T	0254	24.8215	$1,673.94		$334.79
69140	Remove ear canal lesion(s)		T	0254	24.8215	$1,673.94		$334.79
69145	Remove ear canal lesion(s)		T	0021	16.2353	$1,094.89	$219.48	$218.98
69150	Extensive ear canal surgery		T	0252	7.5340	$508.09	$109.16	$101.62
69155	Extensive ear/neck surgery		C					
69200	Clear outer ear canal		X	0340	0.6682	$45.06		$9.02
69205	Clear outer ear canal		T	0022	22.4616	$1,514.79	$354.45	$302.96
69210	Remove impacted ear wax		X	0340	0.6682	$45.06		$9.02
69220	Clean out mastoid cavity		T	0013	0.8679	$58.53		$11.71
69222	Clean out mastoid cavity		T	0253	17.0446	$1,149.47	$282.29	$229.90
69300	Revise external ear		T	0254	24.8215	$1,673.94		$334.79
69310	Rebuild outer ear canal		T	0256	42.8890	$2,892.39		$578.48
69320	Rebuild outer ear canal		T	0256	42.8890	$2,892.39		$578.48
69399	Outer ear surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
69400	Inflate middle ear canal		T	0251	3.4720	$234.15		$46.83
69401	Inflate middle ear canal		T	0251	3.4720	$234.15		$46.83
69405	Catheterize middle ear canal		T	0252	7.5340	$508.09	$109.16	$101.62
69420	Incision of eardrum		T	0251	3.4720	$234.15		$46.83
69421	Incision of eardrum		T	0253	17.0446	$1,149.47	$282.29	$229.90
69424	Remove ventilating tube		T	0253	17.0446	$1,149.47	$282.29	$229.90
69433	Create eardrum opening		T	0252	7.5340	$508.09	$109.16	$101.62
69436	Create eardrum opening		T	0253	17.0446	$1,149.47	$282.29	$229.90
69440	Exploration of middle ear		T	0254	24.8215	$1,673.94		$334.79
69450	Eardrum revision		T	0256	42.8890	$2,892.39		$578.48
69501	Mastoidectomy		T	0256	42.8890	$2,892.39		$578.48
69502	Mastoidectomy		T	0254	24.8215	$1,673.94		$334.79
69505	Remove mastoid structures		T	0256	42.8890	$2,892.39		$578.48

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
69511	Extensive mastoid surgery		T	0256	42.8890	$2,892.39		$578.48
69530	Extensive mastoid surgery		T	0256	42.8890	$2,892.39		$578.48
69535	Remove part of temporal bone		C					
69540	Remove ear lesion		T	0253	17.0446	$1,149.47	$282.29	$229.90
69550	Remove ear lesion		T	0256	42.8890	$2,892.39		$578.48
69552	Remove ear lesion		T	0256	42.8890	$2,892.39		$578.48
69554	Remove ear lesion		C					
69601	Mastoid surgery revision		T	0256	42.8890	$2,892.39		$578.48
69602	Mastoid surgery revision		T	0256	42.8890	$2,892.39		$578.48
69603	Mastoid surgery revision		T	0256	42.8890	$2,892.39		$578.48
69604	Mastoid surgery revision		T	0256	42.8890	$2,892.39		$578.48
69605	Mastoid surgery revision		T	0256	42.8890	$2,892.39		$578.48
69610	Repair of eardrum		T	0254	24.8215	$1,673.94		$334.79
69620	Repair of eardrum		T	0254	24.8215	$1,673.94		$334.79
69631	Repair eardrum structures		T	0256	42.8890	$2,892.39		$578.48
69632	Rebuild eardrum structures		T	0256	42.8890	$2,892.39		$578.48
69633	Rebuild eardrum structures		T	0256	42.8890	$2,892.39		$578.48
69635	Repair eardrum structures		T	0256	42.8890	$2,892.39		$578.48
69636	Rebuild eardrum structures		T	0256	42.8890	$2,892.39		$578.48
69637	Rebuild eardrum structures		T	0256	42.8890	$2,892.39		$578.48
69641	Revise middle ear & mastoid		T	0256	42.8890	$2,892.39		$578.48
69642	Revise middle ear & mastoid		T	0256	42.8890	$2,892.39		$578.48
69643	Revise middle ear & mastoid		T	0256	42.8890	$2,892.39		$578.48
69644	Revise middle ear & mastoid		T	0256	42.8890	$2,892.39		$578.48
69645	Revise middle ear & mastoid		T	0256	42.8890	$2,892.39		$578.48
69646	Revise middle ear & mastoid		T	0256	42.8890	$2,892.39		$578.48
69650	Release middle ear bone		T	0254	24.8215	$1,673.94		$334.79
69660	Revise middle ear bone		T	0256	42.8890	$2,892.39		$578.48
69661	Revise middle ear bone		T	0256	42.8890	$2,892.39		$578.48
69662	Revise middle ear bone		T	0256	42.8890	$2,892.39		$578.48
69666	Repair middle ear structures		T	0256	42.8890	$2,892.39		$578.48
69667	Repair middle ear structures		T	0256	42.8890	$2,892.39		$578.48
69670	Remove mastoid air cells		T	0256	42.8890	$2,892.39		$578.48
69676	Remove middle ear nerve		T	0256	42.8890	$2,892.39		$578.48
69700	Close mastoid fistula		T	0256	42.8890	$2,892.39		$578.48
69710	Implant/replace hearing aid		E					
69711	Remove/repair hearing aid		T	0256	42.8890	$2,892.39		$578.48
69714	Implant temple bone w/stimul		T	0425	115.4444	$7,785.45		$1,557.09
69715	Temple bne implnt w/stimulat		T	0425	115.4444	$7,785.45		$1,557.09
69717	Temple bone implant revision		T	0425	115.4444	$7,785.45		$1,557.09
69718	Revise temple bone implant		T	0425	115.4444	$7,785.45		$1,557.09
69720	Release facial nerve		T	0256	42.8890	$2,892.39		$578.48

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
69725	Release facial nerve		T	0256	42.8890	$2,892.39		$578.48
69740	Repair facial nerve		T	0256	42.8890	$2,892.39		$578.48
69745	Repair facial nerve		T	0256	42.8890	$2,892.39		$578.48
69799	Middle ear surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
69801	Incise inner ear	CH	T	0254	24.8215	$1,673.94		$334.79
69802	Incise inner ear	CH	T	0254	24.8215	$1,673.94		$334.79
69805	Explore inner ear		T	0256	42.8890	$2,892.39		$578.48
69806	Explore inner ear		T	0256	42.8890	$2,892.39		$578.48
69820	Establish inner ear window		T	0256	42.8890	$2,892.39		$578.48
69840	Revise inner ear window		T	0256	42.8890	$2,892.39		$578.48
69905	Remove inner ear		T	0256	42.8890	$2,892.39		$578.48
69910	Remove inner ear & mastoid		T	0256	42.8890	$2,892.39		$578.48
69915	Incise inner ear nerve		T	0256	42.8890	$2,892.39		$578.48
69930	Implant cochlear device		T	0259	433.6569	$29,245.39	$8,543.66	$5,849.08
69949	Inner ear surgery procedure		T	0250	1.1384	$76.77	$25.10	$15.36
69950	Incise inner ear nerve		C					
69955	Release facial nerve		T	0256	42.8890	$2,892.39		$578.48
69960	Release inner ear canal		T	0256	42.8890	$2,892.39		$578.48
69970	Remove inner ear lesion		T	0256	42.8890	$2,892.39		$578.48
69979	Temporal bone surgery		T	0250	1.1384	$76.77	$25.10	$15.36
69990	Microsurgery add-on		N					
70010	Contrast x-ray of brain		Q2	0274	7.1396	$481.49		$96.30
70015	Contrast x-ray of brain		Q2	0274	7.1396	$481.49		$96.30
70030	X-ray eye for foreign body		X	0260	0.6780	$45.72		$9.15
70100	X-ray exam of jaw		X	0260	0.6780	$45.72		$9.15
70110	X-ray exam of jaw		X	0260	0.6780	$45.72		$9.15
70120	X-ray exam of mastoids		X	0260	0.6780	$45.72		$9.15
70130	X-ray exam of mastoids		X	0260	0.6780	$45.72		$9.15
70134	X-ray exam of middle ear		X	0261	1.1283	$76.09		$15.22
70140	X-ray exam of facial bones		X	0260	0.6780	$45.72		$9.15
70150	X-ray exam of facial bones		X	0260	0.6780	$45.72		$9.15
70160	X-ray exam of nasal bones		X	0260	0.6780	$45.72		$9.15
70170	X-ray exam of tear duct	CH	Q2	0317	4.9889	$336.45		$67.29
70190	X-ray exam of eye sockets		X	0260	0.6780	$45.72		$9.15
70200	X-ray exam of eye sockets		X	0260	0.6780	$45.72		$9.15
70210	X-ray exam of sinuses		X	0260	0.6780	$45.72		$9.15
70220	X-ray exam of sinuses		X	0260	0.6780	$45.72		$9.15
70240	X-ray exam, pituitary saddle		X	0260	0.6780	$45.72		$9.15
70250	X-ray exam of skull		X	0260	0.6780	$45.72		$9.15
70260	X-ray exam of skull		X	0261	1.1283	$76.09		$15.22
70300	X-ray exam of teeth		X	0262	0.4624	$31.18		$6.24
70310	X-ray exam of teeth		X	0262	0.4624	$31.18		$6.24

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
70320	Full mouth x-ray of teeth		X	0262	0.4624	$31.18		$6.24
70328	X-ray exam of jaw joint		X	0260	0.6780	$45.72		$9.15
70330	X-ray exam of jaw joints		X	0260	0.6780	$45.72		$9.15
70332	X-ray exam of jaw joint		Q2	0275	3.9590	$266.99	$69.09	$53.40
70336	Magnetic image, jaw joint		Q3	0336	5.2552	$354.41	$137.40	$70.89
70350	X-ray head for orthodontia		X	0260	0.6780	$45.72		$9.15
70355	Panoramic x-ray of jaws		X	0260	0.6780	$45.72		$9.15
70360	X-ray exam of neck		X	0260	0.6780	$45.72		$9.15
70370	Throat x-ray & fluoroscopy		X	0272	1.2691	$85.59	$31.15	$17.12
70371	Speech evaluation, complex		X	0272	1.2691	$85.59	$31.15	$17.12
70373	Contrast x-ray of larynx		Q2	0263	3.0089	$202.92		$40.59
70380	X-ray exam of salivary gland		X	0260	0.6780	$45.72		$9.15
70390	X-ray exam of salivary duct		Q2	0263	3.0089	$202.92		$40.59
70450	Ct head/brain w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
70460	Ct head/brain w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
70470	Ct head/brain w/o & w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
70480	Ct orbit/ear/fossa w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
70481	Ct orbit/ear/fossa w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
70482	Ct orbit/ear/fossa w/o&w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
70486	Ct maxillofacial w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
70487	Ct maxillofacial w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
70488	Ct maxillofacial w/o & w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
70490	Ct soft tissue neck w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
70491	Ct soft tissue neck w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
70492	Ct sft tsue nck w/o & w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
70496	Ct angiography, head		Q3	0662	5.0808	$342.64	$115.76	$68.53
70498	Ct angiography, neck		Q3	0662	5.0808	$342.64	$115.76	$68.53
70540	Mri orbit/face/neck w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
70542	Mri orbit/face/neck w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
70543	Mri orbt/fac/nck w/o & w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
70544	Mr angiography head w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
70545	Mr angiography head w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
70546	Mr angiograph head w/o&w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
70547	Mr angiography neck w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
70548	Mr angiography neck w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
70549	Mr angiograph neck w/o&w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
70551	Mri brain w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
70552	Mri brain w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
70553	Mri brain w/o & w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
70554	Fmri brain by tech		Q3	0336	5.2552	$354.41	$137.40	$70.89
70555	Fmri brain by phys/psych		S	0336	5.2552	$354.41	$137.40	$70.89
70557	Mri brain w/o dye		S	0336	5.2552	$354.41	$137.40	$70.89

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
70558	Mri brain w/dye		S	0284	6.3051	$425.21	$147.64	$85.05
70559	Mri brain w/o & w/dye		S	0337	7.9968	$539.30	$199.53	$107.86
71010	Chest x-ray		X	0260	0.6780	$45.72		$9.15
71015	Chest x-ray		X	0260	0.6780	$45.72		$9.15
71020	Chest x-ray		X	0260	0.6780	$45.72		$9.15
71021	Chest x-ray		X	0260	0.6780	$45.72		$9.15
71022	Chest x-ray		X	0260	0.6780	$45.72		$9.15
71023	Chest x-ray and fluoroscopy		X	0272	1.2691	$85.59	$31.15	$17.12
71030	Chest x-ray		X	0260	0.6780	$45.72		$9.15
71034	Chest x-ray and fluoroscopy		X	0272	1.2691	$85.59	$31.15	$17.12
71035	Chest x-ray		X	0260	0.6780	$45.72		$9.15
71040	Contrast x-ray of bronchi		Q2	0263	3.0089	$202.92		$40.59
71060	Contrast x-ray of bronchi		Q2	0263	3.0089	$202.92		$40.59
71090	X-ray & pacemaker insertion		N					
71100	X-ray exam of ribs		X	0260	0.6780	$45.72		$9.15
71101	X-ray exam of ribs/chest		X	0260	0.6780	$45.72		$9.15
71110	X-ray exam of ribs		X	0260	0.6780	$45.72		$9.15
71111	X-ray exam of ribs/chest		X	0261	1.1283	$76.09		$15.22
71120	X-ray exam of breastbone		X	0260	0.6780	$45.72		$9.15
71130	X-ray exam of breastbone		X	0260	0.6780	$45.72		$9.15
71250	Ct thorax w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
71260	Ct thorax w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
71270	Ct thorax w/o & w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
71275	Ct angiography, chest		Q3	0662	5.0808	$342.64	$115.76	$68.53
71550	Mri chest w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
71551	Mri chest w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
71552	Mri chest w/o & w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
71555	Mri angio chest w or w/o dye		B					
72010	X-ray exam of spine		X	0261	1.1283	$76.09		$15.22
72020	X-ray exam of spine		X	0260	0.6780	$45.72		$9.15
72040	X-ray exam of neck spine		X	0260	0.6780	$45.72		$9.15
72050	X-ray exam of neck spine		X	0261	1.1283	$76.09		$15.22
72052	X-ray exam of neck spine		X	0261	1.1283	$76.09		$15.22
72069	X-ray exam of trunk spine		X	0260	0.6780	$45.72		$9.15
72070	X-ray exam of thoracic spine		X	0260	0.6780	$45.72		$9.15
72072	X-ray exam of thoracic spine		X	0260	0.6780	$45.72		$9.15
72074	X-ray exam of thoracic spine		X	0260	0.6780	$45.72		$9.15
72080	X-ray exam of trunk spine		X	0260	0.6780	$45.72		$9.15
72090	X-ray exam of trunk spine		X	0261	1.1283	$76.09		$15.22
72100	X-ray exam of lower spine		X	0260	0.6780	$45.72		$9.15
72110	X-ray exam of lower spine		X	0261	1.1283	$76.09		$15.22
72114	X-ray exam of lower spine		X	0261	1.1283	$76.09		$15.22

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
72120	X-ray exam of lower spine		X	0261	1.1283	$76.09		$15.22
72125	Ct neck spine w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
72126	Ct neck spine w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
72127	Ct neck spine w/o & w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
72128	Ct chest spine w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
72129	Ct chest spine w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
72130	Ct chest spine w/o & w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
72131	Ct lumbar spine w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
72132	Ct lumbar spine w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
72133	Ct lumbar spine w/o & w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
72141	Mri neck spine w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
72142	Mri neck spine w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
72146	Mri chest spine w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
72147	Mri chest spine w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
72148	Mri lumbar spine w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
72149	Mri lumbar spine w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
72156	Mri neck spine w/o & w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
72157	Mri chest spine w/o & w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
72158	Mri lumbar spine w/o & w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
72159	Mr angio spine w/o&w/dye		E					
72170	X-ray exam of pelvis		X	0260	0.6780	$45.72		$9.15
72190	X-ray exam of pelvis		X	0260	0.6780	$45.72		$9.15
72191	Ct angiograph pelv w/o&w/dye		Q3	0662	5.0808	$342.64	$115.76	$68.53
72192	Ct pelvis w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
72193	Ct pelvis w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
72194	Ct pelvis w/o & w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
72195	Mri pelvis w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
72196	Mri pelvis w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
72197	Mri pelvis w/o & w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
72198	Mr angio pelvis w/o & w/dye		B					
72200	X-ray exam sacroiliac joints		X	0260	0.6780	$45.72		$9.15
72202	X-ray exam sacroiliac joints		X	0260	0.6780	$45.72		$9.15
72220	X-ray exam of tailbone		X	0260	0.6780	$45.72		$9.15
72240	Contrast x-ray of neck spine		Q2	0274	7.1396	$481.49		$96.30
72255	Contrast x-ray, thorax spine		Q2	0274	7.1396	$481.49		$96.30
72265	Contrast x-ray, lower spine		Q2	0274	7.1396	$481.49		$96.30
72270	Contrast x-ray, spine		Q2	0274	7.1396	$481.49		$96.30
72275	Epidurography		N					
72285	X-ray c/t spine disk		Q2	0388	26.0155	$1,754.46		$350.90
72291	Perq vertebroplasty, fluor		N					
72292	Perq vertebroplasty, ct		N					
72295	X-ray of lower spine disk		Q2	0388	26.0155	$1,754.46		$350.90

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
73000	X-ray exam of collar bone		X	0260	0.6780	$45.72		$9.15
73010	X-ray exam of shoulder blade		X	0260	0.6780	$45.72		$9.15
73020	X-ray exam of shoulder		X	0260	0.6780	$45.72		$9.15
73030	X-ray exam of shoulder		X	0260	0.6780	$45.72		$9.15
73040	Contrast x-ray of shoulder		Q2	0275	3.9590	$266.99	$69.09	$53.40
73050	X-ray exam of shoulders		X	0260	0.6780	$45.72		$9.15
73060	X-ray exam of humerus		X	0260	0.6780	$45.72		$9.15
73070	X-ray exam of elbow		X	0260	0.6780	$45.72		$9.15
73080	X-ray exam of elbow		X	0260	0.6780	$45.72		$9.15
73085	Contrast x-ray of elbow		Q2	0275	3.9590	$266.99	$69.09	$53.40
73090	X-ray exam of forearm		X	0260	0.6780	$45.72		$9.15
73092	X-ray exam of arm, infant		X	0260	0.6780	$45.72		$9.15
73100	X-ray exam of wrist		X	0260	0.6780	$45.72		$9.15
73110	X-ray exam of wrist		X	0260	0.6780	$45.72		$9.15
73115	Contrast x-ray of wrist		Q2	0275	3.9590	$266.99	$69.09	$53.40
73120	X-ray exam of hand		X	0260	0.6780	$45.72		$9.15
73130	X-ray exam of hand		X	0260	0.6780	$45.72		$9.15
73140	X-ray exam of finger(s)		X	0260	0.6780	$45.72		$9.15
73200	Ct upper extremity w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
73201	Ct upper extremity w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
73202	Ct uppr extremity w/o&w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
73206	Ct angio upr extrm w/o&w/dye		Q3	0662	5.0808	$342.64	$115.76	$68.53
73218	Mri upper extremity w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
73219	Mri upper extremity w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
73220	Mri uppr extremity w/o&w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
73221	Mri joint upr extrem w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
73222	Mri joint upr extrem w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
73223	Mri joint upr extr w/o&w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
73225	Mr angio upr extr w/o&w/dye		E					
73500	X-ray exam of hip		X	0260	0.6780	$45.72		$9.15
73510	X-ray exam of hip		X	0260	0.6780	$45.72		$9.15
73520	X-ray exam of hips		X	0261	1.1283	$76.09		$15.22
73525	Contrast x-ray of hip		Q2	0275	3.9590	$266.99	$69.09	$53.40
73530	X-ray exam of hip		N					
73540	X-ray exam of pelvis & hips		X	0260	0.6780	$45.72		$9.15
73542	X-ray exam, sacroiliac joint		Q2	0275	3.9590	$266.99	$69.09	$53.40
73550	X-ray exam of thigh		X	0260	0.6780	$45.72		$9.15
73560	X-ray exam of knee, 1 or 2		X	0260	0.6780	$45.72		$9.15
73562	X-ray exam of knee, 3		X	0260	0.6780	$45.72		$9.15
73564	X-ray exam, knee, 4 or more		X	0260	0.6780	$45.72		$9.15
73565	X-ray exam of knees		X	0260	0.6780	$45.72		$9.15
73580	Contrast x-ray of knee joint		Q2	0275	3.9590	$266.99	$69.09	$53.40

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
73590	X-ray exam of lower leg		X	0260	0.6780	$45.72		$9.15
73592	X-ray exam of leg, infant		X	0260	0.6780	$45.72		$9.15
73600	X-ray exam of ankle		X	0260	0.6780	$45.72		$9.15
73610	X-ray exam of ankle		X	0260	0.6780	$45.72		$9.15
73615	Contrast x-ray of ankle		Q2	0275	3.9590	$266.99	$69.09	$53.40
73620	X-ray exam of foot		X	0260	0.6780	$45.72		$9.15
73630	X-ray exam of foot		X	0260	0.6780	$45.72		$9.15
73650	X-ray exam of heel		X	0260	0.6780	$45.72		$9.15
73660	X-ray exam of toe(s)		X	0260	0.6780	$45.72		$9.15
73700	Ct lower extremity w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
73701	Ct lower extremity w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
73702	Ct lwr extremity w/o&w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
73706	Ct angio lwr extr w/o&w/dye		Q3	0662	5.0808	$342.64	$115.76	$68.53
73718	Mri lower extremity w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
73719	Mri lower extremity w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
73720	Mri lwr extremity w/o&w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
73721	Mri jnt of lwr extre w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
73722	Mri joint of lwr extr w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
73723	Mri joint lwr extr w/o&w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
73725	Mr ang lwr ext w or w/o dye		B					
74000	X-ray exam of abdomen		X	0260	0.6780	$45.72		$9.15
74010	X-ray exam of abdomen		X	0260	0.6780	$45.72		$9.15
74020	X-ray exam of abdomen		X	0260	0.6780	$45.72		$9.15
74022	X-ray exam series, abdomen		X	0261	1.1283	$76.09		$15.22
74150	Ct abdomen w/o dye		Q3	0332	2.9160	$196.65	$75.24	$39.33
74160	Ct abdomen w/dye		Q3	0283	4.4186	$297.99	$97.17	$59.60
74170	Ct abdomen w/o & w/dye		Q3	0333	4.9715	$335.27	$117.02	$67.06
74175	Ct angio abdom w/o & w/dye		Q3	0662	5.0808	$342.64	$115.76	$68.53
74181	Mri abdomen w/o dye		Q3	0336	5.2552	$354.41	$137.40	$70.89
74182	Mri abdomen w/dye		Q3	0284	6.3051	$425.21	$147.64	$85.05
74183	Mri abdomen w/o & w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
74185	Mri angio, abdom w orw/o dye		B					
74190	X-ray exam of peritoneum	CH	Q2	0317	4.9889	$336.45		$67.29
74210	Contrst x-ray exam of throat		S	0276	1.3242	$89.30	$34.87	$17.86
74220	Contrast x-ray, esophagus		S	0276	1.3242	$89.30	$34.87	$17.86
74230	Cine/vid x-ray, throat/esoph		S	0276	1.3242	$89.30	$34.87	$17.86
74235	Remove esophagus obstruction		N					
74240	X-ray exam, upper gi tract		S	0276	1.3242	$89.30	$34.87	$17.86
74241	X-ray exam, upper gi tract		S	0276	1.3242	$89.30	$34.87	$17.86
74245	X-ray exam, upper gi tract		S	0277	2.1512	$145.07	$54.52	$29.02
74246	Contrst x-ray uppr gi tract		S	0276	1.3242	$89.30	$34.87	$17.86
74247	Contrst x-ray uppr gi tract		S	0276	1.3242	$89.30	$34.87	$17.86

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
74249	Contrst x-ray uppr gi tract		S	0277	2.1512	$145.07	$54.52	$29.02
74250	X-ray exam of small bowel		S	0276	1.3242	$89.30	$34.87	$17.86
74251	X-ray exam of small bowel		S	0277	2.1512	$145.07	$54.52	$29.02
74260	X-ray exam of small bowel		S	0276	1.3242	$89.30	$34.87	$17.86
74270	Contrast x-ray exam of colon		S	0276	1.3242	$89.30	$34.87	$17.86
74280	Contrast x-ray exam of colon		S	0277	2.1512	$145.07	$54.52	$29.02
74283	Contrast x-ray exam of colon		S	0276	1.3242	$89.30	$34.87	$17.86
74290	Contrast x-ray, gallbladder		S	0276	1.3242	$89.30	$34.87	$17.86
74291	Contrast x-rays, gallbladder		S	0276	1.3242	$89.30	$34.87	$17.86
74300	X-ray bile ducts/pancreas		N					
74301	X-rays at surgery add-on		N					
74305	X-ray bile ducts/pancreas	CH	Q2	0317	4.9889	$336.45		$67.29
74320	Contrast x-ray of bile ducts		Q2	0317	4.9889	$336.45		$67.29
74327	X-ray bile stone removal		N					
74328	X-ray bile duct endoscopy		N					
74329	X-ray for pancreas endoscopy		N					
74330	X-ray bile/panc endoscopy		N					
74340	X-ray guide for GI tube		N					
74355	X-ray guide, intestinal tube		N					
74360	X-ray guide, GI dilation		N					
74363	X-ray, bile duct dilation		N					
74400	Contrst x-ray, urinary tract		S	0278	2.5936	$174.91	$59.40	$34.99
74410	Contrst x-ray, urinary tract		S	0278	2.5936	$174.91	$59.40	$34.99
74415	Contrst x-ray, urinary tract		S	0278	2.5936	$174.91	$59.40	$34.99
74420	Contrst x-ray, urinary tract		S	0278	2.5936	$174.91	$59.40	$34.99
74425	Contrst x-ray, urinary tract		Q2	0278	2.5936	$174.91	$59.40	$34.99
74430	Contrast x-ray, bladder		Q2	0278	2.5936	$174.91	$59.40	$34.99
74440	X-ray, male genital tract		Q2	0278	2.5936	$174.91	$59.40	$34.99
74445	X-ray exam of penis		Q2	0278	2.5936	$174.91	$59.40	$34.99
74450	X-ray, urethra/bladder		Q2	0278	2.5936	$174.91	$59.40	$34.99
74455	X-ray, urethra/bladder		Q2	0278	2.5936	$174.91	$59.40	$34.99
74470	X-ray exam of kidney lesion		Q2	0263	3.0089	$202.92		$40.59
74475	X-ray control, cath insert		Q2	0317	4.9889	$336.45		$67.29
74480	X-ray control, cath insert		Q2	0317	4.9889	$336.45		$67.29
74485	X-ray guide, GU dilation		Q2	0317	4.9889	$336.45		$67.29
74710	X-ray measurement of pelvis		X	0261	1.1283	$76.09		$15.22
74740	X-ray, female genital tract		Q2	0263	3.0089	$202.92		$40.59
74742	X-ray, fallopian tube		N					
74775	X-ray exam of perineum		S	0278	2.5936	$174.91	$59.40	$34.99
75557	Cardiac mri for morph		Q3	0336	5.2552	$354.41	$137.40	$70.89
75558	Cardiac mri flow/velocity		E					
75559	Cardiac mri w/stress img		Q3	0336	5.2552	$354.41	$137.40	$70.89

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
75560	Cardiac mri flow/vel/stress		E					
75561	Cardiac mri for morph w/dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
75562	Card mri flow/vel w/dye		E					
75563	Card mri w/stress img & dye		Q3	0337	7.9968	$539.30	$199.53	$107.86
75564	Ht mri w/flo/vel/strs & dye		E					
75600	Contrast x-ray exam of aorta		Q2	0279	29.6627	$2,000.42		$400.09
75605	Contrast x-ray exam of aorta		Q2	0279	29.6627	$2,000.42		$400.09
75625	Contrast x-ray exam of aorta		Q2	0279	29.6627	$2,000.42		$400.09
75630	X-ray aorta, leg arteries		Q2	0279	29.6627	$2,000.42		$400.09
75635	Ct angio abdominal arteries		Q2	0662	5.0808	$342.64	$115.76	$68.53
75650	Artery x-rays, head & neck		Q2	0280	45.9502	$3,098.84		$619.77
75658	Artery x-rays, arm		Q2	0279	29.6627	$2,000.42		$400.09
75660	Artery x-rays, head & neck		Q2	0280	45.9502	$3,098.84		$619.77
75662	Artery x-rays, head & neck		Q2	0280	45.9502	$3,098.84		$619.77
75665	Artery x-rays, head & neck		Q2	0279	29.6627	$2,000.42		$400.09
75671	Artery x-rays, head & neck		Q2	0280	45.9502	$3,098.84		$619.77
75676	Artery x-rays, neck		Q2	0279	29.6627	$2,000.42		$400.09
75680	Artery x-rays, neck		Q2	0279	29.6627	$2,000.42		$400.09
75685	Artery x-rays, spine		Q2	0279	29.6627	$2,000.42		$400.09
75705	Artery x-rays, spine		Q2	0279	29.6627	$2,000.42		$400.09
75710	Artery x-rays, arm/leg		Q2	0279	29.6627	$2,000.42		$400.09
75716	Artery x-rays, arms/legs		Q2	0279	29.6627	$2,000.42		$400.09
75722	Artery x-rays, kidney		Q2	0279	29.6627	$2,000.42		$400.09
75724	Artery x-rays, kidneys		Q2	0279	29.6627	$2,000.42		$400.09
75726	Artery x-rays, abdomen		Q2	0279	29.6627	$2,000.42		$400.09
75731	Artery x-rays, adrenal gland		Q2	0279	29.6627	$2,000.42		$400.09
75733	Artery x-rays, adrenals		Q2	0279	29.6627	$2,000.42		$400.09
75736	Artery x-rays, pelvis		Q2	0279	29.6627	$2,000.42		$400.09
75741	Artery x-rays, lung		Q2	0279	29.6627	$2,000.42		$400.09
75743	Artery x-rays, lungs		Q2	0279	29.6627	$2,000.42		$400.09
75746	Artery x-rays, lung		Q2	0668	10.9904	$741.18		$148.24
75756	Artery x-rays, chest		Q2	0668	10.9904	$741.18		$148.24
75774	Artery x-ray, each vessel		N					
75790	Visualize A-V shunt		Q2	0668	10.9904	$741.18		$148.24
75801	Lymph vessel x-ray, arm/leg		Q2	0317	4.9889	$336.45		$67.29
75803	Lymph vessel x-ray,arms/legs		Q2	0317	4.9889	$336.45		$67.29
75805	Lymph vessel x-ray, trunk		Q2	0317	4.9889	$336.45		$67.29
75807	Lymph vessel x-ray, trunk		Q2	0317	4.9889	$336.45		$67.29
75809	Nonvascular shunt, x-ray		Q2	0261	1.1283	$76.09		$15.22
75810	Vein x-ray, spleen/liver		Q2	0279	29.6627	$2,000.42		$400.09
75820	Vein x-ray, arm/leg		Q2	0668	10.9904	$741.18		$148.24
75822	Vein x-ray, arms/legs		Q2	0668	10.9904	$741.18		$148.24

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
75825	Vein x-ray, trunk		Q2	0279	29.6627	$2,000.42		$400.09
75827	Vein x-ray, chest		Q2	0668	10.9904	$741.18		$148.24
75831	Vein x-ray, kidney		Q2	0279	29.6627	$2,000.42		$400.09
75833	Vein x-ray, kidneys		Q2	0279	29.6627	$2,000.42		$400.09
75840	Vein x-ray, adrenal gland		Q2	0279	29.6627	$2,000.42		$400.09
75842	Vein x-ray, adrenal glands		Q2	0279	29.6627	$2,000.42		$400.09
75860	Vein x-ray, neck		Q2	0668	10.9904	$741.18		$148.24
75870	Vein x-ray, skull		Q2	0668	10.9904	$741.18		$148.24
75872	Vein x-ray, skull		Q2	0668	10.9904	$741.18		$148.24
75880	Vein x-ray, eye socket		Q2	0668	10.9904	$741.18		$148.24
75885	Vein x-ray, liver		Q2	0279	29.6627	$2,000.42		$400.09
75887	Vein x-ray, liver		Q2	0668	10.9904	$741.18		$148.24
75889	Vein x-ray, liver		Q2	0279	29.6627	$2,000.42		$400.09
75891	Vein x-ray, liver		Q2	0279	29.6627	$2,000.42		$400.09
75893	Venous sampling by catheter		Q2	0279	29.6627	$2,000.42		$400.09
75894	X-rays, transcath therapy		N					
75896	X-rays, transcath therapy		N					
75898	Follow-up angiography	CH	Q1	0261	1.1283	$76.09		$15.22
75900	Intravascular cath exchange		C					
75901	Remove cva device obstruct		N					
75902	Remove cva lumen obstruct		N					
75940	X-ray placement, vein filter		N					
75945	Intravascular us		Q2	0267	2.3326	$157.31	$60.50	$31.47
75946	Intravascular us add-on		N					
75952	Endovasc repair abdom aorta		C					
75953	Abdom aneurysm endovas rpr		C					
75954	Iliac aneurysm endovas rpr		C					
75956	Xray, endovasc thor ao repr		C					
75957	Xray, endovasc thor ao repr		C					
75958	Xray, place prox ext thor ao		C					
75959	Xray, place dist ext thor ao		C					
75960	Transcath iv stent rs&i		N					
75961	Retrieval, broken catheter		N					
75962	Repair arterial blockage		Q2	0083	50.2559	$3,389.21		$677.85
75964	Repair artery blockage, each		N					
75966	Repair arterial blockage		Q2	0083	50.2559	$3,389.21		$677.85
75968	Repair artery blockage, each		N					
75970	Vascular biopsy		N					
75978	Repair venous blockage	CH	Q2	0279	29.6627	$2,000.42		$400.09
75980	Contrast xray exam bile duct		N					
75982	Contrast xray exam bile duct		N					
75984	Xray control catheter change		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
75989	Abscess drainage under x-ray		N					
75992	Atherectomy, x-ray exam		N					
75993	Atherectomy, x-ray exam		N					
75994	Atherectomy, x-ray exam		N					
75995	Atherectomy, x-ray exam		N					
75996	Atherectomy, x-ray exam		N					
76000	Fluoroscope examination		Q1	0272	1.2691	$85.59	$31.15	$17.12
76001	Fluoroscope exam, extensive		N					
76010	X-ray, nose to rectum		X	0260	0.6780	$45.72		$9.15
76080	X-ray exam of fistula		Q2	0263	3.0089	$202.92		$40.59
76098	X-ray exam, breast specimen	CH	Q2	0317	4.9889	$336.45		$67.29
76100	X-ray exam of body section		X	0261	1.1283	$76.09		$15.22
76101	Complex body section x-ray		X	0263	3.0089	$202.92		$40.59
76102	Complex body section x-rays		X	0263	3.0089	$202.92		$40.59
76120	Cine/video x-rays		X	0272	1.2691	$85.59	$31.15	$17.12
76125	Cine/video x-rays add-on		N					
76140	X-ray consultation		E					
76150	X-ray exam, dry process		X	0260	0.6780	$45.72		$9.15
76350	Special x-ray contrast study		N					
76376	3d render w/o postprocess		N					
76377	3d rendering w/postprocess		N					
76380	CAT scan follow-up study		S	0282	1.6629	$112.14	$37.81	$22.43
76390	Mr spectroscopy		E					
76496	Fluoroscopic procedure		X	0272	1.2691	$85.59	$31.15	$17.12
76497	Ct procedure		S	0282	1.6629	$112.14	$37.81	$22.43
76498	Mri procedure		S	0336	5.2552	$354.41	$137.40	$70.89
76499	Radiographic procedure		X	0260	0.6780	$45.72		$9.15
76506	Echo exam of head		S	0265	0.9431	$63.60	$22.35	$12.72
76510	Ophth us, b & quant a		T	0232	4.4078	$297.26	$74.47	$59.46
76511	Ophth us, quant a only		S	0266	1.4674	$98.96	$37.80	$19.80
76512	Ophth us, b w/non-quant a		S	0266	1.4674	$98.96	$37.80	$19.80
76513	Echo exam of eye, water bath		S	0266	1.4674	$98.96	$37.80	$19.80
76514	Echo exam of eye, thickness		X	0035	0.2241	$15.11		$3.03
76516	Echo exam of eye		S	0265	0.9431	$63.60	$22.35	$12.72
76519	Echo exam of eye		S	0266	1.4674	$98.96	$37.80	$19.80
76529	Echo exam of eye		S	0265	0.9431	$63.60	$22.35	$12.72
76536	Us exam of head and neck		S	0266	1.4674	$98.96	$37.80	$19.80
76604	Us exam, chest		Q3	0265	0.9431	$63.60	$22.35	$12.72
76645	Us exam, breast(s)		S	0265	0.9431	$63.60	$22.35	$12.72
76700	Us exam, abdom, complete		Q3	0266	1.4674	$98.96	$37.80	$19.80
76705	Echo exam of abdomen		Q3	0266	1.4674	$98.96	$37.80	$19.80
76770	Us exam abdo back wall, comp		Q3	0266	1.4674	$98.96	$37.80	$19.80

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
76775	Us exam abdo back wall, lim		Q3	0266	1.4674	$98.96	$37.80	$19.80
76776	Us exam k transpl w/doppler		Q3	0266	1.4674	$98.96	$37.80	$19.80
76800	Us exam, spinal canal		S	0266	1.4674	$98.96	$37.80	$19.80
76801	Ob us < 14 wks, single fetus		S	0266	1.4674	$98.96	$37.80	$19.80
76802	Ob us < 14 wks, add'l fetus		S	0265	0.9431	$63.60	$22.35	$12.72
76805	Ob us >/= 14 wks, sngl fetus		S	0266	1.4674	$98.96	$37.80	$19.80
76810	Ob us >/= 14 wks, addl fetus		S	0266	1.4674	$98.96	$37.80	$19.80
76811	Ob us, detailed, sngl fetus		S	0267	2.3326	$157.31	$60.50	$31.47
76812	Ob us, detailed, addl fetus		S	0265	0.9431	$63.60	$22.35	$12.72
76813	Ob us nuchal meas, 1 gest		S	0265	0.9431	$63.60	$22.35	$12.72
76814	Ob us nuchal meas, add-on		S	0265	0.9431	$63.60	$22.35	$12.72
76815	Ob us, limited, fetus(s)		S	0265	0.9431	$63.60	$22.35	$12.72
76816	Ob us, follow-up, per fetus		S	0265	0.9431	$63.60	$22.35	$12.72
76817	Transvaginal us, obstetric		S	0265	0.9431	$63.60	$22.35	$12.72
76818	Fetal biophys profile w/nst		S	0266	1.4674	$98.96	$37.80	$19.80
76819	Fetal biophys profil w/o nst		S	0266	1.4674	$98.96	$37.80	$19.80
76820	Umbilical artery echo	CH	S	0265	0.9431	$63.60	$22.35	$12.72
76821	Middle cerebral artery echo	CH	S	0265	0.9431	$63.60	$22.35	$12.72
76825	Echo exam of fetal heart	CH	S	0270	8.7598	$590.75	$141.32	$118.15
76826	Echo exam of fetal heart	CH	S	0269	6.7111	$452.59		$90.52
76827	Echo exam of fetal heart		S	0265	0.9431	$63.60	$22.35	$12.72
76828	Echo exam of fetal heart		S	0265	0.9431	$63.60	$22.35	$12.72
76830	Transvaginal us, non-ob		S	0266	1.4674	$98.96	$37.80	$19.80
76831	Echo exam, uterus		Q3	0267	2.3326	$157.31	$60.50	$31.47
76856	Us exam, pelvic, complete		Q3	0266	1.4674	$98.96	$37.80	$19.80
76857	Us exam, pelvic, limited		Q3	0265	0.9431	$63.60	$22.35	$12.72
76870	Us exam, scrotum		Q3	0266	1.4674	$98.96	$37.80	$19.80
76872	Us, transrectal		S	0266	1.4674	$98.96	$37.80	$19.80
76873	Echograp trans r, pros study		S	0266	1.4674	$98.96	$37.80	$19.80
76880	Us exam, extremity		S	0266	1.4674	$98.96	$37.80	$19.80
76885	Us exam infant hips, dynamic		S	0265	0.9431	$63.60	$22.35	$12.72
76886	Us exam infant hips, static		S	0265	0.9431	$63.60	$22.35	$12.72
76930	Echo guide, cardiocentesis		N					
76932	Echo guide for heart biopsy		N					
76936	Echo guide for artery repair		S	0096	1.6471	$111.08	$37.42	$22.22
76937	Us guide, vascular access		N					
76940	Us guide, tissue ablation		N					
76941	Echo guide for transfusion		N					
76942	Echo guide for biopsy		N					
76945	Echo guide, villus sampling		N					
76946	Echo guide for amniocentesis		N					
76948	Echo guide, ova aspiration		N					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
76950	Echo guidance radiotherapy		N					
76965	Echo guidance radiotherapy		N					
76970	Ultrasound exam follow-up		S	0265	0.9431	$63.60	$22.35	$12.72
76975	GI endoscopic ultrasound		Q2	0267	2.3326	$157.31	$60.50	$31.47
76977	Us bone density measure		X	0340	0.6682	$45.06		$9.02
76998	Us guide, intraop		N					
76999	Echo examination procedure		S	0265	0.9431	$63.60	$22.35	$12.72
77001	Fluoroguide for vein device		N					
77002	Needle localization by xray		N					
77003	Fluoroguide for spine inject		N					
77011	Ct scan for localization		N					
77012	Ct scan for needle biopsy		N					
77013	Ct guide for tissue ablation		N					
77014	Ct scan for therapy guide		N					
77021	Mr guidance for needle place		N					
77022	Mri for tissue ablation		N					
77031	Stereotact guide for brst bx		N					
77032	Guidance for needle, breast		N					
77051	Computer dx mammogram add-on		A					
77052	Comp screen mammogram add-on		A					
77053	X-ray of mammary duct		Q2	0263	3.0089	$202.92		$40.59
77054	X-ray of mammary ducts		Q2	0263	3.0089	$202.92		$40.59
77055	Mammogram, one breast		A					
77056	Mammogram, both breasts		A					
77057	Mammogram, screening		A					
77058	Mri, one breast		B					
77059	Mri, both breasts		B					
77071	X-ray stress view		X	0260	0.6780	$45.72		$9.15
77072	X-rays for bone age		X	0260	0.6780	$45.72		$9.15
77073	X-rays, bone length studies		X	0260	0.6780	$45.72		$9.15
77074	X-rays, bone survey, limited		X	0261	1.1283	$76.09		$15.22
77075	X-rays, bone survey complete		X	0261	1.1283	$76.09		$15.22
77076	X-rays, bone survey, infant		X	0261	1.1283	$76.09		$15.22
77077	Joint survey, single view		X	0260	0.6780	$45.72		$9.15
77078	Ct bone density, axial		S	0288	1.0833	$73.06	$28.66	$14.62
77079	Ct bone density, peripheral		S	0282	1.6629	$112.14	$37.81	$22.43
77080	Dxa bone density, axial		S	0288	1.0833	$73.06	$28.66	$14.62
77081	Dxa bone density/peripheral		S	0665	0.4268	$28.78	$11.50	$5.76
77082	Dxa bone density, vert fx		X	0260	0.6780	$45.72		$9.15
77083	Radiographic absorptiometry		X	0261	1.1283	$76.09		$15.22

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
77084	Magnetic image, bone marrow		S	0336	5.2552	$354.41	$137.40	$70.89
77261	Radiation therapy planning		B					
77262	Radiation therapy planning		B					
77263	Radiation therapy planning		B					
77280	Set radiation therapy field		X	0304	1.7343	$116.96	$38.68	$23.40
77285	Set radiation therapy field		X	0305	3.9466	$266.15	$91.38	$53.23
77290	Set radiation therapy field		X	0305	3.9466	$266.15	$91.38	$53.23
77295	Set radiation therapy field		X	0310	13.6600	$921.22	$325.27	$184.25
77299	Radiation therapy planning		X	0304	1.7343	$116.96	$38.68	$23.40
77300	Radiation therapy dose plan		X	0304	1.7343	$116.96	$38.68	$23.40
77301	Radiotherapy dose plan, imrt		X	0310	13.6600	$921.22	$325.27	$184.25
77305	Teletx isodose plan simple		X	0304	1.7343	$116.96	$38.68	$23.40
77310	Teletx isodose plan intermed		X	0304	1.7343	$116.96	$38.68	$23.40
77315	Teletx isodose plan complex		X	0305	3.9466	$266.15	$91.38	$53.23
77321	Special teletx port plan		X	0305	3.9466	$266.15	$91.38	$53.23
77326	Brachytx isodose calc simp		X	0304	1.7343	$116.96	$38.68	$23.40
77327	Brachytx isodose calc interm		X	0305	3.9466	$266.15	$91.38	$53.23
77328	Brachytx isodose plan compl		X	0305	3.9466	$266.15	$91.38	$53.23
77331	Special radiation dosimetry		X	0304	1.7343	$116.96	$38.68	$23.40
77332	Radiation treatment aid(s)		X	0303	2.8566	$192.65	$66.95	$38.53
77333	Radiation treatment aid(s)		X	0303	2.8566	$192.65	$66.95	$38.53
77334	Radiation treatment aid(s)		X	0303	2.8566	$192.65	$66.95	$38.53
77336	Radiation physics consult		X	0304	1.7343	$116.96	$38.68	$23.40
77370	Radiation physics consult		X	0304	1.7343	$116.96	$38.68	$23.40
77371	Srs, multisource		S	0127	114.3851	$7,714.02		$1,542.81
77372	Srs, linear based		B					
77373	Sbrt delivery		B					
77399	External radiation dosimetry		X	0304	1.7343	$116.96	$38.68	$23.40
77401	Radiation treatment delivery		S	0300	1.3790	$93.00		$18.60
77402	Radiation treatment delivery		S	0300	1.3790	$93.00		$18.60
77403	Radiation treatment delivery		S	0300	1.3790	$93.00		$18.60
77404	Radiation treatment delivery		S	0300	1.3790	$93.00		$18.60
77406	Radiation treatment delivery		S	0301	2.3206	$156.50		$31.30
77407	Radiation treatment delivery		S	0300	1.3790	$93.00		$18.60
77408	Radiation treatment delivery		S	0300	1.3790	$93.00		$18.60
77409	Radiation treatment delivery		S	0300	1.3790	$93.00		$18.60
77411	Radiation treatment delivery		S	0301	2.3206	$156.50		$31.30
77412	Radiation treatment delivery		S	0301	2.3206	$156.50		$31.30
77413	Radiation treatment delivery		S	0301	2.3206	$156.50		$31.30
77414	Radiation treatment delivery		S	0301	2.3206	$156.50		$31.30
77416	Radiation treatment delivery		S	0301	2.3206	$156.50		$31.30
77417	Radiology port film(s)		N					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
77418	Radiation tx delivery, imrt		S	0412	6.2903	$424.21		$84.85
77421	Stereoscopic x-ray guidance		N					
77422	Neutron beam tx, simple		S	0301	2.3206	$156.50		$31.30
77423	Neutron beam tx, complex		S	0301	2.3206	$156.50		$31.30
77427	Radiation tx management, x5		B					
77431	Radiation therapy management		B					
77432	Stereotactic radiation trmt		B					
77435	Sbrt management		N					
77470	Special radiation treatment		S	0299	5.7035	$384.64		$76.93
77499	Radiation therapy management		B					
77520	Proton trmt, simple w/o comp		S	0664	10.5776	$713.34		$142.67
77522	Proton trmt, simple w/comp		S	0664	10.5776	$713.34		$142.67
77523	Proton trmt, intermediate		S	0667	13.8371	$933.16		$186.64
77525	Proton treatment, complex		S	0667	13.8371	$933.16		$186.64
77600	Hyperthermia treatment		S	0299	5.7035	$384.64		$76.93
77605	Hyperthermia treatment		S	0299	5.7035	$384.64		$76.93
77610	Hyperthermia treatment		S	0299	5.7035	$384.64		$76.93
77615	Hyperthermia treatment		S	0299	5.7035	$384.64		$76.93
77620	Hyperthermia treatment		S	0299	5.7035	$384.64		$76.93
77750	Infuse radioactive materials		S	0301	2.3206	$156.50		$31.30
77761	Apply intrcav radiat simple		S	0312	4.4143	$297.70		$59.54
77762	Apply intrcav radiat interm		S	0312	4.4143	$297.70		$59.54
77763	Apply intrcav radiat compl		S	0312	4.4143	$297.70		$59.54
77776	Apply interstit radiat simpl		S	0312	4.4143	$297.70		$59.54
77777	Apply interstit radiat inter		S	0312	4.4143	$297.70		$59.54
77778	Apply interstit radiat compl		Q3	0651	11.9852	$808.27		$161.66
77785	Hdr brachytx, 1 channel		S	0313	11.0720	$746.68	$293.30	$149.34
77786	Hdr brachytx, 2-12 channel		S	0313	11.0720	$746.68	$293.30	$149.34
77787	Hdr brachytx over 12 chan		S	0313	11.0720	$746.68	$293.30	$149.34
77789	Apply surface radiation		S	0300	1.3790	$93.00		$18.60
77790	Radiation handling		N					
77799	Radium/radioisotope therapy		S	0312	4.4143	$297.70		$59.54
78000	Thyroid, single uptake		S	0389	1.6458	$110.99	$29.60	$22.20
78001	Thyroid, multiple uptakes		S	0389	1.6458	$110.99	$29.60	$22.20
78003	Thyroid suppress/stimul	CH	S	0389	1.6458	$110.99	$29.60	$22.20
78006	Thyroid imaging with uptake		S	0391	3.3345	$224.88	$66.18	$44.98
78007	Thyroid image, mult uptakes		S	0391	3.3345	$224.88	$66.18	$44.98
78010	Thyroid imaging		S	0390	2.1594	$145.63	$52.15	$29.13
78011	Thyroid imaging with flow		S	0390	2.1594	$145.63	$52.15	$29.13
78015	Thyroid met imaging		S	0406	4.4282	$298.63	$90.83	$59.73
78016	Thyroid met imaging/studies		S	0406	4.4282	$298.63	$90.83	$59.73
78018	Thyroid met imaging, body		S	0406	4.4282	$298.63	$90.83	$59.73

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78020	Thyroid met uptake		N					
78070	Parathyroid nuclear imaging		S	0391	3.3345	$224.88	$66.18	$44.98
78075	Adrenal nuclear imaging		S	0408	15.4344	$1,040.88		$208.18
78099	Endocrine nuclear procedure		S	0390	2.1594	$145.63	$52.15	$29.13
78102	Bone marrow imaging, ltd		S	0400	3.8671	$260.79	$92.58	$52.16
78103	Bone marrow imaging, mult		S	0400	3.8671	$260.79	$92.58	$52.16
78104	Bone marrow imaging, body		S	0400	3.8671	$260.79	$92.58	$52.16
78110	Plasma volume, single		S	0393	6.0685	$409.25	$82.04	$81.85
78111	Plasma volume, multiple		S	0393	6.0685	$409.25	$82.04	$81.85
78120	Red cell mass, single		S	0393	6.0685	$409.25	$82.04	$81.85
78121	Red cell mass, multiple		S	0393	6.0685	$409.25	$82.04	$81.85
78122	Blood volume		S	0393	6.0685	$409.25	$82.04	$81.85
78130	Red cell survival study		S	0393	6.0685	$409.25	$82.04	$81.85
78135	Red cell survival kinetics		S	0393	6.0685	$409.25	$82.04	$81.85
78140	Red cell sequestration		S	0393	6.0685	$409.25	$82.04	$81.85
78185	Spleen imaging		S	0400	3.8671	$260.79	$92.58	$52.16
78190	Platelet survival, kinetics		S	0392	2.4752	$166.93	$43.95	$33.39
78191	Platelet survival		S	0392	2.4752	$166.93	$43.95	$33.39
78195	Lymph system imaging		S	0400	3.8671	$260.79	$92.58	$52.16
78199	Blood/lymph nuclear exam		S	0400	3.8671	$260.79	$92.58	$52.16
78201	Liver imaging		S	0394	4.4094	$297.37	$99.32	$59.48
78202	Liver imaging with flow		S	0394	4.4094	$297.37	$99.32	$59.48
78205	Liver imaging (3D)		S	0394	4.4094	$297.37	$99.32	$59.48
78206	Liver image (3d) with flow		S	0394	4.4094	$297.37	$99.32	$59.48
78215	Liver and spleen imaging		S	0394	4.4094	$297.37	$99.32	$59.48
78216	Liver & spleen image/flow		S	0394	4.4094	$297.37	$99.32	$59.48
78220	Liver function study		S	0394	4.4094	$297.37	$99.32	$59.48
78223	Hepatobiliary imaging		S	0394	4.4094	$297.37	$99.32	$59.48
78230	Salivary gland imaging		S	0395	3.7395	$252.19	$89.73	$50.44
78231	Serial salivary imaging		S	0395	3.7395	$252.19	$89.73	$50.44
78232	Salivary gland function exam		S	0395	3.7395	$252.19	$89.73	$50.44
78258	Esophageal motility study		S	0395	3.7395	$252.19	$89.73	$50.44
78261	Gastric mucosa imaging		S	0395	3.7395	$252.19	$89.73	$50.44
78262	Gastroesophageal reflux exam		S	0395	3.7395	$252.19	$89.73	$50.44
78264	Gastric emptying study		S	0395	3.7395	$252.19	$89.73	$50.44
78267	Breath tst attain/anal c-14		A					
78268	Breath test analysis, c-14		A					
78270	Vit B-12 absorption exam		S	0392	2.4752	$166.93	$43.95	$33.39
78271	Vit b-12 absrp exam, int fac		S	0392	2.4752	$166.93	$43.95	$33.39
78272	Vit B-12 absorp, combined		S	0392	2.4752	$166.93	$43.95	$33.39
78278	Acute GI blood loss imaging		S	0395	3.7395	$252.19	$89.73	$50.44
78282	GI protein loss exam		S	0395	3.7395	$252.19	$89.73	$50.44

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
78290	Meckel's divert exam		S	0395	3.7395	$252.19	$89.73	$50.44
78291	Leveen/shunt patency exam		S	0395	3.7395	$252.19	$89.73	$50.44
78299	GI nuclear procedure		S	0395	3.7395	$252.19	$89.73	$50.44
78300	Bone imaging, limited area		S	0396	3.7488	$252.82	$95.02	$50.57
78305	Bone imaging, multiple areas		S	0396	3.7488	$252.82	$95.02	$50.57
78306	Bone imaging, whole body		S	0396	3.7488	$252.82	$95.02	$50.57
78315	Bone imaging, 3 phase		S	0396	3.7488	$252.82	$95.02	$50.57
78320	Bone imaging (3D)		S	0396	3.7488	$252.82	$95.02	$50.57
78350	Bone mineral, single photon		E					
78351	Bone mineral, dual photon		E					
78399	Musculoskeletal nuclear exam		S	0396	3.7488	$252.82	$95.02	$50.57
78414	Non-imaging heart function		S	0398	4.6721	$315.08	$100.06	$63.02
78428	Cardiac shunt imaging		S	0398	4.6721	$315.08	$100.06	$63.02
78445	Vascular flow imaging		S	0397	2.9070	$196.05	$46.29	$39.21
78456	Acute venous thrombus image		S	0397	2.9070	$196.05	$46.29	$39.21
78457	Venous thrombosis imaging		S	0397	2.9070	$196.05	$46.29	$39.21
78458	Ven thrombosis images, bilat		S	0397	2.9070	$196.05	$46.29	$39.21
78459	Heart muscle imaging (PET)		S	0307	21.1936	$1,429.28		$285.86
78460	Heart muscle blood, single		S	0377	11.6149	$783.30	$158.84	$156.66
78461	Heart muscle blood, multiple		S	0377	11.6149	$783.30	$158.84	$156.66
78464	Heart image (3d), single		S	0377	11.6149	$783.30	$158.84	$156.66
78465	Heart image (3d), multiple		S	0377	11.6149	$783.30	$158.84	$156.66
78466	Heart infarct image		S	0398	4.6721	$315.08	$100.06	$63.02
78468	Heart infarct image (ef)		S	0398	4.6721	$315.08	$100.06	$63.02
78469	Heart infarct image (3D)		S	0398	4.6721	$315.08	$100.06	$63.02
78472	Gated heart, planar, single		S	0398	4.6721	$315.08	$100.06	$63.02
78473	Gated heart, multiple		S	0398	4.6721	$315.08	$100.06	$63.02
78478	Heart wall motion add-on		N					
78480	Heart function add-on		N					
78481	Heart first pass, single		S	0398	4.6721	$315.08	$100.06	$63.02
78483	Heart first pass, multiple		S	0398	4.6721	$315.08	$100.06	$63.02
78491	Heart image (pet), single		S	0307	21.1936	$1,429.28		$285.86
78492	Heart image (pet), multiple		S	0307	21.1936	$1,429.28		$285.86
78494	Heart image, spect		S	0398	4.6721	$315.08	$100.06	$63.02
78496	Heart first pass add-on		N					
78499	Cardiovascular nuclear exam		S	0398	4.6721	$315.08	$100.06	$63.02
78580	Lung perfusion imaging		S	0401	3.1737	$214.03	$76.52	$42.81
78584	Lung V/Q image single breath		S	0378	4.8966	$330.22	$125.33	$66.05
78585	Lung V/Q imaging		S	0378	4.8966	$330.22	$125.33	$66.05
78586	Aerosol lung image, single		S	0401	3.1737	$214.03	$76.52	$42.81
78587	Aerosol lung image, multiple		S	0401	3.1737	$214.03	$76.52	$42.81
78588	Perfusion lung image		S	0378	4.8966	$330.22	$125.33	$66.05

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
78591	Vent image, 1 breath, 1 proj		S	0401	3.1737	$214.03	$76.52	$42.81
78593	Vent image, 1 proj, gas		S	0401	3.1737	$214.03	$76.52	$42.81
78594	Vent image, mult proj, gas		S	0401	3.1737	$214.03	$76.52	$42.81
78596	Lung differential function		S	0378	4.8966	$330.22	$125.33	$66.05
78599	Respiratory nuclear exam		S	0401	3.1737	$214.03	$76.52	$42.81
78600	Brain image < 4 views		S	0403	3.0171	$203.47	$72.42	$40.70
78601	Brain image w/flow < 4 views	CH	S	0402	8.9669	$604.72		$120.95
78605	Brain image 4+ views		S	0403	3.0171	$203.47	$72.42	$40.70
78606	Brain image w/flow 4 + views		S	0402	8.9669	$604.72		$120.95
78607	Brain imaging (3D)		S	0402	8.9669	$604.72		$120.95
78608	Brain imaging (PET)		S	0308	15.5857	$1,051.08		$210.22
78609	Brain imaging (PET)		E					
78610	Brain flow imaging only	CH	S	0403	3.0171	$203.47	$72.42	$40.70
78630	Cerebrospinal fluid scan		S	0402	8.9669	$604.72		$120.95
78635	CSF ventriculography		S	0402	8.9669	$604.72		$120.95
78645	CSF shunt evaluation		S	0403	3.0171	$203.47	$72.42	$40.70
78647	Cerebrospinal fluid scan		S	0402	8.9669	$604.72		$120.95
78650	CSF leakage imaging		S	0402	8.9669	$604.72		$120.95
78660	Nuclear exam of tear flow		S	0403	3.0171	$203.47	$72.42	$40.70
78699	Nervous system nuclear exam		S	0403	3.0171	$203.47	$72.42	$40.70
78700	Kidney imaging, morphol		S	0404	4.9245	$332.10	$84.11	$66.42
78701	Kidney imaging with flow		S	0404	4.9245	$332.10	$84.11	$66.42
78707	K flow/funct image w/o drug		S	0404	4.9245	$332.10	$84.11	$66.42
78708	K flow/funct image w/drug		S	0404	4.9245	$332.10	$84.11	$66.42
78709	K flow/funct image, multiple		S	0404	4.9245	$332.10	$84.11	$66.42
78710	Kidney imaging (3D)		S	0404	4.9245	$332.10	$84.11	$66.42
78725	Kidney function study		S	0392	2.4752	$166.93	$43.95	$33.39
78730	Urinary bladder retention		S	0389	1.6458	$110.99	$29.60	$22.20
78740	Ureteral reflux study		S	0404	4.9245	$332.10	$84.11	$66.42
78761	Testicular imaging w/flow		S	0404	4.9245	$332.10	$84.11	$66.42
78799	Genitourinary nuclear exam		S	0404	4.9245	$332.10	$84.11	$66.42
78800	Tumor imaging, limited area		S	0406	4.4282	$298.63	$90.83	$59.73
78801	Tumor imaging, mult areas		S	0414	7.7663	$523.75		$104.75
78802	Tumor imaging, whole body		S	0414	7.7663	$523.75		$104.75
78803	Tumor imaging (3D)	CH	S	0414	7.7663	$523.75		$104.75
78804	Tumor imaging, whole body		S	0408	15.4344	$1,040.88		$208.18
78805	Abscess imaging, ltd area		S	0414	7.7663	$523.75		$104.75
78806	Abscess imaging, whole body		S	0414	7.7663	$523.75		$104.75
78807	Nuclear localization/abscess	CH	S	0406	4.4282	$298.63	$90.83	$59.73
78808	Iv inj ra drug dx study		Q1	0392	2.4752	$166.93	$43.95	$33.39
78811	Pet image, ltd area		S	0308	15.5857	$1,051.08		$210.22
78812	Pet image, skull-thigh		S	0308	15.5857	$1,051.08		$210.22

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
78813	Pet image, full body		S	0308	15.5857	$1,051.08		$210.22
78814	Pet image w/ct, lmtd		S	0308	15.5857	$1,051.08		$210.22
78815	Pet image w/ct, skull-thigh		S	0308	15.5857	$1,051.08		$210.22
78816	Pet image w/ct, full body		S	0308	15.5857	$1,051.08		$210.22
78999	Nuclear diagnostic exam		S	0389	1.6458	$110.99	$29.60	$22.20
79005	Nuclear rx, oral admin		S	0407	3.2574	$219.68	$78.13	$43.94
79101	Nuclear rx, iv admin		S	0407	3.2574	$219.68	$78.13	$43.94
79200	Nuclear rx, intracav admin		S	0413	5.3200	$358.78		$71.76
79300	Nuclr rx, interstit colloid		S	0407	3.2574	$219.68	$78.13	$43.94
79403	Hematopoietic nuclear tx		S	0413	5.3200	$358.78		$71.76
79440	Nuclear rx, intra-articular		S	0413	5.3200	$358.78		$71.76
79445	Nuclear rx, intra-arterial		S	0407	3.2574	$219.68	$78.13	$43.94
79999	Nuclear medicine therapy		S	0407	3.2574	$219.68	$78.13	$43.94
80047	Metabolic panel ionized ca		A					
80048	Metabolic panel total ca		A					
80050	General health panel		E					
80051	Electrolyte panel		A					
80053	Comprehen metabolic panel		A					
80055	Obstetric panel		E					
80061	Lipid panel		A					
80069	Renal function panel		A					
80074	Acute hepatitis panel		A					
80076	Hepatic function panel		A					
80100	Drug screen, qualitate/multi		A					
80101	Drug screen, single		A					
80102	Drug confirmation		A					
80103	Drug analysis, tissue prep		N					
80150	Assay of amikacin		A					
80152	Assay of amitriptyline		A					
80154	Assay of benzodiazepines		A					
80156	Assay, carbamazepine, total		A					
80157	Assay, carbamazepine, free		A					
80158	Assay of cyclosporine		A					
80160	Assay of desipramine		A					
80162	Assay of digoxin		A					
80164	Assay, dipropylacetic acid		A					
80166	Assay of doxepin		A					
80168	Assay of ethosuximide		A					
80170	Assay of gentamicin		A					
80172	Assay of gold		A					
80173	Assay of haloperidol		A					
80174	Assay of imipramine		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
80176	Assay of lidocaine		A					
80178	Assay of lithium		A					
80182	Assay of nortriptyline		A					
80184	Assay of phenobarbital		A					
80185	Assay of phenytoin, total		A					
80186	Assay of phenytoin, free		A					
80188	Assay of primidone		A					
80190	Assay of procainamide		A					
80192	Assay of procainamide		A					
80194	Assay of quinidine		A					
80195	Assay of sirolimus		A					
80196	Assay of salicylate		A					
80197	Assay of tacrolimus		A					
80198	Assay of theophylline		A					
80200	Assay of tobramycin		A					
80201	Assay of topiramate		A					
80202	Assay of vancomycin		A					
80299	Quantitative assay, drug		A					
80400	Acth stimulation panel		A					
80402	Acth stimulation panel		A					
80406	Acth stimulation panel		A					
80408	Aldosterone suppression eval		A					
80410	Calcitonin stimul panel		A					
80412	CRH stimulation panel		A					
80414	Testosterone response		A					
80415	Estradiol response panel		A					
80416	Renin stimulation panel		A					
80417	Renin stimulation panel		A					
80418	Pituitary evaluation panel		A					
80420	Dexamethasone panel		A					
80422	Glucagon tolerance panel		A					
80424	Glucagon tolerance panel		A					
80426	Gonadotropin hormone panel		A					
80428	Growth hormone panel		A					
80430	Growth hormone panel		A					
80432	Insulin suppression panel		A					
80434	Insulin tolerance panel		A					
80435	Insulin tolerance panel		A					
80436	Metyrapone panel		A					
80438	TRH stimulation panel		A					
80439	TRH stimulation panel		A					
80440	TRH stimulation panel		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
80500	Lab pathology consultation		X	0433	0.2467	$16.64	$5.17	$3.33
80502	Lab pathology consultation		X	0342	0.1583	$10.68		$2.14
81000	Urinalysis, nonauto w/scope		A					
81001	Urinalysis, auto w/scope		A					
81002	Urinalysis nonauto w/o scope		A					
81003	Urinalysis, auto, w/o scope		A					
81005	Urinalysis		A					
81007	Urine screen for bacteria		A					
81015	Microscopic exam of urine		A					
81020	Urinalysis, glass test		A					
81025	Urine pregnancy test		A					
81050	Urinalysis, volume measure		A					
81099	Urinalysis test procedure		A					
82000	Assay of blood acetaldehyde		A					
82003	Assay of acetaminophen		A					
82009	Test for acetone/ketones		A					
82010	Acetone assay		A					
82013	Acetylcholinesterase assay		A					
82016	Acylcarnitines, qual		A					
82017	Acylcarnitines, quant		A					
82024	Assay of acth		A					
82030	Assay of adp & amp		A					
82040	Assay of serum albumin		A					
82042	Assay of urine albumin		A					
82043	Microalbumin, quantitative		A					
82044	Microalbumin, semiquant		A					
82045	Albumin, ischemia modified		A					
82055	Assay of ethanol		A					
82075	Assay of breath ethanol		A					
82085	Assay of aldolase		A					
82088	Assay of aldosterone		A					
82101	Assay of urine alkaloids		A					
82103	Alpha-1-antitrypsin, total		A					
82104	Alpha-1-antitrypsin, pheno		A					
82105	Alpha-fetoprotein, serum		A					
82106	Alpha-fetoprotein, amniotic		A					
82107	Alpha-fetoprotein l3		A					
82108	Assay of aluminum		A					
82120	Amines, vaginal fluid qual		A					
82127	Amino acid, single qual		A					
82128	Amino acids, mult qual		A					
82131	Amino acids, single quant		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
82135	Assay, aminolevulinic acid		A					
82136	Amino acids, quant, 2-5		A					
82139	Amino acids, quan, 6 or more		A					
82140	Assay of ammonia		A					
82143	Amniotic fluid scan		A					
82145	Assay of amphetamines		A					
82150	Assay of amylase		A					
82154	Androstanediol glucuronide		A					
82157	Assay of androstenedione		A					
82160	Assay of androsterone		A					
82163	Assay of angiotensin II		A					
82164	Angiotensin I enzyme test		A					
82172	Assay of apolipoprotein		A					
82175	Assay of arsenic		A					
82180	Assay of ascorbic acid		A					
82190	Atomic absorption		A					
82205	Assay of barbiturates		A					
82232	Assay of beta-2 protein		A					
82239	Bile acids, total		A					
82240	Bile acids, cholylglycine		A					
82247	Bilirubin, total		A					
82248	Bilirubin, direct		A					
82252	Fecal bilirubin test		A					
82261	Assay of biotinidase		A					
82270	Occult blood, feces		A					
82271	Occult blood, other sources		A					
82272	Occult bld feces, 1-3 tests		A					
82274	Assay test for blood, fecal		A					
82286	Assay of bradykinin		A					
82300	Assay of cadmium		A					
82306	Assay of vitamin D		A					
82307	Assay of vitamin D		A					
82308	Assay of calcitonin		A					
82310	Assay of calcium		A					
82330	Assay of calcium		A					
82331	Calcium infusion test		A					
82340	Assay of calcium in urine		A					
82355	Calculus analysis, qual		A					
82360	Calculus assay, quant		A					
82365	Calculus spectroscopy		A					
82370	X-ray assay, calculus		A					
82373	Assay, c-d transfer measure		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
82374	Assay, blood carbon dioxide		A					
82375	Assay, carboxyhb, quant		A					
82376	Assay, carboxyhb, qual		A					
82378	Carcinoembryonic antigen		A					
82379	Assay of carnitine		A					
82380	Assay of carotene		A					
82382	Assay, urine catecholamines		A					
82383	Assay, blood catecholamines		A					
82384	Assay, three catecholamines		A					
82387	Assay of cathepsin-d		A					
82390	Assay of ceruloplasmin		A					
82397	Chemiluminescent assay		A					
82415	Assay of chloramphenicol		A					
82435	Assay of blood chloride		A					
82436	Assay of urine chloride		A					
82438	Assay, other fluid chlorides		A					
82441	Test for chlorohydrocarbons		A					
82465	Assay, bld/serum cholesterol		A					
82480	Assay, serum cholinesterase		A					
82482	Assay, rbc cholinesterase		A					
82485	Assay, chondroitin sulfate		A					
82486	Gas/liquid chromatography		A					
82487	Paper chromatography		A					
82488	Paper chromatography		A					
82489	Thin layer chromatography		A					
82491	Chromotography, quant, sing		A					
82492	Chromotography, quant, mult		A					
82495	Assay of chromium		A					
82507	Assay of citrate		A					
82520	Assay of cocaine		A					
82523	Collagen crosslinks		A					
82525	Assay of copper		A					
82528	Assay of corticosterone		A					
82530	Cortisol, free		A					
82533	Total cortisol		A					
82540	Assay of creatine		A					
82541	Column chromotography, qual		A					
82542	Column chromotography, quant		A					
82543	Column chromotograph/isotope		A					
82544	Column chromotograph/isotope		A					
82550	Assay of ck (cpk)		A					
82552	Assay of cpk in blood		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
82553	Creatine, MB fraction		A					
82554	Creatine, isoforms		A					
82565	Assay of creatinine		A					
82570	Assay of urine creatinine		A					
82575	Creatinine clearance test		A					
82585	Assay of cryofibrinogen		A					
82595	Assay of cryoglobulin		A					
82600	Assay of cyanide		A					
82607	Vitamin B-12		A					
82608	B-12 binding capacity		A					
82610	Cystatin c		A					
82615	Test for urine cystines		A					
82626	Dehydroepiandrosterone		A					
82627	Dehydroepiandrosterone		A					
82633	Desoxycorticosterone		A					
82634	Deoxycortisol		A					
82638	Assay of dibucaine number		A					
82646	Assay of dihydrocodeinone		A					
82649	Assay of dihydromorphinone		A					
82651	Assay of dihydrotestosterone		A					
82652	Assay of dihydroxyvitamin d		A					
82654	Assay of dimethadione		A					
82656	Pancreatic elastase, fecal		A					
82657	Enzyme cell activity		A					
82658	Enzyme cell activity, ra		A					
82664	Electrophoretic test		A					
82666	Assay of epiandrosterone		A					
82668	Assay of erythropoietin		A					
82670	Assay of estradiol		A					
82671	Assay of estrogens		A					
82672	Assay of estrogen		A					
82677	Assay of estriol		A					
82679	Assay of estrone		A					
82690	Assay of ethchlorvynol		A					
82693	Assay of ethylene glycol		A					
82696	Assay of etiocholanolone		A					
82705	Fats/lipids, feces, qual		A					
82710	Fats/lipids, feces, quant		A					
82715	Assay of fecal fat		A					
82725	Assay of blood fatty acids		A					
82726	Long chain fatty acids		A					
82728	Assay of ferritin		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
82731	Assay of fetal fibronectin		A					
82735	Assay of fluoride		A					
82742	Assay of flurazepam		A					
82746	Blood folic acid serum		A					
82747	Assay of folic acid, rbc		A					
82757	Assay of semen fructose		A					
82759	Assay of rbc galactokinase		A					
82760	Assay of galactose		A					
82775	Assay galactose transferase		A					
82776	Galactose transferase test		A					
82784	Assay of gammaglobulin igm		A					
82785	Assay of gammaglobulin ige		A					
82787	Igg 1, 2, 3 or 4, each		A					
82800	Blood pH		A					
82803	Blood gases: pH, pO2 & pCO2		A					
82805	Blood gases w/02 saturation		A					
82810	Blood gases, O2 sat only		A					
82820	Hemoglobin-oxygen affinity		A					
82926	Assay of gastric acid		A					
82928	Assay of gastric acid		A					
82938	Gastrin test		A					
82941	Assay of gastrin		A					
82943	Assay of glucagon		A					
82945	Glucose other fluid		A					
82946	Glucagon tolerance test		A					
82947	Assay, glucose, blood quant		A					
82948	Reagent strip/blood glucose		A					
82950	Glucose test		A					
82951	Glucose tolerance test (GTT)		A					
82952	GTT-added samples		A					
82953	Glucose-tolbutamide test		A					
82955	Assay of g6pd enzyme		A					
82960	Test for G6PD enzyme		A					
82962	Glucose blood test		A					
82963	Assay of glucosidase		A					
82965	Assay of gdh enzyme		A					
82975	Assay of glutamine		A					
82977	Assay of GGT		A					
82978	Assay of glutathione		A					
82979	Assay, rbc glutathione		A					
82980	Assay of glutethimide		A					
82985	Glycated protein		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
83001	Gonadotropin (FSH)		A					
83002	Gonadotropin (LH)		A					
83003	Assay, growth hormone (hgh)		A					
83008	Assay of guanosine		A					
83009	H pylori (c-13), blood		A					
83010	Assay of haptoglobin, quant		A					
83012	Assay of haptoglobins		A					
83013	H pylori (c-13), breath		A					
83014	H pylori drug admin		A					
83015	Heavy metal screen		A					
83018	Quantitative screen, metals		A					
83020	Hemoglobin electrophoresis		A					
83021	Hemoglobin chromotography		A					
83026	Hemoglobin, copper sulfate		A					
83030	Fetal hemoglobin, chemical		A					
83033	Fetal hemoglobin assay, qual		A					
83036	Glycosylated hemoglobin test		A					
83037	Glycosylated hb, home device		A					
83045	Blood methemoglobin test		A					
83050	Blood methemoglobin assay		A					
83051	Assay of plasma hemoglobin		A					
83055	Blood sulfhemoglobin test		A					
83060	Blood sulfhemoglobin assay		A					
83065	Assay of hemoglobin heat		A					
83068	Hemoglobin stability screen		A					
83069	Assay of urine hemoglobin		A					
83070	Assay of hemosiderin, qual		A					
83071	Assay of hemosiderin, quant		A					
83080	Assay of b hexosaminidase		A					
83088	Assay of histamine		A					
83090	Assay of homocystine		A					
83150	Assay of for hva		A					
83491	Assay of corticosteroids		A					
83497	Assay of 5-hiaa		A					
83498	Assay of progesterone		A					
83499	Assay of progesterone		A					
83500	Assay, free hydroxyproline		A					
83505	Assay, total hydroxyproline		A					
83516	Immunoassay, nonantibody		A					
83518	Immunoassay, dipstick		A					
83519	Immunoassay, nonantibody		A					
83520	Immunoassay, RIA		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
83525	Assay of insulin		A					
83527	Assay of insulin		A					
83528	Assay of intrinsic factor		A					
83540	Assay of iron		A					
83550	Iron binding test		A					
83570	Assay of idh enzyme		A					
83582	Assay of ketogenic steroids		A					
83586	Assay 17- ketosteroids		A					
83593	Fractionation, ketosteroids		A					
83605	Assay of lactic acid		A					
83615	Lactate (LD) (LDH) enzyme		A					
83625	Assay of ldh enzymes		A					
83630	Lactoferrin, fecal (qual)		A					
83631	Lactoferrin, fecal (quant)		A					
83632	Placental lactogen		A					
83633	Test urine for lactose		A					
83634	Assay of urine for lactose		A					
83655	Assay of lead		A					
83661	L/s ratio, fetal lung		A					
83662	Foam stability, fetal lung		A					
83663	Fluoro polarize, fetal lung		A					
83664	Lamellar bdy, fetal lung		A					
83670	Assay of lap enzyme		A					
83690	Assay of lipase		A					
83695	Assay of lipoprotein(a)		A					
83698	Assay lipoprotein pla2		A					
83700	Lipopro bld, electrophoretic		A					
83701	Lipoprotein bld, hr fraction		A					
83704	Lipoprotein, bld, by nmr		A					
83718	Assay of lipoprotein		A					
83719	Assay of blood lipoprotein		A					
83721	Assay of blood lipoprotein		A					
83727	Assay of lrh hormone		A					
83735	Assay of magnesium		A					
83775	Assay of md enzyme		A					
83785	Assay of manganese		A					
83788	Mass spectrometry qual		A					
83789	Mass spectrometry quant		A					
83805	Assay of meprobamate		A					
83825	Assay of mercury		A					
83835	Assay of metanephrines		A					
83840	Assay of methadone		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
83857	Assay of methemalbumin		A					
83858	Assay of methsuximide		A					
83864	Mucopolysaccharides		A					
83866	Mucopolysaccharides screen		A					
83872	Assay synovial fluid mucin		A					
83873	Assay of csf protein		A					
83874	Assay of myoglobin		A					
83876	Assay, myeloperoxidase		A					
83880	Natriuretic peptide		A					
83883	Assay, nephelometry not spec		A					
83885	Assay of nickel		A					
83887	Assay of nicotine		A					
83890	Molecule isolate		A					
83891	Molecule isolate nucleic		A					
83892	Molecular diagnostics		A					
83893	Molecule dot/slot/blot		A					
83894	Molecule gel electrophor		A					
83896	Molecular diagnostics		A					
83897	Molecule nucleic transfer		A					
83898	Molecule nucleic ampli, each		A					
83900	Molecule nucleic ampli 2 seq		A					
83901	Molecule nucleic ampli addon		A					
83902	Molecular diagnostics		A					
83903	Molecule mutation scan		A					
83904	Molecule mutation identify		A					
83905	Molecule mutation identify		A					
83906	Molecule mutation identify		A					
83907	Lyse cells for nucleic ext		A					
83908	Nucleic acid, signal ampli		A					
83909	Nucleic acid, high resolute		A					
83912	Genetic examination		A					
83913	Molecular, rna stabilization		A					
83914	Mutation ident ola/sbce/aspe		A					
83915	Assay of nucleotidase		A					
83916	Oligoclonal bands		A					
83918	Organic acids, total, quant		A					
83919	Organic acids, qual, each		A					
83921	Organic acid, single, quant		A					
83925	Assay of opiates		A					
83930	Assay of blood osmolality		A					
83935	Assay of urine osmolality		A					
83937	Assay of osteocalcin		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
83945	Assay of oxalate		A					
83950	Oncoprotein, her-2/neu		A					
83951	Oncoprotein, dcp		A					
83970	Assay of parathormone		A					
83986	Assay of body fluid acidity		A					
83992	Assay for phencyclidine		A					
83993	Assay for calprotectin fecal		A					
84022	Assay of phenothiazine		A					
84030	Assay of blood pku		A					
84035	Assay of phenylketones		A					
84060	Assay acid phosphatase		A					
84061	Phosphatase, forensic exam		A					
84066	Assay prostate phosphatase		A					
84075	Assay alkaline phosphatase		A					
84078	Assay alkaline phosphatase		A					
84080	Assay alkaline phosphatases		A					
84081	Amniotic fluid enzyme test		A					
84085	Assay of rbc pg6d enzyme		A					
84087	Assay phosphohexose enzymes		A					
84100	Assay of phosphorus		A					
84105	Assay of urine phosphorus		A					
84106	Test for porphobilinogen		A					
84110	Assay of porphobilinogen		A					
84119	Test urine for porphyrins		A					
84120	Assay of urine porphyrins		A					
84126	Assay of feces porphyrins		A					
84127	Assay of feces porphyrins		A					
84132	Assay of serum potassium		A					
84133	Assay of urine potassium		A					
84134	Assay of prealbumin		A					
84135	Assay of pregnanediol		A					
84138	Assay of pregnanetriol		A					
84140	Assay of pregnenolone		A					
84143	Assay of 17-hydroxypregneno		A					
84144	Assay of progesterone		A					
84146	Assay of prolactin		A					
84150	Assay of prostaglandin		A					
84152	Assay of psa, complexed		A					
84153	Assay of psa, total		A					
84154	Assay of psa, free		A					
84155	Assay of protein, serum		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
84156	Assay of protein, urine		A					
84157	Assay of protein, other		A					
84160	Assay of protein, any source		A					
84163	Pappa, serum		A					
84165	Protein e-phoresis, serum		A					
84166	Protein e-phoresis/urine/csf		A					
84181	Western blot test		A					
84182	Protein, western blot test		A					
84202	Assay RBC protoporphyrin		A					
84203	Test RBC protoporphyrin		A					
84206	Assay of proinsulin		A					
84207	Assay of vitamin b-6		A					
84210	Assay of pyruvate		A					
84220	Assay of pyruvate kinase		A					
84228	Assay of quinine		A					
84233	Assay of estrogen		A					
84234	Assay of progesterone		A					
84235	Assay of endocrine hormone		A					
84238	Assay, nonendocrine receptor		A					
84244	Assay of renin		A					
84252	Assay of vitamin b-2		A					
84255	Assay of selenium		A					
84260	Assay of serotonin		A					
84270	Assay of sex hormone globul		A					
84275	Assay of sialic acid		A					
84285	Assay of silica		A					
84295	Assay of serum sodium		A					
84300	Assay of urine sodium		A					
84302	Assay of sweat sodium		A					
84305	Assay of somatomedin		A					
84307	Assay of somatostatin		A					
84311	Spectrophotometry		A					
84315	Body fluid specific gravity		A					
84375	Chromatogram assay, sugars		A					
84376	Sugars, single, qual		A					
84377	Sugars, multiple, qual		A					
84378	Sugars, single, quant		A					
84379	Sugars multiple quant		A					
84392	Assay of urine sulfate		A					
84402	Assay of testosterone		A					
84403	Assay of total testosterone		A					
84425	Assay of vitamin b-1		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
84430	Assay of thiocyanate		A					
84432	Assay of thyroglobulin		A					
84436	Assay of total thyroxine		A					
84437	Assay of neonatal thyroxine		A					
84439	Assay of free thyroxine		A					
84442	Assay of thyroid activity		A					
84443	Assay thyroid stim hormone		A					
84445	Assay of tsi		A					
84446	Assay of vitamin e		A					
84449	Assay of transcortin		A					
84450	Transferase (AST) (SGOT)		A					
84460	Alanine amino (ALT) (SGPT)		A					
84466	Assay of transferrin		A					
84478	Assay of triglycerides		A					
84479	Assay of thyroid (t3 or t4)		A					
84480	Assay, triiodothyronine (t3)		A					
84481	Free assay (FT-3)		A					
84482	T3 reverse		A					
84484	Assay of troponin, quant		A					
84485	Assay duodenal fluid trypsin		A					
84488	Test feces for trypsin		A					
84490	Assay of feces for trypsin		A					
84510	Assay of tyrosine		A					
84512	Assay of troponin, qual		A					
84520	Assay of urea nitrogen		A					
84525	Urea nitrogen semi-quant		A					
84540	Assay of urine/urea-n		A					
84545	Urea-N clearance test		A					
84550	Assay of blood/uric acid		A					
84560	Assay of urine/uric acid		A					
84577	Assay of feces/urobilinogen		A					
84578	Test urine urobilinogen		A					
84580	Assay of urine urobilinogen		A					
84583	Assay of urine urobilinogen		A					
84585	Assay of urine vma		A					
84586	Assay of vip		A					
84588	Assay of vasopressin		A					
84590	Assay of vitamin a		A					
84591	Assay of nos vitamin		A					
84597	Assay of vitamin k		A					
84600	Assay of volatiles		A					
84620	Xylose tolerance test		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
84630	Assay of zinc		A					
84681	Assay of c-peptide		A					
84702	Chorionic gonadotropin test		A					
84703	Chorionic gonadotropin assay		A					
84704	Hcg, free betachain test		A					
84830	Ovulation tests		A					
84999	Clinical chemistry test		A					
85002	Bleeding time test		A					
85004	Automated diff wbc count		A					
85007	Bl smear w/diff wbc count		A					
85008	Bl smear w/o diff wbc count		A					
85009	Manual diff wbc count b-coat		A					
85013	Spun microhematocrit		A					
85014	Hematocrit		A					
85018	Hemoglobin		A					
85025	Complete cbc w/auto diff wbc		A					
85027	Complete cbc, automated		A					
85032	Manual cell count, each		A					
85041	Automated rbc count		A					
85044	Manual reticulocyte count		A					
85045	Automated reticulocyte count		A					
85046	Reticyte/hgb concentrate		A					
85048	Automated leukocyte count		A					
85049	Automated platelet count		A					
85055	Reticulated platelet assay		A					
85060	Blood smear interpretation		B					
85097	Bone marrow interpretation		X	0343	0.5294	$35.70	$10.84	$7.14
85130	Chromogenic substrate assay		A					
85170	Blood clot retraction		A					
85175	Blood clot lysis time		A					
85210	Blood clot factor II test		A					
85220	Blood clot factor V test		A					
85230	Blood clot factor VII test		A					
85240	Blood clot factor VIII test		A					
85244	Blood clot factor VIII test		A					
85245	Blood clot factor VIII test		A					
85246	Blood clot factor VIII test		A					
85247	Blood clot factor VIII test		A					
85250	Blood clot factor IX test		A					
85260	Blood clot factor X test		A					
85270	Blood clot factor XI test		A					
85280	Blood clot factor XII test		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
85290	Blood clot factor XIII test		A					
85291	Blood clot factor XIII test		A					
85292	Blood clot factor assay		A					
85293	Blood clot factor assay		A					
85300	Antithrombin III test		A					
85301	Antithrombin III test		A					
85302	Blood clot inhibitor antigen		A					
85303	Blood clot inhibitor test		A					
85305	Blood clot inhibitor assay		A					
85306	Blood clot inhibitor test		A					
85307	Assay activated protein c		A					
85335	Factor inhibitor test		A					
85337	Thrombomodulin		A					
85345	Coagulation time		A					
85347	Coagulation time		A					
85348	Coagulation time		A					
85360	Euglobulin lysis		A					
85362	Fibrin degradation products		A					
85366	Fibrinogen test		A					
85370	Fibrinogen test		A					
85378	Fibrin degrade, semiquant		A					
85379	Fibrin degradation, quant		A					
85380	Fibrin degradation, vte		A					
85384	Fibrinogen		A					
85385	Fibrinogen		A					
85390	Fibrinolysins screen		A					
85396	Clotting assay, whole blood		N					
85397	Clotting funct activity		A					
85400	Fibrinolytic plasmin		A					
85410	Fibrinolytic antiplasmin		A					
85415	Fibrinolytic plasminogen		A					
85420	Fibrinolytic plasminogen		A					
85421	Fibrinolytic plasminogen		A					
85441	Heinz bodies, direct		A					
85445	Heinz bodies, induced		A					
85460	Hemoglobin, fetal		A					
85461	Hemoglobin, fetal		A					
85475	Hemolysin		A					
85520	Heparin assay		A					
85525	Heparin neutralization		A					
85530	Heparin-protamine tolerance		A					
85536	Iron stain peripheral blood		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
85540	Wbc alkaline phosphatase		A					
85547	RBC mechanical fragility		A					
85549	Muramidase		A					
85555	RBC osmotic fragility		A					
85557	RBC osmotic fragility		A					
85576	Blood platelet aggregation		A					
85597	Platelet neutralization		A					
85610	Prothrombin time		A					
85611	Prothrombin test		A					
85612	Viper venom prothrombin time		A					
85613	Russell viper venom, diluted		A					
85635	Reptilase test		A					
85651	Rbc sed rate, nonautomated		A					
85652	Rbc sed rate, automated		A					
85660	RBC sickle cell test		A					
85670	Thrombin time, plasma		A					
85675	Thrombin time, titer		A					
85705	Thromboplastin inhibition		A					
85730	Thromboplastin time, partial		A					
85732	Thromboplastin time, partial		A					
85810	Blood viscosity examination		A					
85999	Hematology procedure		A					
86000	Agglutinins, febrile		A					
86001	Allergen specific igg		A					
86003	Allergen specific IgE		A					
86005	Allergen specific IgE		A					
86021	WBC antibody identification		A					
86022	Platelet antibodies		A					
86023	Immunoglobulin assay		A					
86038	Antinuclear antibodies		A					
86039	Antinuclear antibodies (ANA)		A					
86060	Antistreptolysin o, titer		A					
86063	Antistreptolysin o, screen		A					
86077	Physician blood bank service		X	0433	0.2467	$16.64	$5.17	$3.33
86078	Physician blood bank service		X	0343	0.5294	$35.70	$10.84	$7.14
86079	Physician blood bank service		X	0433	0.2467	$16.64	$5.17	$3.33
86140	C-reactive protein		A					
86141	C-reactive protein, hs		A					
86146	Glycoprotein antibody		A					
86147	Cardiolipin antibody		A					
86148	Phospholipid antibody		A					
86155	Chemotaxis assay		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
86156	Cold agglutinin, screen		A					
86157	Cold agglutinin, titer		A					
86160	Complement, antigen		A					
86161	Complement/function activity		A					
86162	Complement, total (CH50)		A					
86171	Complement fixation, each		A					
86185	Counterimmunoelectrophoresis		A					
86200	Ccp antibody		A					
86215	Deoxyribonuclease, antibody		A					
86225	DNA antibody		A					
86226	DNA antibody, single strand		A					
86235	Nuclear antigen antibody		A					
86243	Fc receptor		A					
86255	Fluorescent antibody, screen		A					
86256	Fluorescent antibody, titer		A					
86277	Growth hormone antibody		A					
86280	Hemagglutination inhibition		A					
86294	Immunoassay, tumor, qual		A					
86300	Immunoassay, tumor, ca 15-3		A					
86301	Immunoassay, tumor, ca 19-9		A					
86304	Immunoassay, tumor, ca 125		A					
86308	Heterophile antibodies		A					
86309	Heterophile antibodies		A					
86310	Heterophile antibodies		A					
86316	Immunoassay, tumor other		A					
86317	Immunoassay,infectious agent		A					
86318	Immunoassay,infectious agent		A					
86320	Serum immunoelectrophoresis		A					
86325	Other immunoelectrophoresis		A					
86327	Immunoelectrophoresis assay		A					
86329	Immunodiffusion		A					
86331	Immunodiffusion ouchterlony		A					
86332	Immune complex assay		A					
86334	Immunofix e-phoresis, serum		A					
86335	Immunfix e-phorsis/urine/csf		A					
86336	Inhibin A		A					
86337	Insulin antibodies		A					
86340	Intrinsic factor antibody		A					
86341	Islet cell antibody		A					
86343	Leukocyte histamine release		A					
86344	Leukocyte phagocytosis		A					
86353	Lymphocyte transformation		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
86355	B cells, total count		A					
86356	Mononuclear cell antigen		A					
86357	Nk cells, total count		A					
86359	T cells, total count		A					
86360	T cell, absolute count/ratio		A					
86361	T cell, absolute count		A					
86367	Stem cells, total count		A					
86376	Microsomal antibody		A					
86378	Migration inhibitory factor		A					
86382	Neutralization test, viral		A					
86384	Nitroblue tetrazolium dye		A					
86403	Particle agglutination test		A					
86406	Particle agglutination test		A					
86430	Rheumatoid factor test		A					
86431	Rheumatoid factor, quant		A					
86480	Tb test, cell immun measure		A					
86485	Skin test, candida		X	0341	0.0799	$5.39	$2.09	$1.08
86486	Skin test, nos antigen		X	0341	0.0799	$5.39	$2.09	$1.08
86490	Coccidioidomycosis skin test		X	0341	0.0799	$5.39	$2.09	$1.08
86510	Histoplasmosis skin test		X	0341	0.0799	$5.39	$2.09	$1.08
86580	TB intradermal test		X	0341	0.0799	$5.39	$2.09	$1.08
86590	Streptokinase, antibody		A					
86592	Blood serology, qualitative		A					
86593	Blood serology, quantitative		A					
86602	Antinomyces antibody		A					
86603	Adenovirus antibody		A					
86606	Aspergillus antibody		A					
86609	Bacterium antibody		A					
86611	Bartonella antibody		A					
86612	Blastomyces antibody		A					
86615	Bordetella antibody		A					
86617	Lyme disease antibody		A					
86618	Lyme disease antibody		A					
86619	Borrelia antibody		A					
86622	Brucella antibody		A					
86625	Campylobacter antibody		A					
86628	Candida antibody		A					
86631	Chlamydia antibody		A					
86632	Chlamydia igm antibody		A					
86635	Coccidioides antibody		A					
86638	Q fever antibody		A					
86641	Cryptococcus antibody		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
86644	CMV antibody		A					
86645	CMV antibody, IgM		A					
86648	Diphtheria antibody		A					
86651	Encephalitis antibody		A					
86652	Encephalitis antibody		A					
86653	Encephalitis antibody		A					
86654	Encephalitis antibody		A					
86658	Enterovirus antibody		A					
86663	Epstein-barr antibody		A					
86664	Epstein-barr antibody		A					
86665	Epstein-barr antibody		A					
86666	Ehrlichia antibody		A					
86668	Francisella tularensis		A					
86671	Fungus antibody		A					
86674	Giardia lamblia antibody		A					
86677	Helicobacter pylori		A					
86682	Helminth antibody		A					
86684	Hemophilus influenza		A					
86687	Htlv-i antibody		A					
86688	Htlv-ii antibody		A					
86689	HTLV/HIV confirmatory test		A					
86692	Hepatitis, delta agent		A					
86694	Herpes simplex test		A					
86695	Herpes simplex test		A					
86696	Herpes simplex type 2		A					
86698	Histoplasma		A					
86701	HIV-1		A					
86702	HIV-2		A					
86703	HIV-1/HIV-2, single assay		A					
86704	Hep b core antibody, total		A					
86705	Hep b core antibody, igm		A					
86706	Hep b surface antibody		A					
86707	Hep be antibody		A					
86708	Hep a antibody, total		A					
86709	Hep a antibody, igm		A					
86710	Influenza virus antibody		A					
86713	Legionella antibody		A					
86717	Leishmania antibody		A					
86720	Leptospira antibody		A					
86723	Listeria monocytogenes ab		A					
86727	Lymph choriomeningitis ab		A					
86729	Lympho venereum antibody		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
86732	Mucormycosis antibody		A					
86735	Mumps antibody		A					
86738	Mycoplasma antibody		A					
86741	Neisseria meningitidis		A					
86744	Nocardia antibody		A					
86747	Parvovirus antibody		A					
86750	Malaria antibody		A					
86753	Protozoa antibody nos		A					
86756	Respiratory virus antibody		A					
86757	Rickettsia antibody		A					
86759	Rotavirus antibody		A					
86762	Rubella antibody		A					
86765	Rubeola antibody		A					
86768	Salmonella antibody		A					
86771	Shigella antibody		A					
86774	Tetanus antibody		A					
86777	Toxoplasma antibody		A					
86778	Toxoplasma antibody, igm		A					
86781	Treponema pallidum, confirm		A					
86784	Trichinella antibody		A					
86787	Varicella-zoster antibody		A					
86788	West nile virus ab, igm		A					
86789	West nile virus antibody		A					
86790	Virus antibody nos		A					
86793	Yersinia antibody		A					
86800	Thyroglobulin antibody		A					
86803	Hepatitis c ab test		A					
86804	Hep c ab test, confirm		A					
86805	Lymphocytotoxicity assay		A					
86806	Lymphocytotoxicity assay		A					
86807	Cytotoxic antibody screening		A					
86808	Cytotoxic antibody screening		A					
86812	HLA typing, A, B, or C		A					
86813	HLA typing, A, B, or C		A					
86816	HLA typing, DR/DQ		A					
86817	HLA typing, DR/DQ		A					
86821	Lymphocyte culture, mixed		A					
86822	Lymphocyte culture, primed		A					
86849	Immunology procedure		A					
86850	RBC antibody screen		X	0345	0.2205	$14.87		$2.98
86860	RBC antibody elution		X	0346	0.3720	$25.09		$5.02
86870	RBC antibody identification		X	0346	0.3720	$25.09		$5.02

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
86880	Coombs test, direct		X	0409	0.1162	$7.84	$2.20	$1.57
86885	Coombs test, indirect, qual		X	0409	0.1162	$7.84	$2.20	$1.57
86886	Coombs test, indirect, titer		X	0409	0.1162	$7.84	$2.20	$1.57
86890	Autologous blood process		X	0347	0.7260	$48.96	$9.94	$9.80
86891	Autologous blood, op salvage		X	0345	0.2205	$14.87		$2.98
86900	Blood typing, ABO		X	0409	0.1162	$7.84	$2.20	$1.57
86901	Blood typing, Rh (D)		X	0409	0.1162	$7.84	$2.20	$1.57
86903	Blood typing, antigen screen		X	0345	0.2205	$14.87		$2.98
86904	Blood typing, patient serum		X	0345	0.2205	$14.87		$2.98
86905	Blood typing, RBC antigens		X	0345	0.2205	$14.87		$2.98
86906	Blood typing, Rh phenotype		X	0345	0.2205	$14.87		$2.98
86910	Blood typing, paternity test		E					
86911	Blood typing, antigen system		E					
86920	Compatibility test, spin		X	0345	0.2205	$14.87		$2.98
86921	Compatibility test, incubate		X	0345	0.2205	$14.87		$2.98
86922	Compatibility test, antiglob		X	0346	0.3720	$25.09		$5.02
86923	Compatibility test, electric		X	0345	0.2205	$14.87		$2.98
86927	Plasma, fresh frozen		X	0345	0.2205	$14.87		$2.98
86930	Frozen blood prep		X	0347	0.7260	$48.96	$9.94	$9.80
86931	Frozen blood thaw		X	0347	0.7260	$48.96	$9.94	$9.80
86932	Frozen blood freeze/thaw		X	0347	0.7260	$48.96	$9.94	$9.80
86940	Hemolysins/agglutinins, auto		A					
86941	Hemolysins/agglutinins		A					
86945	Blood product/irradiation		X	0345	0.2205	$14.87		$2.98
86950	Leukacyte transfusion		X	0345	0.2205	$14.87		$2.98
86960	Vol reduction of blood/prod		X	0345	0.2205	$14.87		$2.98
86965	Pooling blood platelets		X	0346	0.3720	$25.09		$5.02
86970	RBC pretreatment		X	0345	0.2205	$14.87		$2.98
86971	RBC pretreatment		X	0345	0.2205	$14.87		$2.98
86972	RBC pretreatment		X	0345	0.2205	$14.87		$2.98
86975	RBC pretreatment, serum		X	0346	0.3720	$25.09		$5.02
86976	RBC pretreatment, serum		X	0345	0.2205	$14.87		$2.98
86977	RBC pretreatment, serum		X	0347	0.7260	$48.96	$9.94	$9.80
86978	RBC pretreatment, serum		X	0346	0.3720	$25.09		$5.02
86985	Split blood or products		X	0345	0.2205	$14.87		$2.98
86999	Transfusion procedure		X	0345	0.2205	$14.87		$2.98
87001	Small animal inoculation		A					
87003	Small animal inoculation		A					
87015	Specimen concentration		A					
87040	Blood culture for bacteria		A					
87045	Feces culture, bacteria		A					
87046	Stool cultr, bacteria, each		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
87070	Culture, bacteria, other		A					
87071	Culture bacteri aerobic othr		A					
87073	Culture bacteria anaerobic		A					
87075	Cultr bacteria, except blood		A					
87076	Culture anaerobe ident, each		A					
87077	Culture aerobic identify		A					
87081	Culture screen only		A					
87084	Culture of specimen by kit		A					
87086	Urine culture/colony count		A					
87088	Urine bacteria culture		A					
87101	Skin fungi culture		A					
87102	Fungus isolation culture		A					
87103	Blood fungus culture		A					
87106	Fungi identification, yeast		A					
87107	Fungi identification, mold		A					
87109	Mycoplasma		A					
87110	Chlamydia culture		A					
87116	Mycobacteria culture		A					
87118	Mycobacteric identification		A					
87140	Culture type immunofluoresc		A					
87143	Culture typing, glc/hplc		A					
87147	Culture type, immunologic		A					
87149	Culture type, nucleic acid		A					
87152	Culture type pulse field gel		A					
87158	Culture typing, added method		A					
87164	Dark field examination		A					
87166	Dark field examination		A					
87168	Macroscopic exam arthropod		A					
87169	Macroscopic exam parasite		A					
87172	Pinworm exam		A					
87176	Tissue homogenization, cultr		A					
87177	Ova and parasites smears		A					
87181	Microbe susceptible, diffuse		A					
87184	Microbe susceptible, disk		A					
87185	Microbe susceptible, enzyme		A					
87186	Microbe susceptible, mic		A					
87187	Microbe susceptible, mlc		A					
87188	Microbe suscept, macrobroth		A					
87190	Microbe suscept, mycobacteri		A					
87197	Bactericidal level, serum		A					
87205	Smear, gram stain		A					
87206	Smear, fluorescent/acid stai		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
87207	Smear, special stain		A					
87209	Smear, complex stain		A					
87210	Smear, wet mount, saline/ink		A					
87220	Tissue exam for fungi		A					
87230	Assay, toxin or antitoxin		A					
87250	Virus inoculate, eggs/animal		A					
87252	Virus inoculation, tissue		A					
87253	Virus inoculate tissue, addl		A					
87254	Virus inoculation, shell via		A					
87255	Genet virus isolate, hsv		A					
87260	Adenovirus ag, if		A					
87265	Pertussis ag, if		A					
87267	Enterovirus antibody, dfa		A					
87269	Giardia ag, if		A					
87270	Chlamydia trachomatis ag, if		A					
87271	Cytomegalovirus dfa		A					
87272	Cryptosporidium ag, if		A					
87273	Herpes simplex 2, ag, if		A					
87274	Herpes simplex 1, ag, if		A					
87275	Influenza b, ag, if		A					
87276	Influenza a, ag, if		A					
87277	Legionella micdadei, ag, if		A					
87278	Legion pneumophilia ag, if		A					
87279	Parainfluenza, ag, if		A					
87280	Respiratory syncytial ag, if		A					
87281	Pneumocystis carinii, ag, if		A					
87283	Rubeola, ag, if		A					
87285	Treponema pallidum, ag, if		A					
87290	Varicella zoster, ag, if		A					
87299	Antibody detection, nos, if		A					
87300	Ag detection, polyval, if		A					
87301	Adenovirus ag, eia		A					
87305	Aspergillus ag, eia		A					
87320	Chylmd trach ag, eia		A					
87324	Clostridium ag, eia		A					
87327	Cryptococcus neoform ag, eia		A					
87328	Cryptosporidium ag, eia		A					
87329	Giardia ag, eia		A					
87332	Cytomegalovirus ag, eia		A					
87335	E coli 0157 ag, eia		A					
87336	Entamoeb hist dispr, ag, eia		A					
87337	Entamoeb hist group, ag, eia		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
87338	Hpylori, stool, eia		A					
87339	H pylori ag, eia		A					
87340	Hepatitis b surface ag, eia		A					
87341	Hepatitis b surface, ag, eia		A					
87350	Hepatitis be ag, eia		A					
87380	Hepatitis delta ag, eia		A					
87385	Histoplasma capsul ag, eia		A					
87390	Hiv-1 ag, eia		A					
87391	Hiv-2 ag, eia		A					
87400	Influenza a/b, ag, eia		A					
87420	Resp syncytial ag, eia		A					
87425	Rotavirus ag, eia		A					
87427	Shiga-like toxin ag, eia		A					
87430	Strep a ag, eia		A					
87449	Ag detect nos, eia, mult		A					
87450	Ag detect nos, eia, single		A					
87451	Ag detect polyval, eia, mult		A					
87470	Bartonella, dna, dir probe		A					
87471	Bartonella, dna, amp probe		A					
87472	Bartonella, dna, quant		A					
87475	Lyme dis, dna, dir probe		A					
87476	Lyme dis, dna, amp probe		A					
87477	Lyme dis, dna, quant		A					
87480	Candida, dna, dir probe		A					
87481	Candida, dna, amp probe		A					
87482	Candida, dna, quant		A					
87485	Chylmd pneum, dna, dir probe		A					
87486	Chylmd pneum, dna, amp probe		A					
87487	Chylmd pneum, dna, quant		A					
87490	Chylmd trach, dna, dir probe		A					
87491	Chylmd trach, dna, amp probe		A					
87492	Chylmd trach, dna, quant		A					
87495	Cytomeg, dna, dir probe		A					
87496	Cytomeg, dna, amp probe		A					
87497	Cytomeg, dna, quant		A					
87498	Enterovirus, dna, amp probe		A					
87500	Vanomycin, dna, amp probe		A					
87510	Gardner vag, dna, dir probe		A					
87511	Gardner vag, dna, amp probe		A					
87512	Gardner vag, dna, quant		A					
87515	Hepatitis b, dna, dir probe		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
87516	Hepatitis b, dna, amp probe		A					
87517	Hepatitis b, dna, quant		A					
87520	Hepatitis c, rna, dir probe		A					
87521	Hepatitis c, rna, amp probe		A					
87522	Hepatitis c, rna, quant		A					
87525	Hepatitis g, dna, dir probe		A					
87526	Hepatitis g, dna, amp probe		A					
87527	Hepatitis g, dna, quant		A					
87528	Hsv, dna, dir probe		A					
87529	Hsv, dna, amp probe		A					
87530	Hsv, dna, quant		A					
87531	Hhv-6, dna, dir probe		A					
87532	Hhv-6, dna, amp probe		A					
87533	Hhv-6, dna, quant		A					
87534	Hiv-1, dna, dir probe		A					
87535	Hiv-1, dna, amp probe		A					
87536	Hiv-1, dna, quant		A					
87537	Hiv-2, dna, dir probe		A					
87538	Hiv-2, dna, amp probe		A					
87539	Hiv-2, dna, quant		A					
87540	Legion pneumo, dna, dir prob		A					
87541	Legion pneumo, dna, amp prob		A					
87542	Legion pneumo, dna, quant		A					
87550	Mycobacteria, dna, dir probe		A					
87551	Mycobacteria, dna, amp probe		A					
87552	Mycobacteria, dna, quant		A					
87555	M.tuberculo, dna, dir probe		A					
87556	M.tuberculo, dna, amp probe		A					
87557	M.tuberculo, dna, quant		A					
87560	M.avium-intra, dna, dir prob		A					
87561	M.avium-intra, dna, amp prob		A					
87562	M.avium-intra, dna, quant		A					
87580	M.pneumon, dna, dir probe		A					
87581	M.pneumon, dna, amp probe		A					
87582	M.pneumon, dna, quant		A					
87590	N.gonorrhoeae, dna, dir prob		A					
87591	N.gonorrhoeae, dna, amp prob		A					
87592	N.gonorrhoeae, dna, quant		A					
87620	Hpv, dna, dir probe		A					
87621	Hpv, dna, amp probe		A					
87622	Hpv, dna, quant		A					
87640	Staph a, dna, amp probe		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
87641	Mr-staph, dna, amp probe		A					
87650	Strep a, dna, dir probe		A					
87651	Strep a, dna, amp probe		A					
87652	Strep a, dna, quant		A					
87653	Strep b, dna, amp probe		A					
87660	Trichomonas vagin, dir probe		A					
87797	Detect agent nos, dna, dir		A					
87798	Detect agent nos, dna, amp		A					
87799	Detect agent nos, dna, quant		A					
87800	Detect agnt mult, dna, direc		A					
87801	Detect agnt mult, dna, ampli		A					
87802	Strep b assay w/optic		A					
87803	Clostridium toxin a w/optic		A					
87804	Influenza assay w/optic		A					
87807	Rsv assay w/optic		A					
87808	Trichomonas assay w/optic		A					
87809	Adenovirus assay w/optic		A					
87810	Chylmd trach assay w/optic		A					
87850	N. gonorrhoeae assay w/optic		A					
87880	Strep a assay w/optic		A					
87899	Agent nos assay w/optic		A					
87900	Phenotype, infect agent drug		A					
87901	Genotype, dna, hiv reverse t		A					
87902	Genotype, dna, hepatitis C		A					
87903	Phenotype, dna hiv w/culture		A					
87904	Phenotype, dna hiv w/clt add		A					
87905	Sialidase enzyme assay		A					
87999	Microbiology procedure		A					
88000	Autopsy (necropsy), gross		E					
88005	Autopsy (necropsy), gross		E					
88007	Autopsy (necropsy), gross		E					
88012	Autopsy (necropsy), gross		E					
88014	Autopsy (necropsy), gross		E					
88016	Autopsy (necropsy), gross		E					
88020	Autopsy (necropsy), complete		E					
88025	Autopsy (necropsy), complete		E					
88027	Autopsy (necropsy), complete		E					
88028	Autopsy (necropsy), complete		E					
88029	Autopsy (necropsy), complete		E					
88036	Limited autopsy		E					
88037	Limited autopsy		E					
88040	Forensic autopsy (necropsy)		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
88045	Coroner's autopsy (necropsy)		E					
88099	Necropsy (autopsy) procedure		E					
88104	Cytopath fl nongyn, smears		X	0433	0.2467	$16.64	$5.17	$3.33
88106	Cytopath fl nongyn, filter		X	0433	0.2467	$16.64	$5.17	$3.33
88107	Cytopath fl nongyn, sm/fltr		X	0343	0.5294	$35.70	$10.84	$7.14
88108	Cytopath, concentrate tech		X	0433	0.2467	$16.64	$5.17	$3.33
88112	Cytopath, cell enhance tech		X	0343	0.5294	$35.70	$10.84	$7.14
88125	Forensic cytopathology		X	0433	0.2467	$16.64	$5.17	$3.33
88130	Sex chromatin identification		A					
88140	Sex chromatin identification		A					
88141	Cytopath, c/v, interpret		N					
88142	Cytopath, c/v, thin layer		A					
88143	Cytopath c/v thin layer redo		A					
88147	Cytopath, c/v, automated		A					
88148	Cytopath, c/v, auto rescreen		A					
88150	Cytopath, c/v, manual		A					
88152	Cytopath, c/v, auto redo		A					
88153	Cytopath, c/v, redo		A					
88154	Cytopath, c/v, select		A					
88155	Cytopath, c/v, index add-on		A					
88160	Cytopath smear, other source		X	0433	0.2467	$16.64	$5.17	$3.33
88161	Cytopath smear, other source		X	0433	0.2467	$16.64	$5.17	$3.33
88162	Cytopath smear, other source	CH	X	0343	0.5294	$35.70	$10.84	$7.14
88164	Cytopath tbs, c/v, manual		A					
88165	Cytopath tbs, c/v, redo		A					
88166	Cytopath tbs, c/v, auto redo		A					
88167	Cytopath tbs, c/v, select		A					
88172	Cytopathology eval of fna		X	0343	0.5294	$35.70	$10.84	$7.14
88173	Cytopath eval, fna, report		X	0343	0.5294	$35.70	$10.84	$7.14
88174	Cytopath, c/v auto, in fluid		A					
88175	Cytopath c/v auto fluid redo		A					
88182	Cell marker study		X	0343	0.5294	$35.70	$10.84	$7.14
88184	Flowcytometry/ tc, 1 marker		X	0433	0.2467	$16.64	$5.17	$3.33
88185	Flowcytometry/tc, add-on		X	0433	0.2467	$16.64	$5.17	$3.33
88187	Flowcytometry/read, 2-8		X	0342	0.1583	$10.68		$2.14
88188	Flowcytometry/read, 9-15		X	0343	0.5294	$35.70	$10.84	$7.14
88189	Flowcytometry/read, 16 & >		X	0343	0.5294	$35.70	$10.84	$7.14
88199	Cytopathology procedure		X	0342	0.1583	$10.68		$2.14
88230	Tissue culture, lymphocyte		A					
88233	Tissue culture, skin/biopsy		A					
88235	Tissue culture, placenta		A					
88237	Tissue culture, bone marrow		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
88239	Tissue culture, tumor		A					
88240	Cell cryopreserve/storage		A					
88241	Frozen cell preparation		A					
88245	Chromosome analysis, 20-25		A					
88248	Chromosome analysis, 50-100		A					
88249	Chromosome analysis, 100		A					
88261	Chromosome analysis, 5		A					
88262	Chromosome analysis, 15-20		A					
88263	Chromosome analysis, 45		A					
88264	Chromosome analysis, 20-25		A					
88267	Chromosome analys, placenta		A					
88269	Chromosome analys, amniotic		A					
88271	Cytogenetics, dna probe		A					
88272	Cytogenetics, 3-5		A					
88273	Cytogenetics, 10-30		A					
88274	Cytogenetics, 25-99		A					
88275	Cytogenetics, 100-300		A					
88280	Chromosome karyotype study		A					
88283	Chromosome banding study		A					
88285	Chromosome count, additional		A					
88289	Chromosome study, additional		A					
88291	Cyto/molecular report		M					
88299	Cytogenetic study		X	0342	0.1583	$10.68		$2.14
88300	Surgical path, gross		X	0433	0.2467	$16.64	$5.17	$3.33
88302	Tissue exam by pathologist		X	0433	0.2467	$16.64	$5.17	$3.33
88304	Tissue exam by pathologist		X	0343	0.5294	$35.70	$10.84	$7.14
88305	Tissue exam by pathologist		X	0343	0.5294	$35.70	$10.84	$7.14
88307	Tissue exam by pathologist		X	0344	0.8020	$54.09	$15.59	$10.82
88309	Tissue exam by pathologist		X	0344	0.8020	$54.09	$15.59	$10.82
88311	Decalcify tissue		X	0342	0.1583	$10.68		$2.14
88312	Special stains		X	0433	0.2467	$16.64	$5.17	$3.33
88313	Special stains		X	0433	0.2467	$16.64	$5.17	$3.33
88314	Histochemical stain		X	0433	0.2467	$16.64	$5.17	$3.33
88318	Chemical histochemistry		X	0433	0.2467	$16.64	$5.17	$3.33
88319	Enzyme histochemistry		X	0344	0.8020	$54.09	$15.59	$10.82
88321	Microslide consultation		X	0433	0.2467	$16.64	$5.17	$3.33
88323	Microslide consultation		X	0343	0.5294	$35.70	$10.84	$7.14
88325	Comprehensive review of data		X	0344	0.8020	$54.09	$15.59	$10.82
88329	Path consult introp		X	0433	0.2467	$16.64	$5.17	$3.33
88331	Path consult intraop, 1 bloc		X	0343	0.5294	$35.70	$10.84	$7.14
88332	Path consult intraop, add'l		X	0433	0.2467	$16.64	$5.17	$3.33
88333	Intraop cyto path consult, 1		X	0433	0.2467	$16.64	$5.17	$3.33

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
88334	Intraop cyto path consult, 2		X	0433	0.2467	$16.64	$5.17	$3.33
88342	Immunohistochemistry		X	0343	0.5294	$35.70	$10.84	$7.14
88346	Immunofluorescent study		X	0343	0.5294	$35.70	$10.84	$7.14
88347	Immunofluorescent study		X	0343	0.5294	$35.70	$10.84	$7.14
88348	Electron microscopy		X	0661	2.4593	$165.85	$57.69	$33.17
88349	Scanning electron microscopy		X	0661	2.4593	$165.85	$57.69	$33.17
88355	Analysis, skeletal muscle		X	0343	0.5294	$35.70	$10.84	$7.14
88356	Analysis, nerve		X	0344	0.8020	$54.09	$15.59	$10.82
88358	Analysis, tumor		X	0343	0.5294	$35.70	$10.84	$7.14
88360	Tumor immunohistochem/manual		X	0343	0.5294	$35.70	$10.84	$7.14
88361	Tumor immunohistochem/comput	CH	X	0344	0.8020	$54.09	$15.59	$10.82
88362	Nerve teasing preparations		X	0344	0.8020	$54.09	$15.59	$10.82
88365	Insitu hybridization (fish)		X	0344	0.8020	$54.09	$15.59	$10.82
88367	Insitu hybridization, auto		X	0344	0.8020	$54.09	$15.59	$10.82
88368	Insitu hybridization, manual	CH	X	0344	0.8020	$54.09	$15.59	$10.82
88371	Protein, western blot tissue		A					
88372	Protein analysis w/probe		A					
88380	Microdissection, laser		N					
88381	Microdissection, manual		N					
88384	Eval molecular probes, 11-50		X	0433	0.2467	$16.64	$5.17	$3.33
88385	Eval molecul probes, 51-250		X	0343	0.5294	$35.70	$10.84	$7.14
88386	Eval molecul probes, 251-500		X	0344	0.8020	$54.09	$15.59	$10.82
88399	Surgical pathology procedure		X	0342	0.1583	$10.68		$2.14
88720	Bilirubin total transcut		A					
88740	Transcutaneous carboxyhb		A					
88741	Transcutaneous methb		A					
89049	Chct for mal hyperthermia		X	0342	0.1583	$10.68		$2.14
89050	Body fluid cell count		A					
89051	Body fluid cell count		A					
89055	Leukocyte assessment, fecal		A					
89060	Exam,synovial fluid crystals		A					
89100	Sample intestinal contents		X	0360	1.4569	$98.25	$33.34	$19.65
89105	Sample intestinal contents		X	0360	1.4569	$98.25	$33.34	$19.65
89125	Specimen fat stain		A					
89130	Sample stomach contents		X	0360	1.4569	$98.25	$33.34	$19.65
89132	Sample stomach contents		X	0360	1.4569	$98.25	$33.34	$19.65
89135	Sample stomach contents		X	0360	1.4569	$98.25	$33.34	$19.65
89136	Sample stomach contents		X	0360	1.4569	$98.25	$33.34	$19.65
89140	Sample stomach contents		X	0360	1.4569	$98.25	$33.34	$19.65
89141	Sample stomach contents		X	0360	1.4569	$98.25	$33.34	$19.65

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
89160	Exam feces for meat fibers		A					
89190	Nasal smear for eosinophils		A					
89220	Sputum specimen collection	CH	X	0343	0.5294	$35.70	$10.84	$7.14
89225	Starch granules, feces		A					
89230	Collect sweat for test		X	0343	0.5294	$35.70	$10.84	$7.14
89235	Water load test		A					
89240	Pathology lab procedure		X	0342	0.1583	$10.68		$2.14
89250	Cultr oocyte/embryo <4 days		X	0344	0.8020	$54.09	$15.59	$10.82
89251	Cultr oocyte/embryo <4 days		X	0344	0.8020	$54.09	$15.59	$10.82
89253	Embryo hatching		X	0344	0.8020	$54.09	$15.59	$10.82
89254	Oocyte identification		X	0344	0.8020	$54.09	$15.59	$10.82
89255	Prepare embryo for transfer		X	0344	0.8020	$54.09	$15.59	$10.82
89257	Sperm identification		X	0344	0.8020	$54.09	$15.59	$10.82
89258	Cryopreservation; embryo(s)		X	0344	0.8020	$54.09	$15.59	$10.82
89259	Cryopreservation, sperm		X	0344	0.8020	$54.09	$15.59	$10.82
89260	Sperm isolation, simple		X	0344	0.8020	$54.09	$15.59	$10.82
89261	Sperm isolation, complex		X	0344	0.8020	$54.09	$15.59	$10.82
89264	Identify sperm tissue		X	0344	0.8020	$54.09	$15.59	$10.82
89268	Insemination of oocytes		X	0344	0.8020	$54.09	$15.59	$10.82
89272	Extended culture of oocytes		X	0344	0.8020	$54.09	$15.59	$10.82
89280	Assist oocyte fertilization		X	0344	0.8020	$54.09	$15.59	$10.82
89281	Assist oocyte fertilization		X	0344	0.8020	$54.09	$15.59	$10.82
89290	Biopsy, oocyte polar body		X	0344	0.8020	$54.09	$15.59	$10.82
89291	Biopsy, oocyte polar body		X	0344	0.8020	$54.09	$15.59	$10.82
89300	Semen analysis w/huhner		A					
89310	Semen analysis w/count		A					
89320	Semen anal vol/count/mot		A					
89321	Semen anal, sperm detection		A					
89322	Semen anal, strict criteria		A					
89325	Sperm antibody test		A					
89329	Sperm evaluation test		A					
89330	Evaluation, cervical mucus		A					
89331	Retrograde ejaculation anal		A					
89335	Cryopreserve testicular tiss		X	0344	0.8020	$54.09	$15.59	$10.82
89342	Storage/year; embryo(s)		X	0344	0.8020	$54.09	$15.59	$10.82
89343	Storage/year; sperm/semen		X	0344	0.8020	$54.09	$15.59	$10.82
89344	Storage/year; reprod tissue		X	0344	0.8020	$54.09	$15.59	$10.82
89346	Storage/year; oocyte(s)		X	0344	0.8020	$54.09	$15.59	$10.82
89352	Thawing cryopresrved; embryo		X	0344	0.8020	$54.09	$15.59	$10.82
89353	Thawing cryopresrved; sperm		X	0344	0.8020	$54.09	$15.59	$10.82
89354	Thaw cryoprsvrd; reprod tiss		X	0344	0.8020	$54.09	$15.59	$10.82
89356	Thawing cryopresrved; oocyte		X	0344	0.8020	$54.09	$15.59	$10.82

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
90281	Human ig, im		E					
90283	Human ig, iv		E					
90284	Human ig, sc		E					
90287	Botulinum antitoxin		E					
90288	Botulism ig, iv		E					
90291	Cmv ig, iv		E					
90296	Diphtheria antitoxin	CH	E					
90371	Hep b ig, im		K	1630		$120.28		$24.06
90375	Rabies ig, im/sc		K	9133		$144.49		$28.90
90376	Rabies ig, heat treated		K	9134		$109.94		$21.99
90378	Rsv ig, im, 50mg		K	9003		$833.15		$166.63
90379	Rsv ig, iv		E					
90384	Rh ig, full-dose, im		E					
90385	Rh ig, minidose, im		N					
90386	Rh ig, iv		E					
90389	Tetanus ig, im		E					
90393	Vaccina ig, im		N					
90396	Varicella-zoster ig, im		K	9135		$151.03		$30.21
90399	Immune globulin		E					
90465	Immune admin 1 inj, < 8 yrs		B					
90466	Immune admin addl inj, < 8 y		B					
90467	Immune admin o or n, < 8 yrs		B					
90468	Immune admin o/n, addl < 8 y		B					
90471	Immunization admin		S	0436	0.3805	$25.66		$5.14
90472	Immunization admin, each add		S	0436	0.3805	$25.66		$5.14
90473	Immune admin oral/nasal		S	0436	0.3805	$25.66		$5.14
90474	Immune admin oral/nasal addl		S	0436	0.3805	$25.66		$5.14
90476	Adenovirus vaccine, type 4	CH	K	1254	0.4991	$33.66		$6.74
90477	Adenovirus vaccine, type 7		N					
90581	Anthrax vaccine, sc	CH	E					
90585	Bcg vaccine, percut		K	9137		$120.43		$24.09
90586	Bcg vaccine, intravesical		B					
90632	Hep a vaccine, adult im		N					
90633	Hep a vacc, ped/adol, 2 dose		N					
90634	Hep a vacc, ped/adol, 3 dose		N					
90636	Hep a/hep b vacc, adult im		N					
90645	Hib vaccine, hboc, im		N					
90646	Hib vaccine, prp-d, im		N					
90647	Hib vaccine, prp-omp, im		N					
90648	Hib vaccine, prp-t, im		N					
90649	Hpv vaccine 4 valent, im		M					
90650	Hpv vaccine 2 valent, im		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
90655	Flu vaccine no preserv 6-35m		L					
90656	Flu vaccine no preserv 3 & >		L					
90657	Flu vaccine, 3 yrs, im		L					
90658	Flu vaccine, 3 yrs & >, im		L					
90660	Flu vaccine, nasal		L					
90661	Flu vacc cell cult prsv free		E					
90662	Flu vacc prsv free inc antig		E					
90663	Flu vacc pandemic		E					
90665	Lyme disease vaccine, im		K	1216		$72.67		$14.54
90669	Pneumococcal vacc, ped <5		L					
90675	Rabies vaccine, im		K	9139		$165.72		$33.15
90676	Rabies vaccine, id		K	9140		$112.29		$22.46
90680	Rotovirus vacc 3 dose, oral	CH	K	1255	0.9914	$66.86		$13.38
90681	Rotavirus vacc 2 dose oral		K	1239		$106.60		$21.32
90690	Typhoid vaccine, oral		N					
90691	Typhoid vaccine, im		N					
90692	Typhoid vaccine, h-p, sc/id		N					
90693	Typhoid vaccine, akd, sc		B					
90696	Dtap-ipv vacc 4-6 yr im	CH	N					
90698	Dtap-hib-ip vaccine, im		N					
90700	Dtap vaccine, < 7 yrs, im		N					
90701	Dtp vaccine, im		N					
90702	Dt vaccine < 7, im		N					
90703	Tetanus vaccine, im		N					
90704	Mumps vaccine, sc		N					
90705	Measles vaccine, sc		N					
90706	Rubella vaccine, sc		N					
90707	Mmr vaccine, sc		N					
90708	Measles-rubella vaccine, sc		N					
90710	Mmrv vaccine, sc		N					
90712	Oral poliovirus vaccine		N					
90713	Poliovirus, ipv, sc/im		N					
90714	Td vaccine no prsrv >/= 7 im		N					
90715	Tdap vaccine >7 im		N					
90716	Chicken pox vaccine, sc		M					
90717	Yellow fever vaccine, sc		N					
90718	Td vaccine > 7, im		N					
90719	Diphtheria vaccine, im		N					
90720	Dtp/hib vaccine, im		N					
90721	Dtap/hib vaccine, im		N					
90723	Dtap-hep b-ipv vaccine, im		E					
90725	Cholera vaccine, injectable	CH	K	1271	2.0515	$138.35		$27.67

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
90727	Plague vaccine, im	CH	E					
90732	Pneumococcal vaccine		L					
90733	Meningococcal vaccine, sc		K	9143		$96.66		$19.34
90734	Meningococcal vaccine, im		K	9145		$96.67		$19.34
90735	Encephalitis vaccine, sc		E					
90736	Zoster vacc, sc		M					
90738	Inactivated je vacc im		E					
90740	Hepb vacc, ill pat 3 dose im		F					
90743	Hep b vacc, adol, 2 dose, im		F					
90744	Hepb vacc ped/adol 3 dose im		F					
90746	Hep b vaccine, adult, im		F					
90747	Hepb vacc, ill pat 4 dose im		F					
90748	Hep b/hib vaccine, im		E					
90749	Vaccine toxoid		N					
90801	Psy dx interview		Q3	0323	1.7398	$117.33		$23.47
90802	Intac psy dx interview		Q3	0323	1.7398	$117.33		$23.47
90804	Psytx, office, 20-30 min		Q3	0322	1.2490	$84.23		$16.85
90805	Psytx, off, 20-30 min w/e&m		Q3	0322	1.2490	$84.23		$16.85
90806	Psytx, off, 45-50 min		Q3	0323	1.7398	$117.33		$23.47
90807	Psytx, off, 45-50 min w/e&m		Q3	0323	1.7398	$117.33		$23.47
90808	Psytx, office, 75-80 min		Q3	0323	1.7398	$117.33		$23.47
90809	Psytx, off, 75-80, w/e&m		Q3	0323	1.7398	$117.33		$23.47
90810	Intac psytx, off, 20-30 min		Q3	0322	1.2490	$84.23		$16.85
90811	Intac psytx, 20-30, w/e&m		Q3	0322	1.2490	$84.23		$16.85
90812	Intac psytx, off, 45-50 min		Q3	0323	1.7398	$117.33		$23.47
90813	Intac psytx, 45-50 min w/e&m		Q3	0323	1.7398	$117.33		$23.47
90814	Intac psytx, off, 75-80 min		Q3	0323	1.7398	$117.33		$23.47
90815	Intac psytx, 75-80 w/e&m		Q3	0323	1.7398	$117.33		$23.47
90816	Psytx, hosp, 20-30 min		P					
90817	Psytx, hosp, 20-30 min w/e&m		P					
90818	Psytx, hosp, 45-50 min		P					
90819	Psytx, hosp, 45-50 min w/e&m		P					
90821	Psytx, hosp, 75-80 min		P					
90822	Psytx, hosp, 75-80 min w/e&m		P					
90823	Intac psytx, hosp, 20-30 min		P					
90824	Intac psytx, hsp 20-30 w/e&m		P					
90826	Intac psytx, hosp, 45-50 min		P					
90827	Intac psytx, hsp 45-50 w/e&m		P					
90828	Intac psytx, hosp, 75-80 min		P					
90829	Intac psytx, hsp 75-80 w/e&m		P					
90845	Psychoanalysis		Q3	0323	1.7398	$117.33		$23.47
90846	Family psytx w/o patient		Q3	0324	2.3813	$160.59		$32.12

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
90847	Family psytx w/patient		Q3	0324	2.3813	$160.59		$32.12
90849	Multiple family group psytx		Q3	0325	0.9103	$61.39	$13.10	$12.28
90853	Group psychotherapy		Q3	0325	0.9103	$61.39	$13.10	$12.28
90857	Intac group psytx		Q3	0325	0.9103	$61.39	$13.10	$12.28
90862	Medication management		Q3	0606	1.2863	$86.75		$17.35
90865	Narcosynthesis		Q3	0323	1.7398	$117.33		$23.47
90870	Electroconvulsive therapy		S	0320	5.9152	$398.92	$80.06	$79.79
90875	Psychophysiological therapy		E					
90876	Psychophysiological therapy		E					
90880	Hypnotherapy		Q3	0323	1.7398	$117.33		$23.47
90882	Environmental manipulation		E					
90885	Psy evaluation of records		N					
90887	Consultation with family		N					
90889	Preparation of report		N					
90899	Psychiatric service/therapy		Q3	0322	1.2490	$84.23		$16.85
90901	Biofeedback train, any meth		A					
90911	Biofeedback peri/uro/rectal		T	0126	1.0735	$72.40	$16.21	$14.48
90935	Hemodialysis, one evaluation		S	0170	6.5515	$441.83		$88.37
90937	Hemodialysis, repeated eval		B					
90940	Hemodialysis access study		N					
90945	Dialysis, one evaluation	CH	V	0608	2.4166	$162.97		$32.60
90947	Dialysis, repeated eval		B					
90951	Esrd serv, 4 visits p mo, <2		M					
90952	Esrd serv, 2-3 vsts p mo, <2		M					
90953	Esrd serv, 1 visit p mo, <2		M					
90954	Esrd serv, 4 vsts p mo, 2-11		M					
90955	Esrd srv 2-3 vsts p mo, 2-11		M					
90956	Esrd srv, 1 visit p mo, 2-11		M					
90957	Esrd srv, 4 vsts p mo, 12-19		M					
90958	Esrd srv 2-3 vsts p mo 12-19		M					
90959	Esrd serv, 1 vst p mo, 12-19		M					
90960	Esrd srv, 4 visits p mo, 20+		M					
90961	Esrd srv, 2-3 vsts p mo, 20+		M					
90962	Esrd serv, 1 visit p mo, 20+		M					
90963	Esrd home pt, serv p mo, <2		M					
90964	Esrd home pt serv p mo, 2-11		M					
90965	Esrd home pt serv p mo 12-19		M					
90966	Esrd home pt, serv p mo, 20+		M					
90967	Esrd home pt serv p day, <2		M					
90968	Esrd home pt srv p day, 2-11		M					
90969	Esrd home pt srv p day 12-19		M					
90970	Esrd home pt serv p day, 20+		M					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
90989	Dialysis training, complete		B					
90993	Dialysis training, incompl		B					
90997	Hemoperfusion		B					
90999	Dialysis procedure		B					
91000	Esophageal intubation		X	0361	4.0117	$270.55	$83.23	$54.11
91010	Esophagus motility study		X	0361	4.0117	$270.55	$83.23	$54.11
91011	Esophagus motility study		X	0361	4.0117	$270.55	$83.23	$54.11
91012	Esophagus motility study		X	0361	4.0117	$270.55	$83.23	$54.11
91020	Gastric motility studies		X	0361	4.0117	$270.55	$83.23	$54.11
91022	Duodenal motility study		X	0361	4.0117	$270.55	$83.23	$54.11
91030	Acid perfusion of esophagus		X	0361	4.0117	$270.55	$83.23	$54.11
91034	Gastroesophageal reflux test		X	0361	4.0117	$270.55	$83.23	$54.11
91035	G-esoph reflx tst w/electrod		X	0361	4.0117	$270.55	$83.23	$54.11
91037	Esoph imped function test		X	0361	4.0117	$270.55	$83.23	$54.11
91038	Esoph imped funct test > 1h		X	0361	4.0117	$270.55	$83.23	$54.11
91040	Esoph balloon distension tst		X	0360	1.4569	$98.25	$33.34	$19.65
91052	Gastric analysis test		X	0361	4.0117	$270.55	$83.23	$54.11
91055	Gastric intubation for smear		X	0360	1.4569	$98.25	$33.34	$19.65
91065	Breath hydrogen test		X	0360	1.4569	$98.25	$33.34	$19.65
91105	Gastric intubation treatment		X	0360	1.4569	$98.25	$33.34	$19.65
91110	Gi tract capsule endoscopy		T	0142	9.5594	$644.68	$152.78	$128.94
91111	Esophageal capsule endoscopy		T	0141	8.7364	$589.17	$143.38	$117.84
91120	Rectal sensation test		T	0126	1.0735	$72.40	$16.21	$14.48
91122	Anal pressure record		T	0156	2.9944	$201.94		$40.39
91123	Irrigate fecal impaction		N					
91132	Electrogastrography		X	0360	1.4569	$98.25	$33.34	$19.65
91133	Electrogastrography w/test		X	0360	1.4569	$98.25	$33.34	$19.65
91299	Gastroenterology procedure		X	0360	1.4569	$98.25	$33.34	$19.65
92002	Eye exam, new patient	CH	V	0606	1.2863	$86.75		$17.35
92004	Eye exam, new patient		V	0606	1.2863	$86.75		$17.35
92012	Eye exam established pat		V	0604	0.8092	$54.57		$10.92
92014	Eye exam & treatment		V	0605	1.0400	$70.14		$14.03
92015	Refraction		E					
92018	New eye exam & treatment		T	0699	15.4833	$1,044.18		$208.84
92019	Eye exam & treatment		T	0699	15.4833	$1,044.18		$208.84
92020	Special eye evaluation		S	0230	0.6048	$40.79		$8.16
92025	Corneal topography		S	0698	0.9841	$66.37		$13.28
92060	Special eye evaluation		S	0698	0.9841	$66.37		$13.28
92065	Orthoptic/pleoptic training		S	0698	0.9841	$66.37		$13.28
92070	Fitting of contact lens		N					
92081	Visual field examination(s)		S	0230	0.6048	$40.79		$8.16

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
92082	Visual field examination(s)		S	0698	0.9841	$66.37		$13.28
92083	Visual field examination(s)		S	0698	0.9841	$66.37		$13.28
92100	Serial tonometry exam(s)		N					
92120	Tonography & eye evaluation		S	0698	0.9841	$66.37		$13.28
92130	Water provocation tonography		S	0230	0.6048	$40.79		$8.16
92135	Ophth dx imaging post seg		S	0230	0.6048	$40.79		$8.16
92136	Ophthalmic biometry		S	0698	0.9841	$66.37		$13.28
92140	Glaucoma provocative tests		S	0230	0.6048	$40.79		$8.16
92225	Special eye exam, initial		S	0230	0.6048	$40.79		$8.16
92226	Special eye exam, subsequent		S	0698	0.9841	$66.37		$13.28
92230	Eye exam with photos		S	0231	2.1314	$143.74		$28.75
92235	Eye exam with photos		S	0231	2.1314	$143.74		$28.75
92240	Icg angiography		S	0231	2.1314	$143.74		$28.75
92250	Eye exam with photos		S	0698	0.9841	$66.37		$13.28
92260	Ophthalmoscopy/dynamometry		S	0230	0.6048	$40.79		$8.16
92265	Eye muscle evaluation		S	0698	0.9841	$66.37		$13.28
92270	Electro-oculography		S	0230	0.6048	$40.79		$8.16
92275	Electroretinography		S	0231	2.1314	$143.74		$28.75
92283	Color vision examination		S	0230	0.6048	$40.79		$8.16
92284	Dark adaptation eye exam		S	0698	0.9841	$66.37		$13.28
92285	Eye photography		S	0698	0.9841	$66.37		$13.28
92286	Internal eye photography		S	0231	2.1314	$143.74		$28.75
92287	Internal eye photography		S	0231	2.1314	$143.74		$28.75
92310	Contact lens fitting		E					
92311	Contact lens fitting		S	0698	0.9841	$66.37		$13.28
92312	Contact lens fitting		S	0698	0.9841	$66.37		$13.28
92313	Contact lens fitting		S	0230	0.6048	$40.79		$8.16
92314	Prescription of contact lens		E					
92315	Prescription of contact lens		S	0230	0.6048	$40.79		$8.16
92316	Prescription of contact lens		S	0698	0.9841	$66.37		$13.28
92317	Prescription of contact lens		S	0230	0.6048	$40.79		$8.16
92325	Modification of contact lens		S	0230	0.6048	$40.79		$8.16
92326	Replacement of contact lens		S	0698	0.9841	$66.37		$13.28
92340	Fitting of spectacles		E					
92341	Fitting of spectacles		E					
92342	Fitting of spectacles		E					
92352	Special spectacles fitting		S	0698	0.9841	$66.37		$13.28
92353	Special spectacles fitting		S	0230	0.6048	$40.79		$8.16
92354	Special spectacles fitting		S	0230	0.6048	$40.79		$8.16
92355	Special spectacles fitting		S	0230	0.6048	$40.79		$8.16
92358	Eye prosthesis service		S	0230	0.6048	$40.79		$8.16
92370	Repair & adjust spectacles		E					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
92371	Repair & adjust spectacles		S	0230	0.6048	$40.79		$8.16
92499	Eye service or procedure		S	0230	0.6048	$40.79		$8.16
92502	Ear and throat examination		T	0251	3.4720	$234.15		$46.83
92504	Ear microscopy examination		N					
92506	Speech/hearing evaluation		A					
92507	Speech/hearing therapy		A					
92508	Speech/hearing therapy		A					
92511	Nasopharyngoscopy		T	0071	0.7925	$53.45	$11.03	$10.69
92512	Nasal function studies		X	0363	0.9140	$61.64	$17.10	$12.33
92516	Facial nerve function test		X	0660	1.5402	$103.87	$27.87	$20.78
92520	Laryngeal function studies		X	0660	1.5402	$103.87	$27.87	$20.78
92526	Oral function therapy		A					
92531	Spontaneous nystagmus study		N					
92532	Positional nystagmus test		N					
92533	Caloric vestibular test		N					
92534	Optokinetic nystagmus test		N					
92541	Spontaneous nystagmus test		X	0363	0.9140	$61.64	$17.10	$12.33
92542	Positional nystagmus test		X	0363	0.9140	$61.64	$17.10	$12.33
92543	Caloric vestibular test		X	0660	1.5402	$103.87	$27.87	$20.78
92544	Optokinetic nystagmus test		X	0363	0.9140	$61.64	$17.10	$12.33
92545	Oscillating tracking test		X	0363	0.9140	$61.64	$17.10	$12.33
92546	Sinusoidal rotational test		X	0660	1.5402	$103.87	$27.87	$20.78
92547	Supplemental electrical test		N					
92548	Posturography		X	0660	1.5402	$103.87	$27.87	$20.78
92551	Pure tone hearing test, air		E					
92552	Pure tone audiometry, air		X	0364	0.4700	$31.70	$7.06	$6.34
92553	Audiometry, air & bone		X	0365	1.2630	$85.18	$18.52	$17.04
92555	Speech threshold audiometry		X	0364	0.4700	$31.70	$7.06	$6.34
92556	Speech audiometry, complete		X	0364	0.4700	$31.70	$7.06	$6.34
92557	Comprehensive hearing test		X	0365	1.2630	$85.18	$18.52	$17.04
92559	Group audiometric testing		E					
92560	Bekesy audiometry, screen		E					
92561	Bekesy audiometry, diagnosis		X	0364	0.4700	$31.70	$7.06	$6.34
92562	Loudness balance test		X	0364	0.4700	$31.70	$7.06	$6.34
92563	Tone decay hearing test		X	0364	0.4700	$31.70	$7.06	$6.34
92564	Sisi hearing test		X	0364	0.4700	$31.70	$7.06	$6.34
92565	Stenger test, pure tone		X	0364	0.4700	$31.70	$7.06	$6.34
92567	Tympanometry		X	0364	0.4700	$31.70	$7.06	$6.34
92568	Acoustic refl threshold tst		X	0364	0.4700	$31.70	$7.06	$6.34
92569	Acoustic reflex decay test		X	0364	0.4700	$31.70	$7.06	$6.34
92571	Filtered speech hearing test		X	0364	0.4700	$31.70	$7.06	$6.34
92572	Staggered spondaic word test		X	0366	1.6638	$112.21	$25.62	$22.45

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
92575	Sensorineural acuity test		X	0364	0.4700	$31.70	$7.06	$6.34
92576	Synthetic sentence test		X	0364	0.4700	$31.70	$7.06	$6.34
92577	Stenger test, speech		X	0366	1.6638	$112.21	$25.62	$22.45
92579	Visual audiometry (vra)		X	0365	1.2630	$85.18	$18.52	$17.04
92582	Conditioning play audiometry		X	0365	1.2630	$85.18	$18.52	$17.04
92583	Select picture audiometry		X	0364	0.4700	$31.70	$7.06	$6.34
92584	Electrocochleography		S	0216	2.7250	$183.77		$36.76
92585	Auditor evoke potent, compre		S	0216	2.7250	$183.77		$36.76
92586	Auditor evoke potent, limit		S	0218	1.1956	$80.63		$16.13
92587	Evoked auditory test		X	0363	0.9140	$61.64	$17.10	$12.33
92588	Evoked auditory test	CH	X	0363	0.9140	$61.64	$17.10	$12.33
92590	Hearing aid exam, one ear		E					
92591	Hearing aid exam, both ears		E					
92592	Hearing aid check, one ear		E					
92593	Hearing aid check, both ears		E					
92594	Electro hearng aid test, one		E					
92595	Electro hearng aid tst, both		E					
92596	Ear protector evaluation		X	0364	0.4700	$31.70	$7.06	$6.34
92597	Oral speech device eval		A					
92601	Cochlear implt f/up exam < 7		X	0366	1.6638	$112.21	$25.62	$22.45
92602	Reprogram cochlear implt < 7		X	0366	1.6638	$112.21	$25.62	$22.45
92603	Cochlear implt f/up exam 7 >		X	0366	1.6638	$112.21	$25.62	$22.45
92604	Reprogram cochlear implt 7 >		X	0366	1.6638	$112.21	$25.62	$22.45
92605	Eval for nonspeech device rx		A					
92606	Non-speech device service		A					
92607	Ex for speech device rx, 1hr		A					
92608	Ex for speech device rx addl		A					
92609	Use of speech device service		A					
92610	Evaluate swallowing function		A					
92611	Motion fluoroscopy/swallow		A					
92612	Endoscopy swallow tst (fees)		A					
92613	Endoscopy swallow tst (fees)		B					
92614	Laryngoscopic sensory test		A					
92615	Eval laryngoscopy sense tst		E					
92616	Fees w/laryngeal sense test		A					
92617	Interprt fees/laryngeal test		E					
92620	Auditory function, 60 min		X	0365	1.2630	$85.18	$18.52	$17.04
92621	Auditory function, + 15 min		N					
92625	Tinnitus assessment		X	0365	1.2630	$85.18	$18.52	$17.04
92626	Eval aud rehab status		X	0366	1.6638	$112.21	$25.62	$22.45
92627	Eval aud status rehab add-on		N					
92630	Aud rehab pre-ling hear loss		E					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
92633	Aud rehab postling hear loss		E					
92640	Aud brainstem implt programg		X	0365	1.2630	$85.18	$18.52	$17.04
92700	Ent procedure/service		X	0364	0.4700	$31.70	$7.06	$6.34
92950	Heart/lung resuscitation cpr		S	0094	2.4328	$164.07	$46.29	$32.82
92953	Temporary external pacing		S	0094	2.4328	$164.07	$46.29	$32.82
92960	Cardioversion electric, ext		S	0679	5.4766	$369.34	$95.30	$73.87
92961	Cardioversion, electric, int		S	0679	5.4766	$369.34	$95.30	$73.87
92970	Cardioassist, internal		C					
92971	Cardioassist, external		C					
92973	Percut coronary thrombectomy		T	0088	40.7433	$2,747.69	$655.22	$549.54
92974	Cath place, cardio brachytx		T	0103	17.0399	$1,149.15		$229.83
92975	Dissolve clot, heart vessel		C					
92977	Dissolve clot, heart vessel		T	0676	2.3717	$159.95		$31.99
92978	Intravasc us, heart add-on		N					
92979	Intravasc us, heart add-on		N					
92980	Insert intracoronary stent		T	0104	84.2604	$5,682.44		$1,136.49
92981	Insert intracoronary stent		T	0104	84.2604	$5,682.44		$1,136.49
92982	Coronary artery dilation		T	0083	50.2559	$3,389.21		$677.85
92984	Coronary artery dilation		T	0083	50.2559	$3,389.21		$677.85
92986	Revision of aortic valve		T	0083	50.2559	$3,389.21		$677.85
92987	Revision of mitral valve		T	0083	50.2559	$3,389.21		$677.85
92990	Revision of pulmonary valve		T	0083	50.2559	$3,389.21		$677.85
92992	Revision of heart chamber		C					
92993	Revision of heart chamber		C					
92995	Coronary atherectomy		T	0082	91.2890	$6,156.44		$1,231.29
92996	Coronary atherectomy add-on		T	0082	91.2890	$6,156.44		$1,231.29
92997	Pul art balloon repr, percut		T	0083	50.2559	$3,389.21		$677.85
92998	Pul art balloon repr, percut		T	0083	50.2559	$3,389.21		$677.85
93000	Electrocardiogram, complete		M					
93005	Electrocardiogram, tracing		S	0099	0.3891	$26.24		$5.25
93010	Electrocardiogram report		B					
93012	Transmission of ecg		N					
93014	Report on transmitted ecg		B					
93015	Cardiovascular stress test		B					
93016	Cardiovascular stress test		B					
93017	Cardiovascular stress test		X	0100	2.5806	$174.03	$41.44	$34.81
93018	Cardiovascular stress test		B					
93024	Cardiac drug stress test		X	0100	2.5806	$174.03	$41.44	$34.81
93025	Microvolt t-wave assess		X	0100	2.5806	$174.03	$41.44	$34.81
93040	Rhythm ECG with report		B					
93041	Rhythm ECG, tracing		X	0035	0.2241	$15.11		$3.03
93042	Rhythm ECG, report		B					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
93224	ECG monitor/report, 24 hrs		M					
93225	ECG monitor/record, 24 hrs		S	0097	0.9890	$66.70	$23.79	$13.34
93226	ECG monitor/report, 24 hrs		S	0097	0.9890	$66.70	$23.79	$13.34
93227	ECG monitor/review, 24 hrs		M					
93228	Remote 30 day ecg rev/report		M					
93229	Remote 30 day ecg tech supp		S	0209	11.4707	$773.57	$268.73	$154.72
93230	ECG monitor/report, 24 hrs		M					
93231	Ecg monitor/record, 24 hrs		S	0097	0.9890	$66.70	$23.79	$13.34
93232	ECG monitor/report, 24 hrs		S	0097	0.9890	$66.70	$23.79	$13.34
93233	ECG monitor/review, 24 hrs		M					
93235	ECG monitor/report, 24 hrs		M					
93236	ECG monitor/report, 24 hrs		S	0097	0.9890	$66.70	$23.79	$13.34
93237	ECG monitor/review, 24 hrs		M					
93268	ECG record/review		M					
93270	ECG recording		S	0097	0.9890	$66.70	$23.79	$13.34
93271	Ecg/monitoring and analysis		S	0692	1.6265	$109.69		$21.94
93272	Ecg/review, interpret only		M					
93278	ECG/signal-averaged		X	0340	0.6682	$45.06		$9.02
93279	Pm device progr eval, sngl		S	0690	0.3591	$24.22	$8.67	$4.85
93280	Pm device progr eval, dual		S	0690	0.3591	$24.22	$8.67	$4.85
93281	Pm device progr eval, multi		S	0690	0.3591	$24.22	$8.67	$4.85
93282	Icd device prog eval, 1 sngl		S	0689	0.5909	$39.85		$7.97
93283	Icd device progr eval, dual		S	0689	0.5909	$39.85		$7.97
93284	Icd device progr eval, mult		S	0689	0.5909	$39.85		$7.97
93285	Ilr device eval progr		S	0690	0.3591	$24.22	$8.67	$4.85
93286	Pre-op pm device eval		N					
93287	Pre-op icd device eval		N					
93288	Pm device eval in person		S	0690	0.3591	$24.22	$8.67	$4.85
93289	Icd device interrogate		S	0689	0.5909	$39.85		$7.97
93290	Icm device eval		S	0690	0.3591	$24.22	$8.67	$4.85
93291	Ilr device interrogate		S	0690	0.3591	$24.22	$8.67	$4.85
93292	Wcd device interrogate		S	0689	0.5909	$39.85		$7.97
93293	Pm phone r-strip device eval		S	0689	0.5909	$39.85		$7.97
93294	Pm device interrogate remote		M					
93295	Icd device interrogat remote		M					
93296	Pm/icd remote tech serv		S	0689	0.5909	$39.85		$7.97
93297	Icm device interrogat remote		M					
93298	Ilr device interrogat remote		M					
93299	Icm/ilr remote tech serv	CH	S	0689	0.5909	$39.85		$7.97
93303	Echo transthoracic	CH	S	0270	8.7598	$590.75	$141.32	$118.15
93304	Echo transthoracic	CH	S	0269	6.7111	$452.59		$90.52
93306	Tte w/doppler, complete		S	0269	6.7111	$452.59		$90.52

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93307	Tte w/o doppler, complete		S	0697	3.8603	$260.33		$52.07
93308	Tte, f-up or lmtd		S	0697	3.8603	$260.33		$52.07
93312	Echo transesophageal		S	0270	8.7598	$590.75	$141.32	$118.15
93313	Echo transesophageal	CH	S	0269	6.7111	$452.59		$90.52
93314	Echo transesophageal		N					
93315	Echo transesophageal		S	0270	8.7598	$590.75	$141.32	$118.15
93316	Echo transesophageal		S	0270	8.7598	$590.75	$141.32	$118.15
93317	Echo transesophageal		N					
93318	Echo transesophageal intraop	CH	S	0269	6.7111	$452.59		$90.52
93320	Doppler echo exam, heart		N					
93321	Doppler echo exam, heart		N					
93325	Doppler color flow add-on		N					
93350	Stress tte only		S	0269	6.7111	$452.59		$90.52
93351	Stress tte complete	CH	S	0270	8.7598	$590.75	$141.32	$118.15
93352	Admin ecg contrast agent		M					
93501	Right heart catheterization		T	0080	39.6232	$2,672.15	$838.92	$534.43
93503	Insert/place heart catheter		T	0103	17.0399	$1,149.15		$229.83
93505	Biopsy of heart lining		T	0103	17.0399	$1,149.15		$229.83
93508	Cath placement, angiography		T	0080	39.6232	$2,672.15	$838.92	$534.43
93510	Left heart catheterization		T	0080	39.6232	$2,672.15	$838.92	$534.43
93511	Left heart catheterization		T	0080	39.6232	$2,672.15	$838.92	$534.43
93514	Left heart catheterization		T	0080	39.6232	$2,672.15	$838.92	$534.43
93524	Left heart catheterization		T	0080	39.6232	$2,672.15	$838.92	$534.43
93526	Rt & Lt heart catheters		T	0080	39.6232	$2,672.15	$838.92	$534.43
93527	Rt & Lt heart catheters		T	0080	39.6232	$2,672.15	$838.92	$534.43
93528	Rt & Lt heart catheters		T	0080	39.6232	$2,672.15	$838.92	$534.43
93529	Rt, lt heart catheterization		T	0080	39.6232	$2,672.15	$838.92	$534.43
93530	Rt heart cath, congenital		T	0080	39.6232	$2,672.15	$838.92	$534.43
93531	R & l heart cath, congenital		T	0080	39.6232	$2,672.15	$838.92	$534.43
93532	R & l heart cath, congenital		T	0080	39.6232	$2,672.15	$838.92	$534.43
93533	R & l heart cath, congenital		T	0080	39.6232	$2,672.15	$838.92	$534.43
93539	Injection, cardiac cath		N					
93540	Injection, cardiac cath		N					
93541	Injection for lung angiogram		N					
93542	Injection for heart x-rays		N					
93543	Injection for heart x-rays		N					
93544	Injection for aortography		N					
93545	Inject for coronary x-rays		N					
93555	Imaging, cardiac cath		N					
93556	Imaging, cardiac cath		N					
93561	Cardiac output measurement		N					
93562	Cardiac output measurement		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
93571	Heart flow reserve measure		N					
93572	Heart flow reserve measure		N					
93580	Transcath closure of asd		T	0434	151.9174	$10,245.16		$2,049.04
93581	Transcath closure of vsd		T	0434	151.9174	$10,245.16		$2,049.04
93600	Bundle of His recording		S	0084	10.6030	$715.06		$143.02
93602	Intra-atrial recording		S	0084	10.6030	$715.06		$143.02
93603	Right ventricular recording		S	0084	10.6030	$715.06		$143.02
93609	Map tachycardia, add-on		N					
93610	Intra-atrial pacing		S	0084	10.6030	$715.06		$143.02
93612	Intraventricular pacing		S	0084	10.6030	$715.06		$143.02
93613	Electrophys map 3d, add-on		N					
93615	Esophageal recording		S	0084	10.6030	$715.06		$143.02
93616	Esophageal recording		S	0084	10.6030	$715.06		$143.02
93618	Heart rhythm pacing		S	0084	10.6030	$715.06		$143.02
93619	Electrophysiology evaluation		Q3	0085	52.5263	$3,542.32		$708.47
93620	Electrophysiology evaluation		Q3	0085	52.5263	$3,542.32		$708.47
93621	Electrophysiology evaluation		N					
93622	Electrophysiology evaluation		N					
93623	Stimulation, pacing heart		N					
93624	Electrophysiologic study		T	0085	52.5263	$3,542.32		$708.47
93631	Heart pacing, mapping		N					
93640	Evaluation heart device		N					
93641	Electrophysiology evaluation		N					
93642	Electrophysiology evaluation		S	0084	10.6030	$715.06		$143.02
93650	Ablate heart dysrhythm focus		Q3	0085	52.5263	$3,542.32		$708.47
93651	Ablate heart dysrhythm focus		Q3	0086	109.3471	$7,374.26		$1,474.86
93652	Ablate heart dysrhythm focus		Q3	0086	109.3471	$7,374.26		$1,474.86
93660	Tilt table evaluation		S	0101	4.3069	$290.45	$100.24	$58.09
93662	Intracardiac ecg (ice)		N					
93668	Peripheral vascular rehab		E					
93701	Bioimpedance, thoracic		S	0099	0.3891	$26.24		$5.25
93720	Total body plethysmography		B					
93721	Plethysmography tracing		X	0368	0.8423	$56.80	$20.93	$11.36
93722	Plethysmography report		B					
93724	Analyze pacemaker system		S	0690	0.3591	$24.22	$8.67	$4.85
93740	Temperature gradient studies		X	0368	0.8423	$56.80	$20.93	$11.36
93745	Set-up cardiovert-defibrill		S	0689	0.5909	$39.85		$7.97
93770	Measure venous pressure		N					
93784	Ambulatory BP monitoring		E					
93786	Ambulatory BP recording		S	0097	0.9890	$66.70	$23.79	$13.34
93788	Ambulatory BP analysis		S	0097	0.9890	$66.70	$23.79	$13.34
93790	Review/report BP recording		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
93797	Cardiac rehab		S	0095	0.5694	$38.40	$13.86	$7.68
93798	Cardiac rehab/monitor		S	0095	0.5694	$38.40	$13.86	$7.68
93799	Cardiovascular procedure		S	0097	0.9890	$66.70	$23.79	$13.34
93875	Extracranial study		S	0096	1.6471	$111.08	$37.42	$22.22
93880	Extracranial study		S	0267	2.3326	$157.31	$60.50	$31.47
93882	Extracranial study		S	0267	2.3326	$157.31	$60.50	$31.47
93886	Intracranial study		S	0267	2.3326	$157.31	$60.50	$31.47
93888	Intracranial study		S	0265	0.9431	$63.60	$22.35	$12.72
93890	Tcd, vasoreactivity study		S	0266	1.4674	$98.96	$37.80	$19.80
93892	Tcd, emboli detect w/o inj		S	0266	1.4674	$98.96	$37.80	$19.80
93893	Tcd, emboli detect w/inj		S	0266	1.4674	$98.96	$37.80	$19.80
93922	Extremity study	CH	S	0097	0.9890	$66.70	$23.79	$13.34
93923	Extremity study		S	0096	1.6471	$111.08	$37.42	$22.22
93924	Extremity study		S	0096	1.6471	$111.08	$37.42	$22.22
93925	Lower extremity study		S	0267	2.3326	$157.31	$60.50	$31.47
93926	Lower extremity study		S	0266	1.4674	$98.96	$37.80	$19.80
93930	Upper extremity study		S	0267	2.3326	$157.31	$60.50	$31.47
93931	Upper extremity study		S	0266	1.4674	$98.96	$37.80	$19.80
93965	Extremity study		S	0096	1.6471	$111.08	$37.42	$22.22
93970	Extremity study		S	0267	2.3326	$157.31	$60.50	$31.47
93971	Extremity study		S	0266	1.4674	$98.96	$37.80	$19.80
93975	Vascular study		S	0267	2.3326	$157.31	$60.50	$31.47
93976	Vascular study		S	0267	2.3326	$157.31	$60.50	$31.47
93978	Vascular study		S	0267	2.3326	$157.31	$60.50	$31.47
93979	Vascular study		S	0266	1.4674	$98.96	$37.80	$19.80
93980	Penile vascular study		S	0267	2.3326	$157.31	$60.50	$31.47
93981	Penile vascular study		S	0267	2.3326	$157.31	$60.50	$31.47
93982	Aneurysm pressure sens study		S	0097	0.9890	$66.70	$23.79	$13.34
93990	Doppler flow testing		S	0266	1.4674	$98.96	$37.80	$19.80
94002	Vent mgmt inpat, init day		S	0079	3.1010	$209.13		$41.83
94003	Vent mgmt inpat, subq day		S	0079	3.1010	$209.13		$41.83
94004	Vent mgmt nf per day		B					
94005	Home vent mgmt supervision		M					
94010	Breathing capacity test		X	0368	0.8423	$56.80	$20.93	$11.36
94014	Patient recorded spirometry		X	0367	0.5872	$39.60	$13.76	$7.92
94015	Patient recorded spirometry		X	0367	0.5872	$39.60	$13.76	$7.92
94016	Review patient spirometry		A					
94060	Evaluation of wheezing		S	0078	1.4179	$95.62		$19.13
94070	Evaluation of wheezing		X	0369	2.8041	$189.11	$44.18	$37.83
94150	Vital capacity test		X	0367	0.5872	$39.60	$13.76	$7.92
94200	Lung function test (MBC/MVV)		X	0367	0.5872	$39.60	$13.76	$7.92
94240	Residual lung capacity		X	0368	0.8423	$56.80	$20.93	$11.36

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
94250	Expired gas collection		X	0368	0.8423	$56.80	$20.93	$11.36
94260	Thoracic gas volume		X	0368	0.8423	$56.80	$20.93	$11.36
94350	Lung nitrogen washout curve		X	0368	0.8423	$56.80	$20.93	$11.36
94360	Measure airflow resistance		X	0367	0.5872	$39.60	$13.76	$7.92
94370	Breath airway closing volume		X	0367	0.5872	$39.60	$13.76	$7.92
94375	Respiratory flow volume loop		X	0368	0.8423	$56.80	$20.93	$11.36
94400	CO2 breathing response curve		X	0367	0.5872	$39.60	$13.76	$7.92
94450	Hypoxia response curve		X	0368	0.8423	$56.80	$20.93	$11.36
94452	Hast w/report		X	0368	0.8423	$56.80	$20.93	$11.36
94453	Hast w/oxygen titrate		X	0368	0.8423	$56.80	$20.93	$11.36
94610	Surfactant admin thru tube		S	0077	0.4088	$27.57	$7.74	$5.52
94620	Pulmonary stress test/simple		X	0368	0.8423	$56.80	$20.93	$11.36
94621	Pulm stress test/complex		X	0369	2.8041	$189.11	$44.18	$37.83
94640	Airway inhalation treatment		S	0077	0.4088	$27.57	$7.74	$5.52
94642	Aerosol inhalation treatment		S	0078	1.4179	$95.62		$19.13
94644	Cbt, 1st hour		X	0340	0.6682	$45.06		$9.02
94645	Cbt, each addl hour		X	0340	0.6682	$45.06		$9.02
94660	Pos airway pressure, CPAP		S	0078	1.4179	$95.62		$19.13
94662	Neg press ventilation, cnp		S	0079	3.1010	$209.13		$41.83
94664	Evaluate pt use of inhaler		S	0077	0.4088	$27.57	$7.74	$5.52
94667	Chest wall manipulation		S	0077	0.4088	$27.57	$7.74	$5.52
94668	Chest wall manipulation		S	0077	0.4088	$27.57	$7.74	$5.52
94680	Exhaled air analysis, o2	CH	X	0369	2.8041	$189.11	$44.18	$37.83
94681	Exhaled air analysis, o2/co2		X	0368	0.8423	$56.80	$20.93	$11.36
94690	Exhaled air analysis		X	0367	0.5872	$39.60	$13.76	$7.92
94720	Monoxide diffusing capacity		X	0368	0.8423	$56.80	$20.93	$11.36
94725	Membrane diffusion capacity		X	0368	0.8423	$56.80	$20.93	$11.36
94750	Pulmonary compliance study		X	0367	0.5872	$39.60	$13.76	$7.92
94760	Measure blood oxygen level		N					
94761	Measure blood oxygen level		N					
94762	Measure blood oxygen level		Q1	0097	0.9890	$66.70	$23.79	$13.34
94770	Exhaled carbon dioxide test		X	0367	0.5872	$39.60	$13.76	$7.92
94772	Breath recording, infant		X	0369	2.8041	$189.11	$44.18	$37.83
94774	Ped home apnea rec, compl		B					
94775	Ped home apnea rec, hk-up		S	0097	0.9890	$66.70	$23.79	$13.34
94776	Ped home apnea rec, downld		S	0097	0.9890	$66.70	$23.79	$13.34
94777	Ped home apnea rec, report		B					
94799	Pulmonary service/procedure		X	0367	0.5872	$39.60	$13.76	$7.92
95004	Percut allergy skin tests		X	0381	0.4294	$28.96		$5.80
95010	Percut allergy titrate test		X	0381	0.4294	$28.96		$5.80
95012	Exhaled nitric oxide meas		X	0367	0.5872	$39.60	$13.76	$7.92
95015	Id allergy titrate-drug/bug		X	0381	0.4294	$28.96		$5.80

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
95024	Id allergy test, drug/bug		X	0381	0.4294	$28.96		$5.80
95027	Id allergy titrate-airborne		X	0381	0.4294	$28.96		$5.80
95028	Id allergy test-delayed type		X	0381	0.4294	$28.96		$5.80
95044	Allergy patch tests		X	0381	0.4294	$28.96		$5.80
95052	Photo patch test		X	0381	0.4294	$28.96		$5.80
95056	Photosensitivity tests		X	0370	1.4058	$94.81		$18.97
95060	Eye allergy tests		X	0370	1.4058	$94.81		$18.97
95065	Nose allergy test		X	0381	0.4294	$28.96		$5.80
95070	Bronchial allergy tests		X	0369	2.8041	$189.11	$44.18	$37.83
95071	Bronchial allergy tests		X	0369	2.8041	$189.11	$44.18	$37.83
95075	Ingestion challenge test		X	0361	4.0117	$270.55	$83.23	$54.11
95115	Immunotherapy, one injection		S	0436	0.3805	$25.66		$5.14
95117	Immunotherapy injections		S	0436	0.3805	$25.66		$5.14
95120	Immunotherapy, one injection		E					
95125	Immunotherapy, many antigens		E					
95130	Immunotherapy, insect venom		E					
95131	Immunotherapy, insect venoms		E					
95132	Immunotherapy, insect venoms		E					
95133	Immunotherapy, insect venoms		E					
95134	Immunotherapy, insect venoms		E					
95144	Antigen therapy services		S	0437	0.5532	$37.31		$7.47
95145	Antigen therapy services	CH	S	0437	0.5532	$37.31		$7.47
95146	Antigen therapy services		S	0438	1.0943	$73.80		$14.76
95147	Antigen therapy services		S	0438	1.0943	$73.80		$14.76
95148	Antigen therapy services		S	0437	0.5532	$37.31		$7.47
95149	Antigen therapy services	CH	S	0437	0.5532	$37.31		$7.47
95165	Antigen therapy services		S	0436	0.3805	$25.66		$5.14
95170	Antigen therapy services	CH	S	0437	0.5532	$37.31		$7.47
95180	Rapid desensitization		X	0370	1.4058	$94.81		$18.97
95199	Allergy immunology services		X	0381	0.4294	$28.96		$5.80
95250	Glucose monitoring, cont		V	0607	1.6475	$111.11		$22.23
95251	Gluc monitor, cont, phys i&r		B					
95803	Actigraphy testing		S	0218	1.1956	$80.63		$16.13
95805	Multiple sleep latency test		S	0209	11.4707	$773.57	$268.73	$154.72
95806	Sleep study, unattended		S	0213	2.3712	$159.91	$53.58	$31.99
95807	Sleep study, attended		S	0209	11.4707	$773.57	$268.73	$154.72
95808	Polysomnography, 1-3		S	0209	11.4707	$773.57	$268.73	$154.72
95810	Polysomnography, 4 or more		S	0209	11.4707	$773.57	$268.73	$154.72
95811	Polysomnography w/cpap		S	0209	11.4707	$773.57	$268.73	$154.72
95812	Eeg, 41-60 minutes		S	0213	2.3712	$159.91	$53.58	$31.99
95813	Eeg, over 1 hour		S	0213	2.3712	$159.91	$53.58	$31.99
95816	Eeg, awake and drowsy		S	0213	2.3712	$159.91	$53.58	$31.99

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
95819	Eeg, awake and asleep		S	0213	2.3712	$159.91	$53.58	$31.99
95822	Eeg, coma or sleep only		S	0213	2.3712	$159.91	$53.58	$31.99
95824	Eeg, cerebral death only		S	0216	2.7250	$183.77		$36.76
95827	Eeg, all night recording		S	0213	2.3712	$159.91	$53.58	$31.99
95829	Surgery electrocorticogram		N					
95830	Insert electrodes for EEG		B					
95831	Limb muscle testing, manual		A					
95832	Hand muscle testing, manual		A					
95833	Body muscle testing, manual		A					
95834	Body muscle testing, manual		A					
95851	Range of motion measurements		A					
95852	Range of motion measurements		A					
95857	Tensilon test		S	0218	1.1956	$80.63		$16.13
95860	Muscle test, one limb		S	0218	1.1956	$80.63		$16.13
95861	Muscle test, 2 limbs		S	0218	1.1956	$80.63		$16.13
95863	Muscle test, 3 limbs		S	0218	1.1956	$80.63		$16.13
95864	Muscle test, 4 limbs		S	0218	1.1956	$80.63		$16.13
95865	Muscle test, larynx		S	0218	1.1956	$80.63		$16.13
95866	Muscle test, hemidiaphragm		S	0218	1.1956	$80.63		$16.13
95867	Muscle test cran nerv unilat		S	0218	1.1956	$80.63		$16.13
95868	Muscle test cran nerve bilat		S	0218	1.1956	$80.63		$16.13
95869	Muscle test, thor paraspinal		S	0215	0.6048	$40.79		$8.16
95870	Muscle test, nonparaspinal		S	0215	0.6048	$40.79		$8.16
95872	Muscle test, one fiber		S	0218	1.1956	$80.63		$16.13
95873	Guide nerv destr, elec stim		N					
95874	Guide nerv destr, needle emg		N					
95875	Limb exercise test		S	0215	0.6048	$40.79		$8.16
95900	Motor nerve conduction test		S	0215	0.6048	$40.79		$8.16
95903	Motor nerve conduction test		S	0215	0.6048	$40.79		$8.16
95904	Sense nerve conduction test		S	0215	0.6048	$40.79		$8.16
95920	Intraop nerve test add-on		N					
95921	Autonomic nerv function test	CH	S	0218	1.1956	$80.63		$16.13
95922	Autonomic nerv function test		S	0215	0.6048	$40.79		$8.16
95923	Autonomic nerv function test		S	0218	1.1956	$80.63		$16.13
95925	Somatosensory testing		S	0216	2.7250	$183.77		$36.76
95926	Somatosensory testing		S	0216	2.7250	$183.77		$36.76
95927	Somatosensory testing		S	0216	2.7250	$183.77		$36.76
95928	C motor evoked, uppr limbs		S	0218	1.1956	$80.63		$16.13
95929	C motor evoked, lwr limbs		S	0218	1.1956	$80.63		$16.13
95930	Visual evoked potential test		S	0216	2.7250	$183.77		$36.76

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
95933	Blink reflex test		S	0215	0.6048	$40.79		$8.16
95934	H-reflex test		S	0215	0.6048	$40.79		$8.16
95936	H-reflex test		S	0215	0.6048	$40.79		$8.16
95937	Neuromuscular junction test		S	0218	1.1956	$80.63		$16.13
95950	Ambulatory eeg monitoring		S	0209	11.4707	$773.57	$268.73	$154.72
95951	EEG monitoring/videorecord		S	0209	11.4707	$773.57	$268.73	$154.72
95953	EEG monitoring/computer		S	0209	11.4707	$773.57	$268.73	$154.72
95954	EEG monitoring/giving drugs		S	0218	1.1956	$80.63		$16.13
95955	EEG during surgery		N					
95956	Eeg monitoring, cable/radio		S	0209	11.4707	$773.57	$268.73	$154.72
95957	EEG digital analysis		N					
95958	EEG monitoring/function test		S	0213	2.3712	$159.91	$53.58	$31.99
95961	Electrode stimulation, brain		S	0216	2.7250	$183.77		$36.76
95962	Electrode stim, brain add-on		S	0216	2.7250	$183.77		$36.76
95965	Meg, spontaneous		S	0067	51.9998	$3,506.81		$701.37
95966	Meg, evoked, single		S	0065	13.2633	$894.46		$178.90
95967	Meg, evoked, each add'l		S	0065	13.2633	$894.46		$178.90
95970	Analyze neurostim, no prog		S	0218	1.1956	$80.63		$16.13
95971	Analyze neurostim, simple		S	0692	1.6265	$109.69		$21.94
95972	Analyze neurostim, complex		S	0692	1.6265	$109.69		$21.94
95973	Analyze neurostim, complex		S	0692	1.6265	$109.69		$21.94
95974	Cranial neurostim, complex		S	0692	1.6265	$109.69		$21.94
95975	Cranial neurostim, complex		S	0692	1.6265	$109.69		$21.94
95978	Analyze neurostim brain/1h		S	0692	1.6265	$109.69		$21.94
95979	Analyz neurostim brain addon		S	0692	1.6265	$109.69		$21.94
95980	Io anal gast n-stim init		N					
95981	Io anal gast n-stim subsq		S	0218	1.1956	$80.63		$16.13
95982	Io ga n-stim subsq w/reprog		S	0692	1.6265	$109.69		$21.94
95990	Spin/brain pump refil & main	CH	S	0439	1.8815	$126.89		$25.38
95991	Spin/brain pump refil & main	CH	S	0439	1.8815	$126.89		$25.38
95992	Canalith repositioning proc	CH	E					
95999	Neurological procedure		S	0215	0.6048	$40.79		$8.16
96000	Motion analysis, video/3d		S	0216	2.7250	$183.77		$36.76
96001	Motion test w/ft press meas		S	0216	2.7250	$183.77		$36.76
96002	Dynamic surface emg		S	0218	1.1956	$80.63		$16.13
96003	Dynamic fine wire emg		S	0215	0.6048	$40.79		$8.16
96004	Phys review of motion tests		B					
96020	Functional brain mapping		N					
96040	Genetic counseling, 30 min		B					
96101	Psycho testing by psych/phys		Q3	0382	2.5725	$173.49		$34.70
96102	Psycho testing by technician		Q3	0382	2.5725	$173.49		$34.70
96103	Psycho testing admin by comp		Q3	0373	1.0624	$71.65		$14.33

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
96105	Assessment of aphasia		A					
96110	Developmental test, lim		Q3	0373	1.0624	$71.65		$14.33
96111	Developmental test, extend	CH	Q3	0373	1.0624	$71.65		$14.33
96116	Neurobehavioral status exam		Q3	0382	2.5725	$173.49		$34.70
96118	Neuropsych tst by psych/phys		Q3	0382	2.5725	$173.49		$34.70
96119	Neuropsych testing by tec		Q3	0382	2.5725	$173.49		$34.70
96120	Neuropsych tst admin w/comp	CH	Q3	0382	2.5725	$173.49		$34.70
96125	Cognitive test by hc pro		A					
96150	Assess hlth/behave, init		Q3	0432	0.5594	$37.73		$7.55
96151	Assess hlth/behave, subseq		Q3	0432	0.5594	$37.73		$7.55
96152	Intervene hlth/behave, indiv		Q3	0432	0.5594	$37.73		$7.55
96153	Intervene hlth/behave, group		Q3	0432	0.5594	$37.73		$7.55
96154	Interv hlth/behav, fam w/pt		Q3	0432	0.5594	$37.73		$7.55
96155	Interv hlth/behav fam no pt		E					
96360	Hydration iv infusion, init		S	0438	1.0943	$73.80		$14.76
96361	Hydrate iv infusion, add-on		S	0436	0.3805	$25.66		$5.14
96365	Ther/proph/diag iv inf, init		S	0439	1.8815	$126.89		$25.38
96366	Ther/proph/diag iv inf addon		S	0436	0.3805	$25.66		$5.14
96367	Tx/proph/dg addl seq iv inf		S	0437	0.5532	$37.31		$7.47
96368	Ther/diag concurrent inf		N					
96369	Sc ther infusion, up to 1 hr	CH	S	0439	1.8815	$126.89		$25.38
96370	Sc ther infusion, addl hr		S	0437	0.5532	$37.31		$7.47
96371	Sc ther infusion, reset pump		S	0436	0.3805	$25.66		$5.14
96372	Ther/proph/diag inj, sc/im		S	0436	0.3805	$25.66		$5.14
96373	Ther/proph/diag inj, ia		S	0437	0.5532	$37.31		$7.47
96374	Ther/proph/diag inj, iv push		S	0437	0.5532	$37.31		$7.47
96375	Tx/pro/dx inj new drug addon		S	0437	0.5532	$37.31		$7.47
96376	Tx/pro/dx inj new drug adon		N					
96379	Ther/prop/diag inj/inf proc		S	0436	0.3805	$25.66		$5.14
96401	Chemo, anti-neopl, sq/im		S	0437	0.5532	$37.31		$7.47
96402	Chemo hormon antineopl sq/im		S	0437	0.5532	$37.31		$7.47
96405	Chemo intralesional, up to 7		S	0437	0.5532	$37.31		$7.47
96406	Chemo intralesional over 7	CH	S	0439	1.8815	$126.89		$25.38
96409	Chemo, iv push, sngl drug		S	0439	1.8815	$126.89		$25.38
96411	Chemo, iv push, addl drug		S	0438	1.0943	$73.80		$14.76
96413	Chemo, iv infusion, 1 hr		S	0440	3.1844	$214.75		$42.95
96415	Chemo, iv infusion, addl hr		S	0437	0.5532	$37.31		$7.47
96416	Chemo prolong infuse w/pump		S	0440	3.1844	$214.75		$42.95
96417	Chemo iv infus each addl seq		S	0438	1.0943	$73.80		$14.76
96420	Chemo, ia, push tecnique	CH	S	0438	1.0943	$73.80		$14.76
96422	Chemo ia infusion up to 1 hr		S	0440	3.1844	$214.75		$42.95
96423	Chemo ia infuse each addl hr		S	0438	1.0943	$73.80		$14.76

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
96425	Chemotherapy,infusion method		S	0440	3.1844	$214.75		$42.95
96440	Chemotherapy, intracavitary	CH	S	0439	1.8815	$126.89		$25.38
96445	Chemotherapy, intracavitary		S	0440	3.1844	$214.75		$42.95
96450	Chemotherapy, into CNS		S	0440	3.1844	$214.75		$42.95
96521	Refill/maint, portable pump	CH	S	0439	1.8815	$126.89		$25.38
96522	Refill/maint pump/resvr syst		S	0439	1.8815	$126.89		$25.38
96523	Irrig drug delivery device		Q1	0624	0.6079	$41.00	$12.65	$8.20
96542	Chemotherapy injection	CH	S	0438	1.0943	$73.80		$14.76
96549	Chemotherapy, unspecified		S	0436	0.3805	$25.66		$5.14
96567	Photodynamic tx, skin	CH	T	0016	2.7920	$188.29		$37.66
96570	Photodynamic tx, 30 min		T	0015	1.5025	$101.33		$20.27
96571	Photodynamic tx, addl 15 min		T	0015	1.5025	$101.33		$20.27
96900	Ultraviolet light therapy		S	0001	0.5413	$36.50		$7.30
96902	Trichogram		N					
96904	Whole body photography		N					
96910	Photochemotherapy with UV-B		S	0001	0.5413	$36.50		$7.30
96912	Photochemotherapy with UV-A		S	0001	0.5413	$36.50		$7.30
96913	Photochemotherapy, UV-A or B		S	0683	2.6202	$176.70		$35.34
96920	Laser tx, skin < 250 sq cm		T	0015	1.5025	$101.33		$20.27
96921	Laser tx, skin 250-500 sq cm		T	0015	1.5025	$101.33		$20.27
96922	Laser tx, skin > 500 sq cm		T	0015	1.5025	$101.33		$20.27
96999	Dermatological procedure		T	0012	0.4119	$27.78		$5.56
97001	Pt evaluation		A					
97002	Pt re-evaluation		A					
97003	Ot evaluation		A					
97004	Ot re-evaluation		A					
97005	Athletic train eval		E					
97006	Athletic train reeval		E					
97010	Hot or cold packs therapy		A					
97012	Mechanical traction therapy		A					
97014	Electric stimulation therapy		E					
97016	Vasopneumatic device therapy		A					
97018	Paraffin bath therapy		A					
97022	Whirlpool therapy		A					
97024	Diathermy eg, microwave		A					
97026	Infrared therapy		A					
97028	Ultraviolet therapy		A					
97032	Electrical stimulation		A					
97033	Electric current therapy		A					
97034	Contrast bath therapy		A					
97035	Ultrasound therapy		A					
97036	Hydrotherapy		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
97039	Physical therapy treatment		A					
97110	Therapeutic exercises		A					
97112	Neuromuscular reeducation		A					
97113	Aquatic therapy/exercises		A					
97116	Gait training therapy		A					
97124	Massage therapy		A					
97139	Physical medicine procedure		A					
97140	Manual therapy		A					
97150	Group therapeutic procedures		A					
97530	Therapeutic activities		A					
97532	Cognitive skills development		A					
97533	Sensory integration		A					
97535	Self care mngment training		A					
97537	Community/work reintegration		A					
97542	Wheelchair mngment training		A					
97545	Work hardening		A					
97546	Work hardening add-on		A					
97597	Active wound care/20 cm or <		T	0015	1.5025	$101.33		$20.27
97598	Active wound care > 20 cm		T	0015	1.5025	$101.33		$20.27
97602	Wound(s) care non-selective		T	0013	0.8679	$58.53		$11.71
97605	Neg press wound tx, < 50 cm		T	0013	0.8679	$58.53		$11.71
97606	Neg press wound tx, > 50 cm	CH	T	0015	1.5025	$101.33		$20.27
97750	Physical performance test		A					
97755	Assistive technology assess		A					
97760	Orthotic mgmt and training		A					
97761	Prosthetic training		A					
97762	C/o for orthotic/prosth use		A					
97799	Physical medicine procedure		A					
97802	Medical nutrition, indiv, in		A					
97803	Med nutrition, indiv, subseq		A					
97804	Medical nutrition, group		A					
97810	Acupunct w/o stimul 15 min		E					
97811	Acupunct w/o stimul addl 15m		E					
97813	Acupunct w/stimul 15 min		E					
97814	Acupunct w/stimul addl 15m		E					
98925	Osteopathic manipulation		S	0060	0.4196	$28.30		$5.66
98926	Osteopathic manipulation		S	0060	0.4196	$28.30		$5.66
98927	Osteopathic manipulation		S	0060	0.4196	$28.30		$5.66
98928	Osteopathic manipulation		S	0060	0.4196	$28.30		$5.66
98929	Osteopathic manipulation		S	0060	0.4196	$28.30		$5.66
98940	Chiropractic manipulation		S	0060	0.4196	$28.30		$5.66
98941	Chiropractic manipulation		S	0060	0.4196	$28.30		$5.66

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
98942	Chiropractic manipulation		S	0060	0.4196	$28.30		$5.66
98943	Chiropractic manipulation		E					
98960	Self-mgmt educ & train, 1 pt		E					
98961	Self-mgmt educ/train, 2-4 pt		E					
98962	Self-mgmt educ/train, 5-8 pt		E					
98966	Hc pro phone call 5-10 min		E					
98967	Hc pro phone call 11-20 min		E					
98968	Hc pro phone call 21-30 min		E					
98969	Online service by hc pro		E					
99000	Specimen handling		E					
99001	Specimen handling		E					
99002	Device handling		B					
99024	Postop follow-up visit		B					
99026	In-hospital on call service		E					
99027	Out-of-hosp on call service		E					
99050	Medical services after hrs		B					
99051	Med serv, eve/wkend/holiday		B					
99053	Med serv 10pm-8am, 24 hr fac		B					
99056	Med service out of office		B					
99058	Office emergency care		B					
99060	Out of office emerg med serv		B					
99070	Special supplies		B					
99071	Patient education materials		B					
99075	Medical testimony		E					
99078	Group health education		N					
99080	Special reports or forms		B					
99082	Unusual physician travel		B					
99090	Computer data analysis		B					
99091	Collect/review data from pt		N					
99100	Special anesthesia service		B					
99116	Anesthesia with hypothermia		B					
99135	Special anesthesia procedure		B					
99140	Emergency anesthesia		B					
99143	Mod cs by same phys, < 5 yrs		N					
99144	Mod cs by same phys, 5 yrs +		N					
99145	Mod cs by same phys add-on		N					
99148	Mod cs diff phys < 5 yrs		N					
99149	Mod cs diff phys 5 yrs +		N					
99150	Mod cs diff phys add-on		N					
99170	Anogenital exam, child		T	0191	0.1502	$10.13	$2.36	$2.03
99172	Ocular function screen		E					
99173	Visual acuity screen		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
99174	Ocular photoscreening		E					
99175	Induction of vomiting		N					
99183	Hyperbaric oxygen therapy		B					
99185	Regional hypothermia		N					
99186	Total body hypothermia		N					
99190	Special pump services		C					
99191	Special pump services		C					
99192	Special pump services		C					
99195	Phlebotomy		X	0624	0.6079	$41.00	$12.65	$8.20
99199	Special service/proc/report		B					
99201	Office/outpatient visit, new		V	0604	0.8092	$54.57		$10.92
99202	Office/outpatient visit, new		V	0605	1.0400	$70.14		$14.03
99203	Office/outpatient visit, new		V	0606	1.2863	$86.75		$17.35
99204	Office/outpatient visit, new		V	0607	1.6475	$111.11		$22.23
99205	Office/outpatient visit, new		Q3	0608	2.4166	$162.97		$32.60
99211	Office/outpatient visit, est		V	0604	0.8092	$54.57		$10.92
99212	Office/outpatient visit, est		V	0605	1.0400	$70.14		$14.03
99213	Office/outpatient visit, est		V	0605	1.0400	$70.14		$14.03
99214	Office/outpatient visit, est		V	0606	1.2863	$86.75		$17.35
99215	Office/outpatient visit, est		Q3	0607	1.6475	$111.11		$22.23
99217	Observation care discharge		B					
99218	Observation care		B					
99219	Observation care		B					
99220	Observation care		B					
99221	Initial hospital care		B					
99222	Initial hospital care		B					
99223	Initial hospital care		B					
99231	Subsequent hospital care		B					
99232	Subsequent hospital care		B					
99233	Subsequent hospital care		B					
99234	Observ/hosp same date		B					
99235	Observ/hosp same date		B					
99236	Observ/hosp same date		B					
99238	Hospital discharge day		B					
99239	Hospital discharge day		B					
99241	Office consultation		B					
99242	Office consultation		B					
99243	Office consultation		B					
99244	Office consultation		B					
99245	Office consultation		B					
99251	Inpatient consultation		M					
99252	Inpatient consultation		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
99253	Inpatient consultation		M					
99254	Inpatient consultation		M					
99255	Inpatient consultation		M					
99281	Emergency dept visit		V	0609	0.7956	$53.65	$12.70	$10.73
99282	Emergency dept visit		V	0613	1.3101	$88.35	$21.06	$17.67
99283	Emergency dept visit		V	0614	2.0799	$140.27	$34.50	$28.06
99284	Emergency dept visit		Q3	0615	3.3406	$225.29	$48.49	$45.06
99285	Emergency dept visit		Q3	0616	4.9044	$330.75	$72.86	$66.15
99288	Direct advanced life support		B					
99291	Critical care, first hour		Q3	0617	7.5411	$508.56	$111.59	$101.72
99292	Critical care, add'l 30 min		N					
99304	Nursing facility care, init		B					
99305	Nursing facility care, init		B					
99306	Nursing facility care, init		B					
99307	Nursing fac care, subseq		B					
99308	Nursing fac care, subseq		B					
99309	Nursing fac care, subseq		B					
99310	Nursing fac care, subseq		B					
99315	Nursing fac discharge day		B					
99316	Nursing fac discharge day		B					
99318	Annual nursing fac assessmnt		B					
99324	Domicil/r-home visit new pat		B					
99325	Domicil/r-home visit new pat		B					
99326	Domicil/r-home visit new pat		B					
99327	Domicil/r-home visit new pat		B					
99328	Domicil/r-home visit new pat		B					
99334	Domicil/r-home visit est pat		B					
99335	Domicil/r-home visit est pat		B					
99336	Domicil/r-home visit est pat		B					
99337	Domicil/r-home visit est pat		B					
99339	Domicil/r-home care supervis		B					
99340	Domicil/r-home care supervis		B					
99341	Home visit, new patient		B					
99342	Home visit, new patient		B					
99343	Home visit, new patient		B					
99344	Home visit, new patient		B					
99345	Home visit, new patient		B					
99347	Home visit, est patient		B					
99348	Home visit, est patient		B					
99349	Home visit, est patient		B					
99350	Home visit, est patient		B					
99354	Prolonged service, office		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
99355	Prolonged service, office		N					
99356	Prolonged service, inpatient		C					
99357	Prolonged service, inpatient		C					
99358	Prolonged serv, w/o contact		N					
99359	Prolonged serv, w/o contact		N					
99360	Physician standby services		B					
99363	Anticoag mgmt, init		B					
99364	Anticoag mgmt, subseq		B					
99366	Team conf w/pat by hc pro		N					
99367	Team conf w/o pat by phys		N					
99368	Team conf w/o pat by hc pro		N					
99374	Home health care supervision		B					
99375	Home health care supervision		E					
99377	Hospice care supervision		B					
99378	Hospice care supervision		E					
99379	Nursing fac care supervision		B					
99380	Nursing fac care supervision		B					
99381	Init pm e/m, new pat, inf		E					
99382	Init pm e/m, new pat 1-4 yrs		E					
99383	Prev visit, new, age 5-11		E					
99384	Prev visit, new, age 12-17		E					
99385	Prev visit, new, age 18-39		E					
99386	Prev visit, new, age 40-64		E					
99387	Init pm e/m, new pat 65+ yrs		E					
99391	Per pm reeval, est pat, inf		E					
99392	Prev visit, est, age 1-4		E					
99393	Prev visit, est, age 5-11		E					
99394	Prev visit, est, age 12-17		E					
99395	Prev visit, est, age 18-39		E					
99396	Prev visit, est, age 40-64		E					
99397	Per pm reeval est pat 65+ yr		E					
99401	Preventive counseling, indiv		E					
99402	Preventive counseling, indiv		E					
99403	Preventive counseling, indiv		E					
99404	Preventive counseling, indiv		E					
99406	Behav chng smoking 3-10 min		X	0031	0.3001	$20.24		$4.05
99407	Behav chng smoking > 10 min		X	0031	0.3001	$20.24		$4.05
99408	Audit/dast, 15-30 min		E					
99409	Audit/dast, over 30 min		E					
99411	Preventive counseling, group		E					
99412	Preventive counseling, group		E					
99420	Health risk assessment test		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
99429	Unlisted preventive service		E					
99441	Phone e/m by phys 5-10 min		E					
99442	Phone e/m by phys 11-20 min		E					
99443	Phone e/m by phys 21-30 min		E					
99444	Online e/m by phys		E					
99450	Basic life disability exam		E					
99455	Work related disability exam		B					
99456	Disability examination		B					
99460	Init nb em per day, hosp		V	0605	1.0400	$70.14		$14.03
99461	Init nb em per day, non-fac		M					
99462	Sbsq nb em per day, hosp		C					
99463	Same day nb discharge		V	0605	1.0400	$70.14		$14.03
99464	Attendance at delivery		N					
99465	Nb resuscitation		S	0094	2.4328	$164.07	$46.29	$32.82
99466	Ped crit care transport		N					
99467	Ped crit care transport addl		N					
99468	Neonate crit care, initial		C					
99469	Neonate crit care, subsq		C					
99471	Ped critical care, initial		C					
99472	Ped critical care, subsq		C					
99475	Ped crit care age 2-5, init		C					
99476	Ped crit care age 2-5, subsq		C					
99477	Init day hosp neonate care		C					
99478	Ic, lbw inf < 1500 gm subsq		C					
99479	Ic lbw inf 1500-2500 g subsq		C					
99480	Ic inf pbw 2501-5000 g subsq		C					
99499	Unlisted e&m service		B					
99500	Home visit, prenatal		E					
99501	Home visit, postnatal		E					
99502	Home visit, nb care		E					
99503	Home visit, resp therapy		E					
99504	Home visit mech ventilator		E					
99505	Home visit, stoma care		E					
99506	Home visit, im injection		E					
99507	Home visit, cath maintain		E					
99509	Home visit day life activity		E					
99510	Home visit, sing/m/fam couns		E					
99511	Home visit, fecal/enema mgmt		E					
99512	Home visit for hemodialysis		E					
99600	Home visit nos		E					
99601	Home infusion/visit, 2 hrs		E					
99602	Home infusion, each addtl hr		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
99605	Mtms by pharm, np, 15 min		E					
99606	Mtms by pharm, est, 15 min		E					
99607	Mtms by pharm, addl 15 min		E					
0001F	Heart failure composite		M					
0005F	Osteoarthritis composite		M					
0012F	Cap bacterial assess		M					
0014F	Comp preop assess cat surg		M					
0015F	Melan follow-up complete		M					
0016T	Thermotx choroid vasc lesion		T	0235	6.0497	$407.99		$81.60
0017T	Photocoagulat macular drusen		T	0235	6.0497	$407.99		$81.60
0019T	Extracorp shock wv tx,ms nos		A					
0030T	Antiprothrombin antibody		A					
0042T	Ct perfusion w/contrast, cbf		N					
0048T	Implant ventricular device		C					
0050T	Removal circulation assist		C					
0051T	Implant total heart system		C					
0052T	Replace component heart syst		C					
0053T	Replace component heart syst		C					
0054T	Bone surgery using computer		N					
0055T	Bone surgery using computer		N					
0062T	Rep intradisc annulus;1 lev		E					
0063T	Rep intradisc annulus;>1lev		E					
0064T	Spectroscop eval expired gas		X	0367	0.5872	$39.60	$13.76	$7.92
0066T	Ct colonography;screen		E					
0067T	Ct colonography;dx		Q3	0332	2.9160	$196.65	$75.24	$39.33
0068T	Interp/rept heart sound		B					
0069T	Analysis only heart sound		N					
0070T	Interp only heart sound		B					
0071T	U/s leiomyomata ablate <200		S	0067	51.9998	$3,506.81		$701.37
0072T	U/s leiomyomata ablate >200		S	0067	51.9998	$3,506.81		$701.37
0073T	Delivery, comp imrt		S	0412	6.2903	$424.21		$84.85
0075T	Perq stent/chest vert art		C					
0076T	S&i stent/chest vert art		C					
0077T	Cereb therm perfusion probe		C					
0078T	Endovasc aort repr w/device		C					
0079T	Endovasc visc extnsn repr		C					
0080T	Endovasc aort repr rad s&i		C					
0081T	Endovasc visc extnsn s&i		C					
0084T	Temp prostate urethral stent		T	0164	1.9814	$133.62		$26.73
0085T	Breath test heart reject		E					
0086T	L ventricle fill pressure		N					
0087T	Sperm eval hyaluronan		X	0344	0.8020	$54.09	$15.59	$10.82

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0092T	Artific disc addl		C					
0095T	Artific diskectomy addl		C					
0098T	Rev artific disc addl		C					
0099T	Implant corneal ring		T	0233	16.4066	$1,106.44	$266.33	$221.29
0100T	Prosth retina receive&gen		T	0672	39.8051	$2,684.42		$536.89
0101T	Extracorp shockwv tx,hi enrg		T	0050	31.6510	$2,134.51		$426.91
0102T	Extracorp shockwv tx,anesth		T	0050	31.6510	$2,134.51		$426.91
0103T	Holotranscobalamin		A					
0104T	At rest cardio gas rebreathe		A					
0105T	Exerc cardio gas rebreathe		A					
0106T	Touch quant sensory test		X	0341	0.0799	$5.39	$2.09	$1.08
0107T	Vibrate quant sensory test		X	0341	0.0799	$5.39	$2.09	$1.08
0108T	Cool quant sensory test		X	0341	0.0799	$5.39	$2.09	$1.08
0109T	Heat quant sensory test		X	0341	0.0799	$5.39	$2.09	$1.08
0110T	Nos quant sensory test		X	0341	0.0799	$5.39	$2.09	$1.08
0111T	Rbc membranes fatty acids		A					
0123T	Scleral fistulization		T	0234	24.3022	$1,638.92	$511.31	$327.79
0124T	Conjunctival drug placement		T	0232	4.4078	$297.26	$74.47	$59.46
0126T	Chd risk imt study		Q1	0340	0.6682	$45.06		$9.02
0130T	Chron care drug investigatn		B					
0140T	Exhaled breath condensate ph		A					
0141T	Perq islet transplant		E					
0142T	Open islet transplant		E					
0143T	Laparoscopic islet transplnt		E					
0144T	CT heart wo dye; qual calc	CH	X	0340	0.6682	$45.06		$9.02
0145T	CT heart w/wo dye funct		S	0383	4.0252	$271.46	$106.14	$54.30
0146T	CCTA w/wo dye		S	0383	4.0252	$271.46	$106.14	$54.30
0147T	CCTA w/wo, quan calcium		S	0383	4.0252	$271.46	$106.14	$54.30
0148T	CCTA w/wo, strxr		S	0383	4.0252	$271.46	$106.14	$54.30
0149T	CCTA w/wo, strxr quan calc		S	0383	4.0252	$271.46	$106.14	$54.30
0150T	CCTA w/wo, disease strxr		S	0383	4.0252	$271.46	$106.14	$54.30
0151T	CT heart funct add-on		S	0282	1.6629	$112.14	$37.81	$22.43
0155T	Lap impl gast curve electrd		T	0130	37.6286	$2,537.64	$659.53	$507.53
0156T	Lap remv gast curve electrd		T	0130	37.6286	$2,537.64	$659.53	$507.53
0157T	Open impl gast curve electrd		C					
0158T	Open remv gast curve electrd		C					
0159T	Cad breast mri		N					
0160T	Tcranial magn stim tx plan		S	0216	2.7250	$183.77		$36.76
0161T	Tcranial magn stim tx deliv		S	0216	2.7250	$183.77		$36.76
0163T	Lumb artif diskectomy addl		C					
0164T	Remove lumb artif disc addl		C					
0165T	Revise lumb artif disc addl		C					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0166T	Tcath vsd close w/o bypass		C					
0167T	Tcath vsd close w bypass		C					
0168T	Rhinophototx light app bilat		T	0251	3.4720	$234.15		$46.83
0169T	Place stereo cath brain		C					
0170T	Anorectal fistula plug rpr		T	0150	31.8277	$2,146.43	$437.12	$429.29
0171T	Lumbar spine proces distract		T	0052	87.3161	$5,888.51		$1,177.71
0172T	Lumbar spine process addl		T	0052	87.3161	$5,888.51		$1,177.71
0173T	Iop monit io pressure		N					
0174T	Cad cxr with interp		N					
0175T	Cad cxr remote		N					
0176T	Aqu canal dilat w/o retent		T	0673	41.3279	$2,787.11	$649.56	$557.43
0177T	Aqu canal dilat w retent		T	0673	41.3279	$2,787.11	$649.56	$557.43
0178T	64 lead ecg w i&r		B					
0179T	64 lead ecg w tracing		X	0100	2.5806	$174.03	$41.44	$34.81
0180T	64 lead ecg w i&r only		B					
0181T	Corneal hysteresis		S	0230	0.6048	$40.79		$8.16
0182T	Hdr elect brachytherapy	CH	S	0313	11.0720	$746.68	$293.30	$149.34
0183T	Wound ultrasound	CH	T	0013	0.8679	$58.53		$11.71
0184T	Exc rectal tumor endoscopic		C					
0185T	Comptr probability analysis		N					
0186T	Suprachoroidal drug delivery		T	0237	21.9719	$1,481.76		$296.36
0187T	Ophthalmic dx image anterior		S	0230	0.6048	$40.79		$8.16
0188T	Videoconf crit care 74 min		M					
0189T	Videoconf crit care addl 30		M					
0190T	Place intraoc radiation src		T	0237	21.9719	$1,481.76		$296.36
0191T	Insert ant segment drain int		T	0234	24.3022	$1,638.92	$511.31	$327.79
0192T	Insert ant segment drain ext		T	0673	41.3279	$2,787.11	$649.56	$557.43
0193T	Rf bladder neck microremodel		T	0165	20.0655	$1,353.20		$270.64
0194T	Procalcitonin (pct)		A					
0195T	Arthrod presac interbody		C					
0196T	Arthrod presac interbody eac		C					
0197T	Intrafraction track motion		N					
0198T	Ocular blood flow measure		S	0230	0.6048	$40.79		$8.16
0500F	Initial prenatal care visit		M					
0501F	Prenatal flow sheet		M					
0502F	Subsequent prenatal care		M					
0503F	Postpartum care visit		M					
0505F	Hemodialysis plan docd		M					
0507F	Periton dialysis plan docd		M					
0509F	Urine incon plan docd		M					
0513F	Elev bp plan of care docd		M					
0514F	Care plan hgb docd esa pt		M					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
0516F	Anemia plan of care docd		M					
0517F	Glaucoma plan of care docd		M					
0518F	Fall plan of care docd		M					
0519F	Pland chemo docd b/4 txmnt		M					
0520F	Rad dos limts b/4 3d rad		M					
0521F	Plan of care 4 pain docd		M					
0525F	Initial visit for episode		M					
0526F	Subs visit for episode		M					
0528F	Rcmnd flw-up 10 yrs docd		E					
0529F	Intrvl 3+yrs pts clnscp docd		M					
0535F	Dyspnea mngmnt plan docd		E					
0540F	Gluco mngmnt plan docd		M					
0575F	HIV rna plan care docd		E					
1000F	Tobacco use assessed		M					
1002F	Assess anginal symptom/level		M					
1003F	Level of activity assess		M					
1004F	Clin symp vol ovrld assess		M					
1005F	Asthma symptoms evaluate		M					
1006F	Osteoarthritis assess		M					
1007F	Anti-inflm/anlgsc otc assess		M					
1008F	Gi/renal risk assess		M					
1015F	Copd symptoms assess		M					
1018F	Assess dyspnea not present		M					
1019F	Assess dyspnea present		M					
1022F	Pneumo imm status assess		M					
1026F	Co-morbid condition assess		M					
1030F	Influenza imm status assess		M					
1034F	Current tobacco smoker		M					
1035F	Smokeless tobacco user		M					
1036F	Tobacco non-user		M					
1038F	Persistent asthma		M					
1039F	Intermittent asthma		M					
1040F	Dsm-iv™ info mdd doc'd		M					
1050F	History of mole changes		M					
1055F	Visual funct status assess		M					
1060F	Doc perm/cont/parox atr. fib		M					
1061F	Doc lack perm+cont+parox fib		M					
1065F	Ischm stroke symp lt3 hrsb/4		M					
1066F	Ischm stroke symp ge3 hrsb/4		M					
1070F	Alarm symp assessed-absent		M					
1071F	Alarm symp assessed-1+ prsnt		M					
1090F	Pres/absn urine incon assess		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
1091F	Urine incon characterized		M					
1100F	Ptfalls assess-doc'd ge2+/yr		M					
1101F	Pt falls assess-doc'd le1/yr		M					
1110F	Pt lft inpt fac w/in 60 days		M					
1111F	Dschrg med/current med merge		M					
1116F	Auric/peri pain assessed		M					
1118F	GERD symps assessed 12 month		M					
1119F	Init eval for condition		M					
1121F	Subs eval for condition		M					
1123F	Acp discuss/dscn mkr docd		M					
1124F	Acp discuss-no dscnmkr docd		M					
1125F	Amnt pain noted pain prsnt		M					
1126F	Amnt pain noted none prsnt		M					
1127F	New episode for condition		M					
1128F	Subs episode for condition		M					
1130F	Bk pain + fxn assessed		M					
1134F	Epsd bk pain for =< 6 wks		M					
1135F	Epsd bk pain for > 6 wks		M					
1136F	Epsd bk pain for <= 12 wks		M					
1137F	Epsd bk pain for > 12 wks		M					
1150F	Doc pt rsk death w/in 1yr		E					
1151F	Doc no pt rsk death w/in 1yr		E					
1152F	Doc advncd dis comfort 1st		E					
1153F	Doc advncd dis cmfrt not 1st		E					
1157F	Advnc care plan in rcrd		E					
1158F	Advnc care plan tlk docd		M					
1159F	Med list docd in rcrd		E					
1160F	Rvw meds by rx/dr in rcrd		E					
1170F	Fxnl status assessed		M					
1180F	Thromboemb risk assessed		E					
1220F	Pt screened for depression		M					
2000F	Blood pressure measure		M					
2001F	Weight record		M					
2002F	Clin sign vol ovrld assess		M					
2004F	Initial exam involved joints		M					
2010F	Vital signs recorded		M					
2014F	Mental status assess		M					
2018F	Hydration status assess		M					
2019F	Dilated macul exam done		M					
2020F	Dilated fundus eval done		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
2021F	Dilat macul+ exam done		M					
2022F	Dil retina exam interp rev		M					
2024F	7 field photo interp doc rev		M					
2026F	Eye image valid to dx rev		M					
2027F	Optic nerve head eval done		M					
2028F	Foot exam performed		M					
2029F	Complete phys skin exam done		M					
2030F	H2O stat doc'd, normal		M					
2031F	H2O stat doc'd, dehydrated		M					
2035F	Tymp memb motion examd		M					
2040F	Bk pn xm on init visit date		M					
2044F	Doc mntl tst b/4 bk trxmnt		M					
2050F	Wound char size etc docd		E					
3006F	Cxr doc rev		M					
3011F	Lipid panel doc rev		M					
3014F	Screen mammo doc rev		M					
3016F	Pt scrnd unhlthy OH use		M					
3017F	Colorectal ca screen doc rev		M					
3018F	Pre-prxd rsk et al docd		E					
3020F	Lvf assess		M					
3021F	Lvef mod/sever deprs syst		M					
3022F	Lvef =40% systolic		M					
3023F	Spirom doc rev		M					
3025F	Spirom fev/fvc<70% w copd		M					
3027F	Spirom fev/fvc=70%/ w/o copd		M					
3028F	O2 saturation doc rev		M					
3035F	O2 saturation =88% /pa0 =55		M					
3037F	O2 saturation> 88% /pao>55		M					
3040F	Fev<40% predicted value		M					
3042F	Fev= 40% predicted value		M					
3044F	Hg a1c level lt 7.0%		M					
3045F	Hg a1c level 7.0–9.0%		M					
3046F	Hemoglobin a1c level > 9.0%		M					
3048F	Ldl-c <100 mg/dl		M					
3049F	Ldl-c 100-129 mg/dl		M					
3050F	Ldl-c = 130 mg/dl		M					
3060F	Pos microalbuminuria rev		M					
3061F	Neg microalbuminuria rev		M					
3062F	Pos macroalbuminuria rev		M					
3066F	Nephropathy doc tx		M					
3072F	Low risk for retinopathy		M					
3073F	Pre-surg eye measures doc'd		M					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
3074F	Syst bp lt 130 mm hg		M					
3075F	Syst bp ge 130 - 139mm hg		M					
3077F	Syst bp = 140 mm hg6 it		M					
3078F	Diast bp < 80 mm hg		M					
3079F	Diast bp 80-89 mm hg		M					
3080F	Diast bp = 90 mm hg		M					
3082F	Kt/v lt1.2		M					
3083F	Kt/v ge 1.2 and <1.7		M					
3084F	Kt/v ge 1.7		M					
3085F	Suicide risk assessed		M					
3088F	MDD, mild		M					
3089F	MDD, moderate		M					
3090F	MDD, severe; w/o psych		M					
3091F	Mdd, severe; w/ psych		M					
3092F	MDD, in remission		M					
3093F	Doc new diag 1st/addl. mdd		M					
3095F	Central dexa results doc'd		M					
3096F	Central dexa ordered		M					
3100F	Image test ref carot diam		M					
3110F	Pres/absn hmrhg/lesion doc'd		M					
3111F	Ct/mri brain done w/in 24hrs		M					
3112F	Ct/mri brain done gt24 hrs		M					
3120F	12-lead ecg performed		M					
3130F	Upper gi endoscopy performed		M					
3132F	Doc ref. upper gi endoscopy		M					
3140F	Upper gi endo shows barrtt's		M					
3141F	Upper gi endo not barrtt's		M					
3142F	Barium swallow test ordered		M					
3150F	Forceps esoph biopsy done		M					
3155F	Cytogen test marrow b/4 tx		M					
3160F	Doc fe+ stores b/4 epo thx		M					
3170F	Flow cyto done b/4 tx		M					
3200F	Barium swallow test not req		M					
3210F	Grp a strep test performed		M					
3215F	Pt immunity to hep a docd		M					
3216F	Pt immunity to hep b docd		M					
3218F	RNA tstng hep C doc'd-done		M					
3220F	Hep c quant rna tstng docd		M					
3230F	Note hring tst w/in 6 mon		M					
3250F	Nonprim loc anat bx site tum		M					
3260F	Pt cat/pn cat/hist grd docd		M					
3265F	Rna tstng hepc vir ord/docd		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
3266F	Hepc gn tstng docd b/4txmnt		M					
3268F	Psa/t/glsc docd b/4 txmnt		M					
3269F	Bone scn b/4 txmnt/aftr Dx		M					
3270F	No bone scn b/4 txmnt/aftrDx		M					
3271F	Low risk prostate cancer		M					
3272F	Med risk prostate cancer		M					
3273F	High risk prostate cancer		M					
3274F	Prost Cncr rsk not lw/md/hgh		M					
3278F	Serum lvls CA/iPTH/lpd ord		M					
3279F	Hgb lvl >/= 13 g/dl		M					
3280F	Hgb lvl 11-12.9 g/dL		M					
3281F	Hgb lvl <11 g/dl		M					
3284F	IOP down >15% of pre-svc lvl		M					
3285F	IOP down <15% of pre-svc lvl		M					
3288F	Fall risk assessment doc'd		M					
3290F	Pt=D(Rh)- and unsensitized		M					
3291F	Pt=d(rh)+ or sensitized		M					
3292F	Hiv tstng asked/docd/revwd		M					
3300F	AJCC stage docd b/4 thxpy		M					
3301F	Cancer stage docd metast		M					
3315F	Er+ or pr+ breast cancer		M					
3316F	ER- or PR- breast cancer		M					
3317F	Path rpt malig cancer docd		M					
3318F	Path rpt malig cancer docd		M					
3319F	X-ray/ct/ultrsnd et al ord		M					
3320F	No xray/ct/ et al ordd		M					
3321F	AJCC cncr 0/IA melan docd		E					
3322F	Melan >AJCC stage 0 or IA		E					
3325F	Preop asses 4 cataract surg		M					
3330F	Imaging study ordered (bkp)		M					
3331F	Bk imaging tst not ordered		M					
3340F	Mammo assess inc xray docd		M					
3341F	Mammo assess negative docd		M					
3342F	Mammo assess bengn docd		M					
3343F	Mammo probably bengn docd		M					
3344F	Mammo assess susp, docd		M					
3345F	Mammo assess hghlymalig doc		M					
3350F	Mammo bx proven malig docd		M					
3351F	Neg scrn dep symp by deptool		E					
3352F	No sig dep symp by dep tool		E					
3353F	Mild-mod dep symp by deptool		E					
3354F	Clin sig dep sym by dep tool		E					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
3370F	AJCC brst cncr stage 0 docd		M					
3372F	AJCC brst cncr stage 1 +docd		M					
3374F	AJCC brst cncr stage 1 +docd		M					
3376F	AJCC brstcncr stage 2 docd		M					
3378F	AJCC brstcncr stage 3 docd		M					
3380F	AJCC brstcncr stage 4 docd		M					
3382F	AJCC cln cncr stage 0 docd		M					
3384F	AJCC cln cncr stage 1 docd		M					
3386F	AJCC cln cncr stage 2 docd		M					
3388F	AJCC cln cncr stage 3 docd		M					
3390F	AJCC cln cncr stage 4 docd		M					
3450F	Dyspnea scrnd, no-mild dysp		E					
3451F	Dyspnea scrnd mod-high dysp		E					
3452F	Dyspnea not screened		E					
3455F	TB scrng done-interpd 6mon		M					
3470F	RA disease activity, low		M					
3471F	RA disease activity, mod		M					
3472F	RA disease activity, high		M					
3475F	Disease progn RA poor docd		M					
3476F	Disease progn RA good docd		M					
3490F	History - AIDS-defining cond		M					
3491F	HIV unsure baby of HIV+moms		E					
3492F	History CD4+cell count <350		M					
3493F	No hist CD4+cell cnt <350		M					
3494F	CD4+cell count <200cells/mm3		M					
3495F	CD4+cell cnt 200-499 cells		M					
3496F	CD4+ cell count >=500 cells		M					
3497F	CD4+ cell percentage <15%		E					
3498F	CD4+ cell percentage >=15%		E					
3500F	CD4 +cell cnt/% docd as done		M					
3502F	HIV rna vrl ld <lmts quantif		M					
3503F	HIV rna vrl ldnot<lmts quntf		M					
3510F	Doc tb scrng-rslts interpd		E					
3511F	Chlmyd/gonrh tsts docd done		E					
3512F	Syph scrng docd as done		E					
3513F	Hep B scrng docd as done		E					
3514F	Hep C scrng docd as done		E					
3515F	Pt has docd immun to hep C		E					
3550F	Low rsk thromboembolism		E					
3551F	Intrmed rsk thromboembolism		E					
3552F	Hgh risk for thromboembolism		E					
3555F	Pt inr measurement performed		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
3570F	Rprt bone scint x-refw/x-ray		M					
3572F	Pt consid poss risk fx		E					
3573F	Pt not consid poss risk fx		E					
4000F	Tobacco use txmnt counseling		M					
4001F	Tobacco use txmnt, pharmacol		M					
4002F	Statin therapy, rx		M					
4003F	Pt ed write/oral, pts w/ hf		M					
4005F	Pharm thx for op rx'd		M					
4006F	Beta-blocker therapy rx		M					
4009F	Ace/arb inhibitor therapy rx		M					
4011F	Oral antiplatelet therapy rx		M					
4012F	Warfarin therapy rx		M					
4014F	Written discharge instr prvd		M					
4015F	Persist asthma medicine ctrl		M					
4016F	Anti-inflm/anlgsc agent rx		M					
4017F	Gi prophylaxis for nsaid rx		M					
4018F	Therapy exercise joint rx		M					
4019F	Doc recpt counsl vit d/calc+		M					
4025F	Inhaled bronchodilator rx		M					
4030F	Oxygen therapy rx		M					
4033F	Pulmonary rehab rec		M					
4035F	Influenza imm rec		M					
4037F	Influenza imm order/admin		M					
4040F	Pneumoc vac/admin/rcvd		M					
4041F	Doc order cefazolin/cefurox		M					
4042F	Doc antibio not given		M					
4043F	Doc order given stop antibio		M					
4044F	Doc order given vte prophylx		M					
4045F	Empiric antibiotic rx		M					
4046F	Doc antibio given b/4 surg		M					
4047F	Doc antibio given b/4 surg		M					
4048F	Doc antibio given b/4 surg		M					
4049F	Doc order given stop antibio		M					
4050F	Ht care plan doc		M					
4051F	Referred for an AV fistula		M					
4052F	Hemodialysis via AV fistula		M					
4053F	Hemodialysis via AV graft		M					
4054F	Hemodialysis via catheter		M					
4055F	Pt. rcvng periton dialysis		M					
4056F	Approp. oral rehyd. recomm'd		M					
4058F	Ped gastro ed given, caregvr		M					
4060F	Psych svcs provided		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
4062F	Pt referral psych doc'd		M					
4064F	Antidepressant rx		M					
4065F	Antipsychotic rx		M					
4066F	ECT provided		M					
4067F	Pt referral for ECT doc'd		M					
4070F	Dvt prophylx recv'd day 2		M					
4073F	Oral antiplat thx rx dischrg		M					
4075F	Anticoag thx rx at dischrg		M					
4077F	Doc t-pa admin considered		M					
4079F	Doc rehab svcs considered		M					
4084F	Aspirin recv'd w/in 24 hrs		M					
4090F	Pt rcvng epo thxpy		M					
4095F	Pt not rcvng epo thxpy		M					
4100F	Biphos thxpy vein ord/rec'vd		M					
4110F	Int. mam art used for cabg		M					
4115F	Beta blckr admin w/in 24 hrs		M					
4120F	Antibiot rx'd/given		M					
4124F	Antibiot not rx'd/given		M					
4130F	Topical prep rx aoe		M					
4131F	Syst antimicrobial thx rx		M					
4132F	No syst antimicrobial thx rx		M					
4133F	Antihist/decong rx/recom		M					
4134F	No antihist/decong rx/recom		M					
4135F	Systemic corticosteroids rx		M					
4136F	Syst corticosteroids not rx		M					
4148F	Hep A vac injxn admin/recvd		M					
4149F	Hep B vac injxn admin/recvd		M					
4150F	Pt recvng antivir txmnt hepc		M					
4151F	Pt not recvng antiv hep c		M					
4153F	Combo pegintf/rib rx		M					
4155F	Hep A vac series prev recvd		M					
4157F	Hep B vac series prev recvd		M					
4158F	Pt edu re alcoh drnkng done		M					
4159F	Contrcp talk b/4 antiv txmnt		M					
4163F	Pt couns 4 txmnt opt prost		M					
4164F	Adjv hrmnl thxpy rxd		M					
4165F	3d-crt/imrt received		M					
4167F	Hd bed tilted 1st day vent		M					
4168F	Pt care icu&vent w/in 24hrs		M					
4169F	No pt care ICU/vent in 24hrs		M					
4171F	Pt rcvng esa thxpy		M					
4172F	Pt. not rcvng esa thxpy		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
4174F	Couns potent glauc impct		M					
4175F	Vis of >= 20/40 w/in 90 days		M					
4176F	Talk re uv light pt/crgvr		M					
4177F	Talk pt/crgvr re areds prev		M					
4178F	Antid glbln rcvd w/in 26wks		M					
4179F	Tamoxifen/AI prescribed		M					
4180F	Adjv thxpyrxd/rcvd stg3a-c		M					
4181F	Conformal rad'n thxpy rcv'd		M					
4182F	No conformal radn thxpy		M					
4185F	Continuous ppi or h2ra rcvd		M					
4186F	No cont ppi or h2ra rcvd		M					
4187F	Anti rheum drugthxpyrxd/gvn		M					
4188F	Approp ACE/ARB tstng done		M					
4189F	Approp digoxin tstng done		M					
4190F	Approp diuretic tstng done		M					
4191F	Approp anticonvuls tstng		M					
4192F	Pt not rcvng glucoco thxpy		M					
4193F	Pt rcvng<10mg daily predniso		M					
4194F	Pt rcvng>10mg daily predniso		M					
4195F	Pt rcvng anti-rheum thxpy RA		M					
4196F	Ptnot rcvng anti-rhm thxpyRA		M					
4200F	External beam to prost only		M					
4201F	Extrnl beam other than prost		M					
4210F	ACE/ARB thxpy for >= 6 mons		M					
4220F	Digoxin thxpy for >= 6 mons		M					
4221F	Diuretic thxpy for >= 6 mons		M					
4230F	Anticonv thxpy for >= 6 mons		M					
4240F	Instr xrcz 4bk pn >12 weeks		M					
4242F	Sprvsd xrcz bk pn >12 weeks		M					
4245F	Pt instr nrml lifest		M					
4248F	Pt instr-no bd rest>= 4 days		M					
4250F	Wrmng 4 surg - normothermia		M					
4260F	Wound srfc culturetech used		E					
4261F	Tech other than surfc cultr		E					
4265F	Wet-dry dressings Rx-recmd		E					
4266F	No Wet-dry drssings Rx-recmd		E					
4267F	Comprssion thxpy prescribed		M					
4268F	Pt ed re comp thxpy rcvd		E					
4269F	Appropos mthd offloading Rxd		E					
4270F	Pt rcvng anti r-viral thxpy		E					
4271F	Pt rcvng anti r-viral thxpy		E					
4274F	Flu immuno admin'd rcvd		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
4275F	Hep B vac inj admin/rcvd		E					
4276F	Potent antivir thxpy Rxd		M					
4279F	PCP prophylaxis Rxd		E					
4280F	PCP prophylax Rxd 3mon low %		E					
4290F	Pt scrned for inj drug use		E					
4293F	Pt scrnd - hgh-rsk sex behav		E					
4300F	Pt rcvng warf thxpy		E					
4301F	Pt not rcvng warf thxpy		E					
4305F	Pt ed re ft care inspct rcvd		E					
4306F	Pt tlk psych & Rx opd addic		E					
4320F	Pt talk psychsoc+rx oh dpnd		E					
5005F	Pt counsld on exam for moles		M					
5010F	Macul+ fndngs to dr mng dm		M					
5015F	Doc fx & test/txmnt for op		M					
5020F	Txmnts 2 main Dr by 1 mon		E					
5050F	Plan 2 main Dr. by 1 month		M					
5060F	Fndngs mammo 2pt w/in 3 days		M					
5062F	Doc f2fmammo fndng in 5 days		M					
5100F	Rsk fx ref w/n 24 hrs x-ray		E					
6005F	Care level rationale doc		M					
6010F	Dysphag test done b/4 eating		M					
6015F	Dysphag test done b/4 eating		M					
6020F	Npo (nothing-mouth) ordered		M					
6030F	Max sterile barriers follwd		M					
6040F	Appro rad ds dvcs techs docd		M					
6045F	Radxps in end rprt4fluro pxd		M					
7010F	Pt info into recall system		M					
7020F	Mammo assess cat in dbase		M					
7025F	Pt infosys alarm 4 nxt mammo		M					
A0021	Outside state ambulance serv		E					
A0080	Noninterest escort in non er		E					
A0090	Interest escort in non er		E					
A0100	Nonemergency transport taxi		E					
A0110	Nonemergency transport bus		E					
A0120	Noner transport mini-bus		E					
A0130	Noner transport wheelch van		E					
A0140	Nonemergency transport air		E					
A0160	Noner transport case worker		E					
A0170	Transport parking fees/tolls		E					
A0180	Noner transport lodgng recip		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A0190	Noner transport meals recip		E					
A0200	Noner transport lodgng escrt		E					
A0210	Noner transport meals escort		E					
A0225	Neonatal emergency transport		E					
A0380	Basic life support mileage		E					
A0382	Basic support routine suppls		A					
A0384	Bls defibrillation supplies		A					
A0390	Advanced life support mileag		E					
A0392	Als defibrillation supplies		A					
A0394	Als IV drug therapy supplies		A					
A0396	Als esophageal intub suppls		A					
A0398	Als routine disposble suppls		A					
A0420	Ambulance waiting 1/2 hr		A					
A0422	Ambulance 02 life sustaining		A					
A0424	Extra ambulance attendant		A					
A0425	Ground mileage		A					
A0426	Als 1		A					
A0427	ALS1-emergency		A					
A0428	bls		A					
A0429	BLS-emergency		A					
A0430	Fixed wing air transport		A					
A0431	Rotary wing air transport		A					
A0432	Pl volunteer ambulance co		A					
A0433	als 2		A					
A0434	Specialty care transport		A					
A0435	Fixed wing air mileage		A					
A0436	Rotary wing air mileage		A					
A0888	Noncovered ambulance mileage		E					
A0998	Ambulance response/treatment		E					
A0999	Unlisted ambulance service		A					
A4206	1 CC sterile syringe&needle		E					
A4207	2 CC sterile syringe&needle		E					
A4208	3 CC sterile syringe&needle		E					
A4209	5+ CC sterile syringe&needle		E					
A4210	Nonneedle injection device		E					
A4211	Supp for self-adm injections		E					
A4212	Non coring needle or stylet		B					
A4213	20+ CC syringe only		E					
A4215	Sterile needle		E					
A4216	Sterile water/saline, 10 ml		A					
A4217	Sterile water/saline, 500 ml		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A4218	Sterile saline or water		N					
A4220	Infusion pump refill kit		N					
A4221	Maint drug infus cath per wk		Y					
A4222	Infusion supplies with pump		Y					
A4223	Infusion supplies w/o pump		E					
A4230	Infus insulin pump non needl		N					
A4231	Infusion insulin pump needle		N					
A4232	Syringe w/needle insulin 3cc		E					
A4233	Alkalin batt for glucose mon		Y					
A4234	J-cell batt for glucose mon		Y					
A4235	Lithium batt for glucose mon		Y					
A4236	Silvr oxide batt glucose mon		Y					
A4244	Alcohol or peroxide per pint		E					
A4245	Alcohol wipes per box		E					
A4246	Betadine/phisohex solution		E					
A4247	Betadine/iodine swabs/wipes		E					
A4248	Chlorhexidine antisept		N					
A4250	Urine reagent strips/tablets		E					
A4252	Blood ketone test or strip		E					
A4253	Blood glucose/reagent strips		Y					
A4255	Glucose monitor platforms		Y					
A4256	Calibrator solution/chips		Y					
A4257	Replace Lensshield Cartridge		Y					
A4258	Lancet device each		Y					
A4259	Lancets per box		Y					
A4261	Cervical cap contraceptive		E					
A4262	Temporary tear duct plug		N					
A4263	Permanent tear duct plug		N					
A4265	Paraffin		Y					
A4266	Diaphragm		E					
A4267	Male condom		E					
A4268	Female condom		E					
A4269	Spermicide		E					
A4270	Disposable endoscope sheath		N					
A4280	Brst prsths adhsv attchmnt		A					
A4281	Replacement breastpump tube		E					
A4282	Replacement breastpump adpt		E					
A4283	Replacement breastpump cap		E					
A4284	Replcmnt breast pump shield		E					
A4285	Replcmnt breast pump bottle		E					
A4286	Replcmnt breastpump lok ring		E					
A4290	Sacral nerve stim test lead		B					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A4300	Cath impl vasc access portal		N					
A4301	Implantable access syst perc		N					
A4305	Drug delivery system >=50 ML		N					
A4306	Drug delivery system <=50 ml		N					
A4310	Insert tray w/o bag/cath		A					
A4311	Catheter w/o bag 2-way latex		A					
A4312	Cath w/o bag 2-way silicone		A					
A4313	Catheter w/bag 3-way		A					
A4314	Cath w/drainage 2-way latex		A					
A4315	Cath w/drainage 2-way silcne		A					
A4316	Cath w/drainage 3-way		A					
A4320	Irrigation tray		A					
A4321	Cath therapeutic irrig agent		A					
A4322	Irrigation syringe		A					
A4326	Male external catheter		A					
A4327	Fem urinary collect dev cup		A					
A4328	Fem urinary collect pouch		A					
A4330	Stool collection pouch		A					
A4331	Extension drainage tubing		A					
A4332	Lube sterile packet		A					
A4333	Urinary cath anchor device		A					
A4334	Urinary cath leg strap		A					
A4335	Incontinence supply		A					
A4338	Indwelling catheter latex		A					
A4340	Indwelling catheter special		A					
A4344	Cath indw foley 2 way silicn		A					
A4346	Cath indw foley 3 way		A					
A4349	Disposable male external cat		A					
A4351	Straight tip urine catheter		A					
A4352	Coude tip urinary catheter		A					
A4353	Intermittent urinary cath		A					
A4354	Cath insertion tray w/bag		A					
A4355	Bladder irrigation tubing		A					
A4356	Ext ureth clmp or compr dvc		A					
A4357	Bedside drainage bag		A					
A4358	Urinary leg or abdomen bag		A					
A4361	Ostomy face plate		A					
A4362	Solid skin barrier		A					
A4363	Ostomy clamp, replacement		A					
A4364	Adhesive, liquid or equal		A					
A4365	Adhesive remover wipes		A					
A4366	Ostomy vent		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A4367	Ostomy belt		A					
A4368	Ostomy filter		A					
A4369	Skin barrier liquid per oz		A					
A4371	Skin barrier powder per oz		A					
A4372	Skin barrier solid 4x4 equiv		A					
A4373	Skin barrier with flange		A					
A4375	Drainable plastic pch w fcpl		A					
A4376	Drainable rubber pch w fcplt		A					
A4377	Drainable plstic pch w/o fp		A					
A4378	Drainable rubber pch w/o fp		A					
A4379	Urinary plastic pouch w fcpl		A					
A4380	Urinary rubber pouch w fcplt		A					
A4381	Urinary plastic pouch w/o fp		A					
A4382	Urinary hvy plstc pch w/o fp		A					
A4383	Urinary rubber pouch w/o fp		A					
A4384	Ostomy faceplt/silicone ring		A					
A4385	Ost skn barrier sld ext wear		A					
A4387	Ost clsd pouch w att st barr		A					
A4388	Drainable pch w ex wear barr		A					
A4389	Drainable pch w st wear barr		A					
A4390	Drainable pch ex wear convex		A					
A4391	Urinary pouch w ex wear barr		A					
A4392	Urinary pouch w st wear barr		A					
A4393	Urine pch w ex wear bar conv		A					
A4394	Ostomy pouch liq deodorant		A					
A4395	Ostomy pouch solid deodorant		A					
A4396	Peristomal hernia supprt blt		A					
A4397	Irrigation supply sleeve		A					
A4398	Ostomy irrigation bag		A					
A4399	Ostomy irrig cone/cath w brs		A					
A4400	Ostomy irrigation set		A					
A4402	Lubricant per ounce		A					
A4404	Ostomy ring each		A					
A4405	Nonpectin based ostomy paste		A					
A4406	Pectin based ostomy paste		A					
A4407	Ext wear ost skn barr <=4sq"		A					
A4408	Ext wear ost skn barr >4sq"		A					
A4409	Ost skn barr convex <=4 sq i		A					
A4410	Ost skn barr extnd >4 sq		A					
A4411	Ost skn barr extnd =4sq		A					
A4412	Ost pouch drain high output		A					
A4413	2 pc drainable ost pouch		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A4414	Ost sknbar w/o conv<=4 sq in		A					
A4415	Ost skn barr w/o conv >4 sqi		A					
A4416	Ost pch clsd w barrier/filtr		A					
A4417	Ost pch w bar/bltinconv/fltr		A					
A4418	Ost pch clsd w/o bar w filtr		A					
A4419	Ost pch for bar w flange/flt		A					
A4420	Ost pch clsd for bar w lk fl		A					
A4421	Ostomy supply misc		E					
A4422	Ost pouch absorbent material		A					
A4423	Ost pch for bar w lk fl/fltr		A					
A4424	Ost pch drain w bar & filter		A					
A4425	Ost pch drain for barrier fl		A					
A4426	Ost pch drain 2 piece system		A					
A4427	Ost pch drain/barr lk flng/f		A					
A4428	Urine ost pouch w faucet/tap		A					
A4429	Urine ost pouch w bltinconv		A					
A4430	Ost urine pch w b/bltin conv		A					
A4431	Ost pch urine w barrier/tapv		A					
A4432	Os pch urine w bar/fange/tap		A					
A4433	Urine ost pch bar w lock fln		A					
A4434	Ost pch urine w lock flng/ft		A					
A4450	Non-waterproof tape		A					
A4452	Waterproof tape		A					
A4455	Adhesive remover per ounce		A					
A4458	Reusable enema bag		E					
A4461	Surgicl dress hold non-reuse		A					
A4463	Surgical dress holder reuse		A					
A4465	Non-elastic extremity binder		N					
A4470	Gravlee jet washer		N					
A4480	Vabra aspirator		N					
A4481	Tracheostoma filter		A					
A4483	Moisture exchanger		A					
A4490	Above knee surgical stocking		E					
A4495	Thigh length surg stocking		E					
A4500	Below knee surgical stocking		E					
A4510	Full length surg stocking		E					
A4520	Incontinence garment anytype		E					
A4550	Surgical trays		B					
A4554	Disposable underpads		E					
A4556	Electrodes, pair		Y					
A4557	Lead wires, pair		Y					
A4558	Conductive gel or paste		Y					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A4559	Coupling gel or paste		Y					
A4561	Pessary rubber, any type		N					
A4562	Pessary, non rubber,any type		N					
A4565	Slings		N					
A4570	Splint		E					
A4575	Hyperbaric o2 chamber disps		E					
A4580	Cast supplies (plaster)		E					
A4590	Special casting material		E					
A4595	TENS suppl 2 lead per month		Y					
A4600	Sleeve, inter limb comp dev		Y					
A4601	Lith ion batt, non-pros use		Y					
A4604	Tubing with heating element		Y					
A4605	Trach suction cath close sys		Y					
A4606	Oxygen probe used w oximeter		A					
A4608	Transtracheal oxygen cath		Y					
A4611	Heavy duty battery		Y					
A4612	Battery cables		Y					
A4613	Battery charger		Y					
A4614	Hand-held PEFR meter		Y					
A4615	Cannula nasal		Y					
A4616	Tubing (oxygen) per foot		Y					
A4617	Mouth piece		Y					
A4618	Breathing circuits		Y					
A4619	Face tent		Y					
A4620	Variable concentration mask		Y					
A4623	Tracheostomy inner cannula		A					
A4624	Tracheal suction tube		Y					
A4625	Trach care kit for new trach		A					
A4626	Tracheostomy cleaning brush		A					
A4627	Spacer bag/reservoir		E					
A4628	Oropharyngeal suction cath		Y					
A4629	Tracheostomy care kit		A					
A4630	Repl bat t.e.n.s. own by pt		Y					
A4633	Uvl replacement bulb		Y					
A4634	Replacement bulb th lightbox		A					
A4635	Underarm crutch pad		Y					
A4636	Handgrip for cane etc		Y					
A4637	Repl tip cane/crutch/walker		Y					
A4638	Repl batt pulse gen sys		Y					
A4639	Infrared ht sys replcmnt pad		Y					
A4640	Alternating pressure pad		Y					
A4641	Radiopharm dx agent noc		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A4642	In111 satumomab		N					
A4648	Implantable tissue marker		N					
A4649	Surgical supplies		N					
A4650	Implant radiation dosimeter		N					
A4651	Calibrated microcap tube		A					
A4652	Microcapillary tube sealant		A					
A4653	PD catheter anchor belt		A					
A4657	Syringe w/wo needle		N					
A4660	Sphyg/bp app w cuff and stet		N					
A4663	Dialysis blood pressure cuff		N					
A4670	Automatic bp monitor, dial		E					
A4671	Disposable cycler set		B					
A4672	Drainage ext line, dialysis		B					
A4673	Ext line w easy lock connect		B					
A4674	Chem/antisept solution, 8oz		B					
A4680	Activated carbon filter, ea		N					
A4690	Dialyzer, each		N					
A4706	Bicarbonate conc sol per gal		N					
A4707	Bicarbonate conc pow per pac		N					
A4708	Acetate conc sol per gallon		N					
A4709	Acid conc sol per gallon		N					
A4714	Treated water per gallon		N					
A4719	"Y set" tubing		N					
A4720	Dialysat sol fld vol > 249cc		N					
A4721	Dialysat sol fld vol > 999cc		N					
A4722	Dialys sol fld vol > 1999cc		N					
A4723	Dialys sol fld vol > 2999cc		N					
A4724	Dialys sol fld vol > 3999cc		N					
A4725	Dialys sol fld vol > 4999cc		N					
A4726	Dialys sol fld vol > 5999cc		N					
A4728	Dialysate solution, non-dex		B					
A4730	Fistula cannulation set, ea		N					
A4736	Topical anesthetic, per gram		N					
A4737	Inj anesthetic per 10 ml		N					
A4740	Shunt accessory		N					
A4750	Art or venous blood tubing		N					
A4755	Comb art/venous blood tubing		N					
A4760	Dialysate sol test kit, each		N					
A4765	Dialysate conc pow per pack		N					
A4766	Dialysate conc sol add 10 ml		N					
A4770	Blood collection tube/vacuum		N					
A4771	Serum clotting time tube		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A4772	Blood glucose test strips		N					
A4773	Occult blood test strips		N					
A4774	Ammonia test strips		N					
A4802	Protamine sulfate per 50 mg		N					
A4860	Disposable catheter tips		N					
A4870	Plumb/elec wk hm hemo equip		N					
A4890	Repair/maint cont hemo equip		N					
A4911	Drain bag/bottle		N					
A4913	Misc dialysis supplies noc		N					
A4918	Venous pressure clamp		N					
A4927	Non-sterile gloves		N					
A4928	Surgical mask		N					
A4929	Tourniquet for dialysis, ea		N					
A4930	Sterile, gloves per pair		N					
A4931	Reusable oral thermometer		N					
A4932	Reusable rectal thermometer		E					
A5051	Pouch clsd w barr attached		A					
A5052	Clsd ostomy pouch w/o barr		A					
A5053	Clsd ostomy pouch faceplate		A					
A5054	Clsd ostomy pouch w/flange		A					
A5055	Stoma cap		A					
A5061	Pouch drainable w barrier at		A					
A5062	Drnble ostomy pouch w/o barr		A					
A5063	Drain ostomy pouch w/flange		A					
A5071	Urinary pouch w/barrier		A					
A5072	Urinary pouch w/o barrier		A					
A5073	Urinary pouch on barr w/flng		A					
A5081	Continent stoma plug		A					
A5082	Continent stoma catheter		A					
A5083	Stoma absorptive cover		A					
A5093	Ostomy accessory convex inse		A					
A5102	Bedside drain btl w/wo tube		A					
A5105	Urinary suspensory		A					
A5112	Urinary leg bag		A					
A5113	Latex leg strap		A					
A5114	Foam/fabric leg strap		A					
A5120	Skin barrier, wipe or swab		A					
A5121	Solid skin barrier 6x6		A					
A5122	Solid skin barrier 8x8		A					
A5126	Disk/foam pad +or- adhesive		A					
A5131	Appliance cleaner		A					
A5200	Percutaneous catheter anchor		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A5500	Diab shoe for density insert		Y					
A5501	Diabetic custom molded shoe		Y					
A5503	Diabetic shoe w/roller/rockr		Y					
A5504	Diabetic shoe with wedge		Y					
A5505	Diab shoe w/metatarsal bar		Y					
A5506	Diabetic shoe w/off set heel		Y					
A5507	Modification diabetic shoe		Y					
A5508	Diabetic deluxe shoe		Y					
A5510	Compression form shoe insert		E					
A5512	Multi den insert direct form		Y					
A5513	Multi den insert custom mold		Y					
A6000	Wound warming wound cover		E					
A6010	Collagen based wound filler		A					
A6011	Collagen gel/paste wound fil		A					
A6021	Collagen dressing <=16 sq in		A					
A6022	Collagen drsg>6<=48 sq in		A					
A6023	Collagen dressing >48 sq in		A					
A6024	Collagen dsg wound filler		A					
A6025	Silicone gel sheet, each		E					
A6154	Wound pouch each		A					
A6196	Alginate dressing <=16 sq in		A					
A6197	Alginate drsg >16 <=48 sq in		A					
A6198	alginate dressing > 48 sq in		A					
A6199	Alginate drsg wound filler		A					
A6200	Compos drsg <=16 no border		E					
A6201	Compos drsg >16<=48 no bdr		E					
A6202	Compos drsg >48 no border		E					
A6203	Composite drsg <= 16 sq in		A					
A6204	Composite drsg >16<=48 sq in		A					
A6205	Composite drsg > 48 sq in		A					
A6206	Contact layer <= 16 sq in		A					
A6207	Contact layer >16<= 48 sq in		A					
A6208	Contact layer > 48 sq in		A					
A6209	Foam drsg <=16 sq in w/o bdr		A					
A6210	Foam drg >16<=48 sq in w/o b		A					
A6211	Foam drg > 48 sq in w/o brdr		A					
A6212	Foam drg <=16 sq in w/border		A					
A6213	Foam drg >16<=48 sq in w/bdr		A					
A6214	Foam drg > 48 sq in w/border		A					
A6215	Foam dressing wound filler		A					
A6216	Non-sterile gauze<=16 sq in		A					
A6217	Non-sterile gauze>16<=48 sq		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A6218	Non-sterile gauze > 48 sq in		A					
A6219	Gauze <= 16 sq in w/border		A					
A6220	Gauze >16 <=48 sq in w/bordr		A					
A6221	Gauze > 48 sq in w/border		A					
A6222	Gauze <=16 in no w/sal w/o b		A					
A6223	Gauze >16<=48 no w/sal w/o b		A					
A6224	Gauze > 48 in no w/sal w/o b		A					
A6228	Gauze <= 16 sq in water/sal		A					
A6229	Gauze >16<=48 sq in watr/sal		A					
A6230	Gauze > 48 sq in water/salne		A					
A6231	Hydrogel dsg<=16 sq in		A					
A6232	Hydrogel dsg>16<=48 sq in		A					
A6233	Hydrogel dressing >48 sq in		A					
A6234	Hydrocolld drg <=16 w/o bdr		A					
A6235	Hydrocolld drg >16<=48 w/o b		A					
A6236	Hydrocolld drg > 48 in w/o b		A					
A6237	Hydrocolid drg <=16 in w/bdr		A					
A6238	Hydrocolld drg >16<=48 w/bdr		A					
A6239	Hydrocolld drg > 48 in w/bdr		A					
A6240	Hydrocolid drg filler paste		A					
A6241	Hydrocolloid drg filler dry		A					
A6242	Hydrogel drg <=16 in w/o bdr		A					
A6243	Hydrogel drg >16<=48 w/o bdr		A					
A6244	Hydrogel drg >48 in w/o bdr		A					
A6245	Hydrogel drg <= 16 in w/bdr		A					
A6246	Hydrogel drg >16<=48 in w/b		A					
A6247	Hydrogel drg > 48 sq in w/b		A					
A6248	Hydrogel drsg gel filler		A					
A6250	Skin seal protect moisturizr		A					
A6251	Absorpt drg <=16 sq in w/o b		A					
A6252	Absorpt drg >16 <=48 w/o bdr		A					
A6253	Absorpt drg > 48 sq in w/o b		A					
A6254	Absorpt drg <=16 sq in w/bdr		A					
A6255	Absorpt drg >16<=48 in w/bdr		A					
A6256	Absorpt drg > 48 sq in w/bdr		A					
A6257	Transparent film <= 16 sq in		A					
A6258	Transparent film >16<=48 in		A					
A6259	Transparent film > 48 sq in		A					
A6260	Wound cleanser any type/size		A					
A6261	Wound filler gel/paste /oz		A					
A6262	Wound filler dry form / gram		A					
A6266	Impreg gauze no h20/sal/yard		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A6402	Sterile gauze <= 16 sq in		A					
A6403	Sterile gauze>16 <= 48 sq in		A					
A6404	Sterile gauze > 48 sq in		A					
A6407	Packing strips, non-impreg		A					
A6410	Sterile eye pad		A					
A6411	Non-sterile eye pad		A					
A6412	Occlusive eye patch		E					
A6413	Adhesive bandage, first-aid		E					
A6441	Pad band w>=3" <5"/yd		A					
A6442	Conform band n/s w<3"/yd		A					
A6443	Conform band n/s w>=3"<5"/yd		A					
A6444	Conform band n/s w>=5"/yd		A					
A6445	Conform band s w <3"/yd		A					
A6446	Conform band s w>=3" <5"/yd		A					
A6447	Conform band s w >=5"/yd		A					
A6448	Lt compres band <3"/yd		A					
A6449	Lt compres band >=3" <5"/yd		A					
A6450	Lt compres band >=5"/yd		A					
A6451	Mod compres band w>=3"<5"/yd		A					
A6452	High compres band w>=3"<5"yd		A					
A6453	Self-adher band w <3"/yd		A					
A6454	Self-adher band w>=3" <5"/yd		A					
A6455	Self-adher band >=5"/yd		A					
A6456	Zinc paste band w >=3"<5"/yd		A					
A6457	Tubular dressing		A					
A6501	Compres burngarment bodysuit		A					
A6502	Compres burngarment chinstrp		A					
A6503	Compres burngarment facehood		A					
A6504	Cmprsburngarment glove-wrist		A					
A6505	Cmprsburngarment glove-elbow		A					
A6506	Cmprsburngrmnt glove-axilla		A					
A6507	Cmprs burngarment foot-knee		A					
A6508	Cmprs burngarment foot-thigh		A					
A6509	Compres burn garment jacket		A					
A6510	Compres burn garment leotard		A					
A6511	Compres burn garment panty		A					
A6512	Compres burn garment, noc		A					
A6513	Compress burn mask face/neck		B					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A6530	Compression stocking BK18-30		E					
A6531	Compression stocking BK30-40		A					
A6532	Compression stocking BK40-50		A					
A6533	Gc stocking thighlngth 18-30		E					
A6534	Gc stocking thighlngth 30-40		E					
A6535	Gc stocking thighlngth 40-50		E					
A6536	Gc stocking full lngth 18-30		E					
A6537	Gc stocking full lngth 30-40		E					
A6538	Gc stocking full lngth 40-50		E					
A6539	Gc stocking waistlngth 18-30		E					
A6540	Gc stocking waistlngth 30-40		E					
A6541	Gc stocking waistlngth 40-50		E					
A6542	Gc stocking custom made		E					
A6543	Gc stocking lymphedema		E					
A6544	Gc stocking garter belt		E					
A6545	Grad comp non-elastic BK		A					
A6549	G compression stocking		E					
A6550	Neg pres wound ther drsg set		Y					
A7000	Disposable canister for pump		Y					
A7001	Nondisposable pump canister		Y					
A7002	Tubing used w suction pump		Y					
A7003	Nebulizer administration set		Y					
A7004	Disposable nebulizer sml vol		Y					
A7005	Nondisposable nebulizer set		Y					
A7006	Filtered nebulizer admin set		Y					
A7007	Lg vol nebulizer disposable		Y					
A7008	Disposable nebulizer prefill		Y					
A7009	Nebulizer reservoir bottle		Y					
A7010	Disposable corrugated tubing		Y					
A7011	Nondispos corrugated tubing		Y					
A7012	Nebulizer water collec devic		Y					
A7013	Disposable compressor filter		Y					
A7014	Compressor nondispos filter		Y					
A7015	Aerosol mask used w nebulize		Y					
A7016	Nebulizer dome & mouthpiece		Y					
A7017	Nebulizer not used w oxygen		Y					
A7018	Water distilled w/nebulizer		Y					
A7025	Replace chest compress vest		Y					
A7026	Replace chst cmprss sys hose		Y					
A7027	Combination oral/nasal mask		Y					
A7028	Repl oral cushion combo mask		Y					
A7029	Repl nasal pillow comb mask		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A7030	CPAP full face mask		Y					
A7031	Replacement facemask interfa		Y					
A7032	Replacement nasal cushion		Y					
A7033	Replacement nasal pillows		Y					
A7034	Nasal application device		Y					
A7035	Pos airway press headgear		Y					
A7036	Pos airway press chinstrap		Y					
A7037	Pos airway pressure tubing		Y					
A7038	Pos airway pressure filter		Y					
A7039	Filter, non disposable w pap		Y					
A7040	One way chest drain valve		A					
A7041	Water seal drain container		A					
A7042	Implanted pleural catheter		N					
A7043	Vacuum drainagebottle/tubing		A					
A7044	PAP oral interface		Y					
A7045	Repl exhalation port for PAP		Y					
A7046	Repl water chamber, PAP dev		Y					
A7501	Tracheostoma valve w diaphra		A					
A7502	Replacement diaphragm/fplate		A					
A7503	HMES filter holder or cap		A					
A7504	Tracheostoma HMES filter		A					
A7505	HMES or trach valve housing		A					
A7506	HMES/trachvalve adhesivedisk		A					
A7507	Integrated filter & holder		A					
A7508	Housing & Integrated Adhesiv		A					
A7509	Heat & moisture exchange sys		A					
A7520	Trach/laryn tube non-cuffed		A					
A7521	Trach/laryn tube cuffed		A					
A7522	Trach/laryn tube stainless		A					
A7523	Tracheostomy shower protect		A					
A7524	Tracheostoma stent/stud/bttn		A					
A7525	Tracheostomy mask		A					
A7526	Tracheostomy tube collar		A					
A7527	Trach/laryn tube plug/stop		A					
A8000	Soft protect helmet prefab		Y					
A8001	Hard protect helmet prefab		Y					
A8002	Soft protect helmet custom		Y					
A8003	Hard protect helmet custom		Y					
A8004	Repl soft interface, helmet		Y					
A9150	Misc/exper non-prescript dru		B					
A9152	Single vitamin nos		E					
A9153	Multi-vitamin nos		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A9155	Artificial saliva		B					
A9180	Lice treatment, topical		E					
A9270	Non-covered item or service		E					
A9274	Ext amb insulin delivery sys		E					
A9275	Disp home glucose monitor		E					
A9276	Disposable sensor, CGM sys		E					
A9277	External transmitter, CGM		E					
A9278	External receiver, CGM sys		E					
A9279	Monitoring feature/deviceNOC		E					
A9280	Alert device, noc		E					
A9281	Reaching/grabbing device		E					
A9282	Wig any type		E					
A9283	Foot press off load supp dev		E					
A9284	Non-electronic spirometer		N					
A9300	Exercise equipment		E					
A9500	Tc99m sestamibi		N					
A9501	Technetium TC-99m teboroxime		N					
A9502	Tc99m tetrofosmin		N					
A9503	Tc99m medronate		N					
A9504	Tc99m apcitide		N					
A9505	TL201 thallium		N					
A9507	In111 capromab		N					
A9508	I131 iodobenguate, dx		N					
A9509	Iodine I-123 sod iodide mil		N					
A9510	Tc99m disofenin		N					
A9512	Tc99m pertechnetate		N					
A9516	Iodine I-123 sod iodide mic		N					
A9517	I131 iodide cap, rx	CH	K	1064	0.2533	$17.08		$3.42
A9521	Tc99m exametazime		N					
A9524	I131 serum albumin, dx		N					
A9526	Nitrogen N-13 ammonia		N					
A9527	Iodine I-125 sodium iodide		U	2632	0.5525	$37.26		$7.46
A9528	Iodine I-131 iodide cap, dx		N					
A9529	I131 iodide sol, dx		N					
A9530	I131 iodide sol, rx	CH	K	1150	0.1566	$10.56		$2.12
A9531	I131 max 100uCi		N					
A9532	I125 serum albumin, dx		N					
A9535	Injection, methylene blue		N					
A9536	Tc99m depreotide		N					
A9537	Tc99m mebrofenin		N					
A9538	Tc99m pyrophosphate		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A9539	Tc99m pentetate		N					
A9540	Tc99m MAA		N					
A9541	Tc99m sulfur colloid		N					
A9542	In111 ibritumomab, dx		N					
A9543	Y90 ibritumomab, rx	CH	K	1643	234.3258	$15,802.70		$3,160.54
A9544	I131 tositumomab, dx		N					
A9545	I131 tositumomab, rx	CH	K	1645	139.4141	$9,401.95		$1,880.39
A9546	Co57/58		N					
A9547	In111 oxyquinoline		N					
A9548	In111 pentetate		N					
A9550	Tc99m gluceptate		N					
A9551	Tc99m succimer		N					
A9552	F18 fdg		N					
A9553	Cr51 chromate		N					
A9554	I125 iothalamate, dx		N					
A9555	Rb82 rubidium		N					
A9556	Ga67 gallium		N					
A9557	Tc99m bicisate		N					
A9558	Xe133 xenon 10mci		N					
A9559	Co57 cyano		N					
A9560	Tc99m labeled rbc		N					
A9561	Tc99m oxidronate		N					
A9562	Tc99m mertiatide		N					
A9563	P32 Na phosphate	CH	K	1675	3.0472	$205.50		$41.10
A9564	P32 chromic phosphate	CH	K	1676	1.6526	$111.45		$22.29
A9566	Tc99m fanolesomab		N					
A9567	Technetium TC-99m aerosol		N					
A9568	Technetium tc99m arcitumomab		N					
A9569	Technetium TC-99m auto WBC		N					
A9570	Indium In-111 auto WBC		N					
A9571	Indium IN-111 auto platelet		N					
A9572	Indium In-111 pentetreotide		N					
A9576	Inj prohance multipack		N					
A9577	Inj multihance		N					
A9578	Inj multihance multipack		N					
A9579	Gad-base MR contrast NOS,1ml		N					
A9580	Sodium fluoride F-18		N					
A9600	Sr89 strontium	CH	K	0701	10.2592	$691.87		$138.38
A9605	Sm 153 lexidronm	CH	K	0702	23.3694	$1,576.01		$315.21
A9698	Non-rad contrast materialNOC		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
A9699	Radiopharm rx agent noc		N					
A9700	Echocardiography Contrast		B					
A9900	Supply/accessory/service		Y					
A9901	Delivery/set up/dispensing		A					
A9999	DME supply or accessory, nos		Y					
B4034	Enter feed supkit syr by day		Y					
B4035	Enteral feed supp pump per d		Y					
B4036	Enteral feed sup kit grav by		Y					
B4081	Enteral ng tubing w/ stylet		Y					
B4082	Enteral ng tubing w/o stylet		Y					
B4083	Enteral stomach tube levine		Y					
B4087	Gastro/jejuno tube, std		A					
B4088	Gastro/jejuno tube, low-pro		A					
B4100	Food thickener oral		E					
B4102	EF adult fluids and electro		Y					
B4103	EF ped fluid and electrolyte		Y					
B4104	Additive for enteral formula		E					
B4149	EF blenderized foods		Y					
B4150	EF complet w/intact nutrient		Y					
B4152	EF calorie dense>/=1.5Kcal		Y					
B4153	EF hydrolyzed/amino acids		Y					
B4154	EF spec metabolic noninherit		Y					
B4155	EF incomplete/modular		Y					
B4157	EF special metabolic inherit		Y					
B4158	EF ped complete intact nut		Y					
B4159	EF ped complete soy based		Y					
B4160	EF ped caloric dense>/=0.7kc		Y					
B4161	EF ped hydrolyzed/amino acid		Y					
B4162	EF ped specmetabolic inherit		Y					
B4164	Parenteral 50% dextrose solu		Y					
B4168	Parenteral sol amino acid 3.		Y					
B4172	Parenteral sol amino acid 5.		Y					
B4176	Parenteral sol amino acid 7-		Y					
B4178	Parenteral sol amino acid >		Y					
B4180	Parenteral sol carb > 50%		Y					
B4185	Parenteral sol 10 gm lipids		B					
B4189	Parenteral sol amino acid &		Y					
B4193	Parenteral sol 52-73 gm prot		Y					
B4197	Parenteral sol 74-100 gm pro		Y					
B4199	Parenteral sol > 100gm prote		Y					
B4216	Parenteral nutrition additiv		Y					
B4220	Parenteral supply kit premix		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
B4222	Parenteral supply kit homemi		Y					
B4224	Parenteral administration ki		Y					
B5000	Parenteral sol renal-amirosy		Y					
B5100	Parenteral sol hepatic-fream		Y					
B5200	Parenteral sol stres-brnch c		Y					
B9000	Enter infusion pump w/o alrm		Y					
B9002	Enteral infusion pump w/ ala		Y					
B9004	Parenteral infus pump portab		Y					
B9006	Parenteral infus pump statio		Y					
B9998	Enteral supp not otherwise c		Y					
B9999	Parenteral supp not othrws c		Y					
C1300	HYPERBARIC Oxygen		S	0659	1.5816	$106.66		$21.34
C1713	Anchor/screw bn/bn,tis/bn		N					
C1714	Cath, trans atherectomy, dir		N					
C1715	Brachytherapy needle		N					
C1716	Brachytx, non-str, Gold-198		U	1716	0.6242	$42.10		$8.42
C1717	Brachytx, non-str,HDR Ir-192		U	1717	3.2345	$218.13		$43.63
C1719	Brachytx, NS, Non-HDRIr-192		U	1719	0.5215	$35.17		$7.04
C1721	AICD, dual chamber		N					
C1722	AICD, single chamber		N					
C1724	Cath, trans atherec,rotation		N					
C1725	Cath, translumin non-laser		N					
C1726	Cath, bal dil, non-vascular		N					
C1727	Cath, bal tis dis, non-vas		N					
C1728	Cath, brachytx seed adm		N					
C1729	Cath, drainage		N					
C1730	Cath, EP, 19 or few elect		N					
C1731	Cath, EP, 20 or more elec		N					
C1732	Cath, EP, diag/abl, 3D/vect		N					
C1733	Cath, EP, othr than cool-tip		N					
C1750	Cath, hemodialysis,long-term		N					
C1751	Cath, inf, per/cent/midline		N					
C1752	Cath,hemodialysis,short-term		N					
C1753	Cath, intravas ultrasound		N					
C1754	Catheter, intradiscal		N					
C1755	Catheter, intraspinal		N					
C1756	Cath, pacing, transesoph		N					
C1757	Cath, thrombectomy/embolect		N					
C1758	Catheter, ureteral		N					
C1759	Cath, intra echocardiography		N					
C1760	Closure dev, vasc		N					
C1762	Conn tiss, human(inc fascia)		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
C1763	Conn tiss, non-human		N					
C1764	Event recorder, cardiac		N					
C1765	Adhesion barrier		N					
C1766	Intro/sheath,strble,non-peel		N					
C1767	Generator, neuro non-recharge		N					
C1768	Graft, vascular		N					
C1769	Guide wire		N					
C1770	Imaging coil, MR, insertable		N					
C1771	Rep dev, urinary, w/sling		N					
C1772	Infusion pump, programmable		N					
C1773	Ret dev, insertable		N					
C1776	Joint device (implantable)		N					
C1777	Lead, AICD, endo single coil		N					
C1778	Lead, neurostimulator		N					
C1779	Lead, pmkr, transvenous VDD		N					
C1780	Lens, intraocular (new tech)		N					
C1781	Mesh (implantable)		N					
C1782	Morcellator		N					
C1783	Ocular imp, aqueous drain de		N					
C1784	Ocular dev, intraop, det ret		N					
C1785	Pmkr, dual, rate-resp		N					
C1786	Pmkr, single, rate-resp		N					
C1787	Patient progr, neurostim		N					
C1788	Port, indwelling, imp		N					
C1789	Prosthesis, breast, imp		N					
C1813	Prosthesis, penile, inflatab		N					
C1814	Retinal tamp, silicone oil		N					
C1815	Pros, urinary sph, imp		N					
C1816	Receiver/transmitter, neuro		N					
C1817	Septal defect imp sys		N					
C1818	Integrated keratoprosthesis		N					
C1819	Tissue localization-excision		N					
C1820	Generator neuro rechg bat sys		N					
C1821	Interspinous implant		N					
C1874	Stent, coated/cov w/del sys		N					
C1875	Stent, coated/cov w/o del sy		N					
C1876	Stent, non-coa/non-cov w/del		N					
C1877	Stent, non-coat/cov w/o del		N					
C1878	Matrl for vocal cord		N					
C1879	Tissue marker, implantable		N					
C1880	Vena cava filter		N					
C1881	Dialysis access system		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
C1882	AICD, other than sing/dual		N					
C1883	Adapt/ext, pacing/neuro lead		N					
C1884	Embolization Protect syst		N					
C1885	Cath, translumin angio laser		N					
C1887	Catheter, guiding		N					
C1888	Endovas non-cardiac abl cath		N					
C1891	Infusion pump,non-prog, perm		N					
C1892	Intro/sheath,fixed,peel-away		N					
C1893	Intro/sheath, fixed,non-peel		N					
C1894	Intro/sheath, non-laser		N					
C1895	Lead, AICD, endo dual coil		N					
C1896	Lead, AICD, non sing/dual		N					
C1897	Lead, neurostim test kit		N					
C1898	Lead, pmkr, other than trans		N					
C1899	Lead, pmkr/AICD combination		N					
C1900	Lead, coronary venous		N					
C2614	Probe, perc lumb disc		N					
C2615	Sealant, pulmonary, liquid		N					
C2616	Brachytx, non-str,Yttrium-90		U	2616	229.3375	$15,466.29		$3,093.26
C2617	Stent, non-cor, tem w/o del		N					
C2618	Probe, cryoablation		N					
C2619	Pmkr, dual, non rate-resp		N					
C2620	Pmkr, single, non rate-resp		N					
C2621	Pmkr, other than sing/dual		N					
C2622	Prosthesis, penile, non-inf		N					
C2625	Stent, non-cor, tem w/del sy		N					
C2626	Infusion pump, non-prog,temp		N					
C2627	Cath, suprapubic/cystoscopic		N					
C2628	Catheter, occlusion		N					
C2629	Intro/sheath, laser		N					
C2630	Cath, EP, cool-tip		N					
C2631	Rep dev, urinary, w/o sling		N					
C2634	Brachytx, non-str, HA, I-125		U	2634	0.8837	$59.60		$11.92
C2635	Brachytx, non-str, HA, P-103		U	2635	0.4165	$28.09		$5.62
C2636	Brachy linear, non-str,P-103		U	2636	0.2821	$19.02		$3.81
C2637	Brachy,non-str,Ytterbium-169		B					
C2638	Brachytx, stranded, I-125		U	2638	0.6353	$42.84		$8.57
C2639	Brachytx, non-stranded,I-125		U	2639	0.5234	$35.30		$7.06
C2640	Brachytx, stranded, P-103		U	2640	0.8587	$57.91		$11.59
C2641	Brachytx, non-stranded,P-103		U	2641	0.8508	$57.38		$11.48
C2642	Brachytx, stranded, C-131		U	2642	1.4645	$98.76		$19.76
C2643	Brachytx, non-stranded,C-131		U	2643	0.9672	$65.23		$13.05

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
C2698	Brachytx, stranded, NOS		U	2698	0.6353	$42.84		$8.57
C2699	Brachytx, non-stranded, NOS		U	2699	0.4165	$28.09		$5.62
C8900	MRA w/cont, abd		Q3	0284	6.3051	$425.21	$147.64	$85.05
C8901	MRA w/o cont, abd		Q3	0336	5.2552	$354.41	$137.40	$70.89
C8902	MRA w/o fol w/cont, abd		Q3	0337	7.9968	$539.30	$199.53	$107.86
C8903	MRI w/cont, breast, uni		Q3	0284	6.3051	$425.21	$147.64	$85.05
C8904	MRI w/o cont, breast, uni		Q3	0336	5.2552	$354.41	$137.40	$70.89
C8905	MRI w/o fol w/cont, brst, un		Q3	0337	7.9968	$539.30	$199.53	$107.86
C8906	MRI w/cont, breast, bi		Q3	0284	6.3051	$425.21	$147.64	$85.05
C8907	MRI w/o cont, breast, bi		Q3	0336	5.2552	$354.41	$137.40	$70.89
C8908	MRI w/o fol w/cont, breast,		Q3	0337	7.9968	$539.30	$199.53	$107.86
C8909	MRA w/cont, chest		Q3	0284	6.3051	$425.21	$147.64	$85.05
C8910	MRA w/o cont, chest		Q3	0336	5.2552	$354.41	$137.40	$70.89
C8911	MRA w/o fol w/cont, chest		Q3	0337	7.9968	$539.30	$199.53	$107.86
C8912	MRA w/cont, lwr ext		Q3	0284	6.3051	$425.21	$147.64	$85.05
C8913	MRA w/o cont, lwr ext		Q3	0336	5.2552	$354.41	$137.40	$70.89
C8914	MRA w/o fol w/cont, lwr ext		Q3	0337	7.9968	$539.30	$199.53	$107.86
C8918	MRA w/cont, pelvis		Q3	0284	6.3051	$425.21	$147.64	$85.05
C8919	MRA w/o cont, pelvis		Q3	0336	5.2552	$354.41	$137.40	$70.89
C8920	MRA w/o fol w/cont, pelvis		Q3	0337	7.9968	$539.30	$199.53	$107.86
C8921	TTE w or w/o fol w/cont, com		S	0128	9.6970	$653.96	$216.29	$130.80
C8922	TTE w or w/o fol w/cont, f/u		S	0128	9.6970	$653.96	$216.29	$130.80
C8923	2D TTE w or w/o fol w/con,co		S	0128	9.6970	$653.96	$216.29	$130.80
C8924	2D TTE w or w/o fol w/con,fu		S	0128	9.6970	$653.96	$216.29	$130.80
C8925	2D TEE w or w/o fol w/con,in		S	0128	9.6970	$653.96	$216.29	$130.80
C8926	TEE w or w/o fol w/cont,cong		S	0128	9.6970	$653.96	$216.29	$130.80
C8927	TEE w or w/o fol w/cont, mon		S	0128	9.6970	$653.96	$216.29	$130.80
C8928	TTE w or w/o fol w/con,stres		S	0128	9.6970	$653.96	$216.29	$130.80
C8929	TTE w or wo fol wcon,Doppler		S	0128	9.6970	$653.96	$216.29	$130.80
C8930	TTE w or w/o contr, cont ECG		S	0128	9.6970	$653.96	$216.29	$130.80
C8957	Prolonged IV inf, req pump	CH	S	0439	1.8815	$126.89		$25.38
C9113	Inj pantoprazole sodium, via		N					
C9121	Injection, argatroban		K	9121		$20.99		$4.20
C9245	Injection, romiplostim		G	9245		$44.83		$8.80
C9246	Inj, gadoxetate disodium		G	9246		$13.78		$0.00
C9247	Inj, iobenguane, I-123, dx		G	9247		$2,332.00		$0.00
C9248	Inj, clevidipine butyrate		G	9248		$4.58		$0.90
C9249	Inj, certolizumab pegol		G	9249		$3.52		$0.69
C9352	Neuragen nerve guide, per cm		N					
C9353	Neurawrap nerve protector,cm		N					
C9354	Veritas collagen matrix, cm2	CH	N					
C9355	Neuromatrix nerve cuff, cm	CH	N					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
C9356	TenoGlide tendon prot, cm2		G	9356		$27.28		$5.35
C9358	SurgiMend, 0.5cm2		G	9358		$10.72		$2.10
C9359	Implant, bone void filler		G	9359		$58.15		$11.41
C9399	Unclassified drugs or biolog		A					
C9716	Radiofrequency energy to anu		T	0150	31.8277	$2,146.43	$437.12	$429.29
C9724	EPS gast cardia plic		T	0422	24.2194	$1,633.33	$437.26	$326.67
C9725	Place endorectal app		T	0148	5.7790	$389.73		$77.95
C9726	Rxt breast appl place/remov		T	0028	24.7586	$1,669.70		$333.94
C9727	Insert palate implants		T	0252	7.5340	$508.09	$109.16	$101.62
C9728	Place device/marker, non pros		X	0310	13.6600	$921.22	$325.27	$184.25
C9898	Inpnt stay radiolabeled item		N					
C9899	Inpt implant pros dev,no cov		A					
D0120	Periodic oral evaluation		E					
D0140	Limit oral eval problm focus		E					
D0145	Oral evaluation, pt < 3yrs		E					
D0150	Comprehensve oral evaluation		S	0330	9.3266	$628.98		$125.80
D0160	Extensv oral eval prob focus		E					
D0170	Re-eval,est pt,problem focus		E					
D0180	Comp periodontal evaluation		E					
D0210	Intraor complete film series		E					
D0220	Intraoral periapical first f		E					
D0230	Intraoral periapical ea add		E					
D0240	Intraoral occlusal film		S	0330	9.3266	$628.98		$125.80
D0250	Extraoral first film		S	0330	9.3266	$628.98		$125.80
D0260	Extraoral ea additional film		S	0330	9.3266	$628.98		$125.80
D0270	Dental bitewing single film		S	0330	9.3266	$628.98		$125.80
D0272	Dental bitewings two films		S	0330	9.3266	$628.98		$125.80
D0273	Bitewings - three films		E					
D0274	Dental bitewings four films		S	0330	9.3266	$628.98		$125.80
D0277	Vert bitewings-sev to eight		S	0330	9.3266	$628.98		$125.80
D0290	Dental film skull/facial bon		E					
D0310	Dental saliography		E					
D0320	Dental tmj arthrogram incl i		E					
D0321	Dental other tmj films		E					
D0322	Dental tomographic survey		E					
D0330	Dental panoramic film		E					
D0340	Dental cephalometric film		E					
D0350	Oral/facial photo images		E					
D0360	Cone beam ct		E					
D0362	Cone beam, two dimensional		E					
D0363	Cone beam, three dimensional		E					
D0415	Collection of microorganisms		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D0416	Viral culture		B					
D0417	Collect & prep saliva sample		E					
D0418	Analysis of saliva sample		E					
D0421	Gen tst suscept oral disease		B					
D0425	Caries susceptibility test		E					
D0431	Diag tst detect mucos abnorm		B					
D0460	Pulp vitality test		S	0330	9.3266	$628.98		$125.80
D0470	Diagnostic casts		E					
D0472	Gross exam, prep & report		B					
D0473	Micro exam, prep & report		B					
D0474	Micro w exam of surg margins		B					
D0475	Decalcification procedure		B					
D0476	Spec stains for microorganis		B					
D0477	Spec stains not for microorg		B					
D0478	Immunohistochemical stains		B					
D0479	Tissue in-situ hybridization		B					
D0480	Cytopath smear prep & report		B					
D0481	Electron microscopy diagnost		B					
D0482	Direct immunofluorescence		B					
D0483	Indirect immunofluorescence		B					
D0484	Consult slides prep elsewher		B					
D0485	Consult inc prep of slides		B					
D0486	Accession of brush biopsy		E					
D0502	Other oral pathology procedu		B					
D0999	Unspecified diagnostic proce		B					
D1110	Dental prophylaxis adult		E					
D1120	Dental prophylaxis child		E					
D1203	Topical app fluoride child		E					
D1204	Topical app fluoride adult		E					
D1206	Topical fluoride varnish		E					
D1310	Nutri counsel-control caries		E					
D1320	Tobacco counseling		E					
D1330	Oral hygiene instruction		E					
D1351	Dental sealant per tooth		E					
D1510	Space maintainer fxd unilat		S	0330	9.3266	$628.98		$125.80
D1515	Fixed bilat space maintainer		S	0330	9.3266	$628.98		$125.80
D1520	Remove unilat space maintain		S	0330	9.3266	$628.98		$125.80
D1525	Remove bilat space maintain		S	0330	9.3266	$628.98		$125.80
D1550	Recement space maintainer		S	0330	9.3266	$628.98		$125.80
D1555	Remove fix space maintainer		E					
D2140	Amalgam one surface permanen		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D2150	Amalgam two surfaces permane		E					
D2160	Amalgam three surfaces perma		E					
D2161	Amalgam 4 or > surfaces perm		E					
D2330	Resin one surface-anterior		E					
D2331	Resin two surfaces-anterior		E					
D2332	Resin three surfaces-anterio		E					
D2335	Resin 4/> surf or w incis an		E					
D2390	Ant resin-based cmpst crown		E					
D2391	Post 1 srfc resinbased cmpst		E					
D2392	Post 2 srfc resinbased cmpst		E					
D2393	Post 3 srfc resinbased cmpst		E					
D2394	Post >=4srfc resinbase cmpst		E					
D2410	Dental gold foil one surface		E					
D2420	Dental gold foil two surface		E					
D2430	Dental gold foil three surfa		E					
D2510	Dental inlay metalic 1 surf		E					
D2520	Dental inlay metallic 2 surf		E					
D2530	Dental inlay metl 3/more sur		E					
D2542	Dental onlay metallic 2 surf		E					
D2543	Dental onlay metallic 3 surf		E					
D2544	Dental onlay metl 4/more sur		E					
D2610	Inlay porcelain/ceramic 1 su		E					
D2620	Inlay porcelain/ceramic 2 su		E					
D2630	Dental onlay porc 3/more sur		E					
D2642	Dental onlay porcelin 2 surf		E					
D2643	Dental onlay porcelin 3 surf		E					
D2644	Dental onlay porc 4/more sur		E					
D2650	Inlay composite/resin one su		E					
D2651	Inlay composite/resin two su		E					
D2652	Dental inlay resin 3/mre sur		E					
D2662	Dental onlay resin 2 surface		E					
D2663	Dental onlay resin 3 surface		E					
D2664	Dental onlay resin 4/mre sur		E					
D2710	Crown resin-based indirect		E					
D2712	Crown 3/4 resin-based compos		E					
D2720	Crown resin w/ high noble me		E					
D2721	Crown resin w/ base metal		E					
D2722	Crown resin w/ noble metal		E					
D2740	Crown porcelain/ceramic subs		E					
D2750	Crown porcelain w/ h noble m		E					
D2751	Crown porcelain fused base m		E					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D2752	Crown porcelain w/ noble met		E					
D2780	Crown 3/4 cast hi noble met		E					
D2781	Crown 3/4 cast base metal		E					
D2782	Crown 3/4 cast noble metal		E					
D2783	Crown 3/4 porcelain/ceramic		E					
D2790	Crown full cast high noble m		E					
D2791	Crown full cast base metal		E					
D2792	Crown full cast noble metal		E					
D2794	Crown-titanium		E					
D2799	Provisional crown		E					
D2910	Recement inlay onlay or part		E					
D2915	Recement cast or prefab post		E					
D2920	Dental recement crown		E					
D2930	Prefab stnlss steel crwn pri		E					
D2931	Prefab stnlss steel crown pe		E					
D2932	Prefabricated resin crown		E					
D2933	Prefab stainless steel crown		E					
D2934	Prefab steel crown primary		E					
D2940	Dental sedative filling		E					
D2950	Core build-up incl any pins		E					
D2951	Tooth pin retention		E					
D2952	Post and core cast + crown		E					
D2953	Each addtnl cast post		E					
D2954	Prefab post/core + crown		E					
D2955	Post removal		E					
D2957	Each addtnl prefab post		E					
D2960	Laminate labial veneer		E					
D2961	Lab labial veneer resin		E					
D2962	Lab labial veneer porcelain		E					
D2970	Temp crown (fractured tooth)		E					
D2971	Add proc construct new crown		E					
D2975	Coping		E					
D2980	Crown repair		E					
D2999	Dental unspec restorative pr		S	0330	9.3266	$628.98		$125.80
D3110	Pulp cap direct		E					
D3120	Pulp cap indirect		E					
D3220	Therapeutic pulpotomy		E					
D3221	Gross pulpal debridement		E					
D3222	Part pulp for apexogenesis		E					
D3230	Pulpal therapy anterior prim		E					
D3240	Pulpal therapy posterior pri		E					
D3310	End thxpy, anterior tooth		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D3320	End thxpy, bicuspid tooth		E					
D3330	End thxpy, molar		E					
D3331	Non-surg tx root canal obs		E					
D3332	Incomplete endodontic tx		E					
D3333	Internal root repair		E					
D3346	Retreat root canal anterior		E					
D3347	Retreat root canal bicuspid		E					
D3348	Retreat root canal molar		E					
D3351	Apexification/recalc initial		E					
D3352	Apexification/recalc interim		E					
D3353	Apexification/recalc final		E					
D3410	Apicoect/perirad surg anter		E					
D3421	Root surgery bicuspid		E					
D3425	Root surgery molar		E					
D3426	Root surgery ea add root		E					
D3430	Retrograde filling		E					
D3450	Root amputation		E					
D3460	Endodontic endosseous implan		S	0330	9.3266	$628.98		$125.80
D3470	Intentional replantation		E					
D3910	Isolation- tooth w rubb dam		E					
D3920	Tooth splitting		E					
D3950	Canal prep/fitting of dowel		E					
D3999	Endodontic procedure		S	0330	9.3266	$628.98		$125.80
D4210	Gingivectomy/plasty per quad		E					
D4211	Gingivectomy/plasty per toot		E					
D4230	Ana crown exp 4 or> per quad		E					
D4231	Ana crown exp 1-3 per quad		E					
D4240	Gingival flap proc w/ planin		E					
D4241	Gngvl flap w rootplan 1-3 th		E					
D4245	Apically positioned flap		E					
D4249	Crown lengthen hard tissue		E					
D4260	Osseous surgery per quadrant		S	0330	9.3266	$628.98		$125.80
D4261	Osseous surgl-3teethperquad		E					
D4263	Bone replce graft first site		S	0330	9.3266	$628.98		$125.80
D4264	Bone replce graft each add		S	0330	9.3266	$628.98		$125.80
D4265	Bio mtrls to aid soft/os reg		E					
D4266	Guided tiss regen resorble		E					
D4267	Guided tiss regen nonresorb		E					
D4268	Surgical revision procedure		S	0330	9.3266	$628.98		$125.80
D4270	Pedicle soft tissue graft pr		S	0330	9.3266	$628.98		$125.80
D4271	Free soft tissue graft proc		S	0330	9.3266	$628.98		$125.80
D4273	Subepithelial tissue graft		S	0330	9.3266	$628.98		$125.80

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D4274	Distal/proximal wedge proc		E					
D4275	Soft tissue allograft		E					
D4276	Con tissue w dble ped graft		E					
D4320	Provision splnt intracoronal		E					
D4321	Provisional splint extracoro		E					
D4341	Periodontal scaling & root		E					
D4342	Periodontal scaling 1-3teeth		E					
D4355	Full mouth debridement		S	0330	9.3266	$628.98		$125.80
D4381	Localized delivery antimicro		S	0330	9.3266	$628.98		$125.80
D4910	Periodontal maint procedures		E					
D4920	Unscheduled dressing change		E					
D4999	Unspecified periodontal proc		E					
D5110	Dentures complete maxillary		E					
D5120	Dentures complete mandible		E					
D5130	Dentures immediat maxillary		E					
D5140	Dentures immediat mandible		E					
D5211	Dentures maxill part resin		E					
D5212	Dentures mand part resin		E					
D5213	Dentures maxill part metal		E					
D5214	Dentures mandibl part metal		E					
D5225	Maxillary part denture flex		E					
D5226	Mandibular part denture flex		E					
D5281	Removable partial denture		E					
D5410	Dentures adjust cmplt maxil		E					
D5411	Dentures adjust cmplt mand		E					
D5421	Dentures adjust part maxill		E					
D5422	Dentures adjust part mandbl		E					
D5510	Dentur repr broken compl bas		E					
D5520	Replace denture teeth complt		E					
D5610	Dentures repair resin base		E					
D5620	Rep part denture cast frame		E					
D5630	Rep partial denture clasp		E					
D5640	Replace part denture teeth		E					
D5650	Add tooth to partial denture		E					
D5660	Add clasp to partial denture		E					
D5670	Replc tth&acrlc on mtl frmwk		E					
D5671	Replc tth&acrlc mandibular		E					
D5710	Dentures rebase cmplt maxil		E					
D5711	Dentures rebase cmplt mand		E					
D5720	Dentures rebase part maxill		E					
D5721	Dentures rebase part mandbl		E					
D5730	Denture reln cmplt maxil ch		E					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D5731	Denture reln cmplt mand chr		E					
D5740	Denture reln part maxil chr		E					
D5741	Denture reln part mand chr		E					
D5750	Denture reln cmplt max lab		E					
D5751	Denture reln cmplt mand lab		E					
D5760	Denture reln part maxil lab		E					
D5761	Denture reln part mand lab		E					
D5810	Denture interm cmplt maxill		E					
D5811	Denture interm cmplt mandbl		E					
D5820	Denture interm part maxill		E					
D5821	Denture interm part mandbl		E					
D5850	Denture tiss conditn maxill		E					
D5851	Denture tiss condtin mandbl		E					
D5860	Overdenture complete		E					
D5861	Overdenture partial		E					
D5862	Precision attachment		E					
D5867	Replacement of precision att		E					
D5875	Prosthesis modification		E					
D5899	Removable prosthodontic proc		E					
D5911	Facial moulage sectional		S	0330	9.3266	$628.98		$125.80
D5912	Facial moulage complete		S	0330	9.3266	$628.98		$125.80
D5913	Nasal prosthesis		E					
D5914	Auricular prosthesis		E					
D5915	Orbital prosthesis		E					
D5916	Ocular prosthesis		E					
D5919	Facial prosthesis		E					
D5922	Nasal septal prosthesis		E					
D5923	Ocular prosthesis interim		E					
D5924	Cranial prosthesis		E					
D5925	Facial augmentation implant		E					
D5926	Replacement nasal prosthesis		E					
D5927	Auricular replacement		E					
D5928	Orbital replacement		E					
D5929	Facial replacement		E					
D5931	Surgical obturator		E					
D5932	Postsurgical obturator		E					
D5933	Refitting of obturator		E					
D5934	Mandibular flange prosthesis		E					
D5935	Mandibular denture prosth		E					
D5936	Temp obturator prosthesis		E					
D5937	Trismus appliance		E					
D5951	Feeding aid		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D5952	Pediatric speech aid		E					
D5953	Adult speech aid		E					
D5954	Superimposed prosthesis		E					
D5955	Palatal lift prosthesis		E					
D5958	Intraoral con def inter plt		E					
D5959	Intraoral con def mod palat		E					
D5960	Modify speech aid prosthesis		E					
D5982	Surgical stent		E					
D5983	Radiation applicator		S	0330	9.3266	$628.98		$125.80
D5984	Radiation shield		S	0330	9.3266	$628.98		$125.80
D5985	Radiation cone locator		S	0330	9.3266	$628.98		$125.80
D5986	Fluoride applicator		E					
D5987	Commissure splint		S	0330	9.3266	$628.98		$125.80
D5988	Surgical splint		E					
D5991	Topical medicament carrier		E					
D5999	Maxillofacial prosthesis		E					
D6010	Odontics endosteal implant		E					
D6012	Endosteal implant		E					
D6040	Odontics eposteal implant		E					
D6050	Odontics transosteal implnt		E					
D6053	Implnt/abtmnt spprt remv dnt		E					
D6054	Implnt/abtmnt spprt remvprtl		E					
D6055	Implant connecting bar		E					
D6056	Prefabricated abutment		E					
D6057	Custom abutment		E					
D6058	Abutment supported crown		E					
D6059	Abutment supported mtl crown		E					
D6060	Abutment supported mtl crown		E					
D6061	Abutment supported mtl crown		E					
D6062	Abutment supported mtl crown		E					
D6063	Abutment supported mtl crown		E					
D6064	Abutment supported mtl crown		E					
D6065	Implant supported crown		E					
D6066	Implant supported mtl crown		E					
D6067	Implant supported mtl crown		E					
D6068	Abutment supported retainer		E					
D6069	Abutment supported retainer		E					
D6070	Abutment supported retainer		E					
D6071	Abutment supported retainer		E					
D6072	Abutment supported retainer		E					
D6073	Abutment supported retainer		E					
D6074	Abutment supported retainer		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D6075	Implant supported retainer		E					
D6076	Implant supported retainer		E					
D6077	Implant supported retainer		E					
D6078	Implnt/abut suprtd fixd dent		E					
D6079	Implnt/abut suprtd fixd dent		E					
D6080	Implant maintenance		E					
D6090	Repair implant		E					
D6091	Repl semi/precision attach		E					
D6092	Recement supp crown		E					
D6093	Recement supp part denture		E					
D6094	Abut support crown titanium		E					
D6095	Odontics repr abutment		E					
D6100	Removal of implant		E					
D6190	Radio/surgical implant index		E					
D6194	Abut support retainer titani		E					
D6199	Implant procedure		E					
D6205	Pontic-indirect resin based		E					
D6210	Prosthodont high noble metal		E					
D6211	Bridge base metal cast		E					
D6212	Bridge noble metal cast		E					
D6214	Pontic titanium		E					
D6240	Bridge porcelain high noble		E					
D6241	Bridge porcelain base metal		E					
D6242	Bridge porcelain nobel metal		E					
D6245	Bridge porcelain/ceramic		E					
D6250	Bridge resin w/high noble		E					
D6251	Bridge resin base metal		E					
D6252	Bridge resin w/noble metal		E					
D6253	Provisional pontic		E					
D6545	Dental retainr cast metl		E					
D6548	Porcelain/ceramic retainer		E					
D6600	Porcelain/ceramic inlay 2srf		E					
D6601	Porc/ceram inlay >= 3 surfac		E					
D6602	Cst hgh nble mtl inlay 2 srf		E					
D6603	Cst hgh nble mtl inlay >=3sr		E					
D6604	Cst bse mtl inlay 2 surfaces		E					
D6605	Cst bse mtl inlay >= 3 surfa		E					
D6606	Cast noble metal inlay 2 sur		E					
D6607	Cst noble mtl inlay >=3 surf		E					
D6608	Onlay porc/crmc 2 surfaces		E					
D6609	Onlay porc/crmc >=3 surfaces		E					
D6610	Onlay cst hgh nbl mtl 2 srfc		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D6611	Onlay cst hgh nbl mtl >=3srf		E					
D6612	Onlay cst base mtl 2 surface		E					
D6613	Onlay cst base mtl >=3 surfa		E					
D6614	Onlay cst nbl mtl 2 surfaces		E					
D6615	Onlay cst nbl mtl >=3 surfac		E					
D6624	Inlay titanium		E					
D6634	Onlay titanium		E					
D6710	Crown-indirect resin based		E					
D6720	Retain crown resin w hi nble		E					
D6721	Crown resin w/base metal		E					
D6722	Crown resin w/noble metal		E					
D6740	Crown porcelain/ceramic		E					
D6750	Crown porcelain high noble		E					
D6751	Crown porcelain base metal		E					
D6752	Crown porcelain noble metal		E					
D6780	Crown 3/4 high noble metal		E					
D6781	Crown 3/4 cast based metal		E					
D6782	Crown 3/4 cast noble metal		E					
D6783	Crown 3/4 porcelain/ceramic		E					
D6790	Crown full high noble metal		E					
D6791	Crown full base metal cast		E					
D6792	Crown full noble metal cast		E					
D6793	Provisional retainer crown		E					
D6794	Crown titanium		E					
D6920	Dental connector bar		S	0330	9.3266	$628.98		$125.80
D6930	Dental recement bridge		E					
D6940	Stress breaker		E					
D6950	Precision attachment		E					
D6970	Post & core plus retainer		E					
D6972	Prefab post & core plus reta		E					
D6973	Core build up for retainer		E					
D6975	Coping metal		E					
D6976	Each addtnl cast post		E					
D6977	Each addtl prefab post		E					
D6980	Bridge repair		E					
D6985	Pediatric partial denture fx		E					
D6999	Fixed prosthodontic proc		E					
D7111	Extraction coronal remnants		S	0330	9.3266	$628.98		$125.80
D7140	Extraction erupted tooth/exr		S	0330	9.3266	$628.98		$125.80
D7210	Rem imp tooth w mucoper flp		S	0330	9.3266	$628.98		$125.80
D7220	Impact tooth remov soft tiss		S	0330	9.3266	$628.98		$125.80
D7230	Impact tooth remov part bony		S	0330	9.3266	$628.98		$125.80

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D7240	Impact tooth remov comp bony		S	0330	9.3266	$628.98		$125.80
D7241	Impact tooth rem bony w/comp		S	0330	9.3266	$628.98		$125.80
D7250	Tooth root removal		S	0330	9.3266	$628.98		$125.80
D7260	Oral antral fistula closure		S	0330	9.3266	$628.98		$125.80
D7261	Primary closure sinus perf		S	0330	9.3266	$628.98		$125.80
D7270	Tooth reimplantation		E					
D7272	Tooth transplantation		E					
D7280	Exposure impact tooth orthod		E					
D7282	Mobilize erupted/malpos toot		E					
D7283	Place device impacted tooth		B					
D7285	Biopsy of oral tissue hard		E					
D7286	Biopsy of oral tissue soft		E					
D7287	Exfoliative cytolog collect		E					
D7288	Brush biopsy		B					
D7290	Repositioning of teeth		E					
D7291	Transseptal fiberotomy		S	0330	9.3266	$628.98		$125.80
D7292	Screw retained plate		E					
D7293	Temp anchorage dev w flap		E					
D7294	Temp anchorage dev w/o flap		E					
D7310	Alveoplasty w/ extraction		E					
D7311	Alveoloplasty w/extract 1-3		E					
D7320	Alveoplasty w/o extraction		E					
D7321	Alveoloplasty not w/extracts		B					
D7340	Vestibuloplasty ridge extens		E					
D7350	Vestibuloplasty exten graft		E					
D7410	Rad exc lesion up to 1.25 cm		E					
D7411	Excision benign lesion>1.25c		E					
D7412	Excision benign lesion compl		E					
D7413	Excision malig lesion<=1.25c		E					
D7414	Excision malig lesion>1.25cm		E					
D7415	Excision malig les complicat		E					
D7440	Malig tumor exc to 1.25 cm		E					
D7441	Malig tumor > 1.25 cm		E					
D7450	Rem odontogen cyst to 1.25cm		E					
D7451	Rem odontogen cyst > 1.25 cm		E					
D7460	Rem nonodonto cyst to 1.25cm		E					
D7461	Rem nonodonto cyst > 1.25 cm		E					
D7465	Lesion destruction		E					
D7471	Rem exostosis any site		E					
D7472	Removal of torus palatinus		E					
D7473	Remove torus mandibularis		E					
D7485	Surg reduct osseoustuberosit		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D7490	Maxilla or mandible resectio		E					
D7510	I&d absc intraoral soft tiss		E					
D7511	Incision/drain abscess intra		B					
D7520	I&d abscess extraoral		E					
D7521	Incision/drain abscess extra		B					
D7530	Removal fb skin/areolar tiss		E					
D7540	Removal of fb reaction		E					
D7550	Removal of sloughed off bone		E					
D7560	Maxillary sinusotomy		E					
D7610	Maxilla open reduct simple		E					
D7620	Clsd reduct simpl maxilla fx		E					
D7630	Open red simpl mandible fx		E					
D7640	Clsd red simpl mandible fx		E					
D7650	Open red simp malar/zygom fx		E					
D7660	Clsd red simp malar/zygom fx		E					
D7670	Closd rductn splint alveolus		E					
D7671	Alveolus open reduction		E					
D7680	Reduct simple facial bone fx		E					
D7710	Maxilla open reduct compound		E					
D7720	Clsd reduct compd maxilla fx		E					
D7730	Open reduct compd mandble fx		E					
D7740	Clsd reduct compd mandble fx		E					
D7750	Open red comp malar/zygma fx		E					
D7760	Clsd red comp malar/zygma fx		E					
D7770	Open reduc compd alveolus fx		E					
D7771	Alveolus clsd reduc stblz te		E					
D7780	Reduct compnd facial bone fx		E					
D7810	Tmj open reduct-dislocation		E					
D7820	Closed tmp manipulation		E					
D7830	Tmj manipulation under anest		E					
D7840	Removal of tmj condyle		E					
D7850	Tmj meniscectomy		E					
D7852	Tmj repair of joint disc		E					
D7854	Tmj excisn of joint membrane		E					
D7856	Tmj cutting of a muscle		E					
D7858	Tmj reconstruction		E					
D7860	Tmj cutting into joint		E					
D7865	Tmj reshaping components		E					
D7870	Tmj aspiration joint fluid		E					
D7871	Lysis + lavage w catheters		E					
D7872	Tmj diagnostic arthroscopy		E					
D7873	Tmj arthroscopy lysis adhesn		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D7874	Tmj arthroscopy disc reposit		E					
D7875	Tmj arthroscopy synovectomy		E					
D7876	Tmj arthroscopy discectomy		E					
D7877	Tmj arthroscopy debridement		E					
D7880	Occlusal orthotic appliance		E					
D7899	Tmj unspecified therapy		E					
D7910	Dent sutur recent wnd to 5cm		E					
D7911	Dental suture wound to 5 cm		E					
D7912	Suture complicate wnd > 5 cm		E					
D7920	Dental skin graft		E					
D7940	Reshaping bone orthognathic		S	0330	9.3266	$628.98		$125.80
D7941	Bone cutting ramus closed		E					
D7943	Cutting ramus open w/graft		E					
D7944	Bone cutting segmented		E					
D7945	Bone cutting body mandible		E					
D7946	Reconstruction maxilla total		E					
D7947	Reconstruct maxilla segment		E					
D7948	Reconstruct midface no graft		E					
D7949	Reconstruct midface w/graft		E					
D7950	Mandible graft		E					
D7951	Sinus aug w bone/bone sup		E					
D7953	Bone replacement graft		E					
D7955	Repair maxillofacial defects		E					
D7960	Frenulectomy/frenulotomy		E					
D7963	Frenuloplasty		E					
D7970	Excision hyperplastic tissue		E					
D7971	Excision pericoronal gingiva		E					
D7972	Surg redct fibrous tuberosit		E					
D7980	Sialolithotomy		E					
D7981	Excision of salivary gland		E					
D7982	Sialodochoplasty		E					
D7983	Closure of salivary fistula		E					
D7990	Emergency tracheotomy		E					
D7991	Dental coronoidectomy		E					
D7995	Synthetic graft facial bones		E					
D7996	Implant mandible for augment		E					
D7997	Appliance removal		E					
D7998	Intraoral place of fix dev		E					
D7999	Oral surgery procedure		E					
D8010	Limited dental tx primary		E					
D8020	Limited dental tx transition		E					
D8030	Limited dental tx adolescent		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D8040	Limited dental tx adult		E					
D8050	Intercep dental tx primary		E					
D8060	Intercep dental tx transitn		E					
D8070	Compre dental tx transition		E					
D8080	Compre dental tx adolescent		E					
D8090	Compre dental tx adult		E					
D8210	Orthodontic rem appliance tx		E					
D8220	Fixed appliance therapy habt		E					
D8660	Preorthodontic tx visit		E					
D8670	Periodic orthodontc tx visit		E					
D8680	Orthodontic retention		E					
D8690	Orthodontic treatment		E					
D8691	Repair ortho appliance		E					
D8692	Replacement retainer		E					
D8693	Rebond/cement/repair retain		E					
D8999	Orthodontic procedure		E					
D9110	Tx dental pain minor proc		N					
D9120	Fix partial denture section		E					
D9210	Dent anesthesia w/o surgery		E					
D9211	Regional block anesthesia		E					
D9212	Trigeminal block anesthesia		E					
D9215	Local anesthesia		E					
D9220	General anesthesia		E					
D9221	General anesthesia ea ad 15m		E					
D9230	Analgesia		N					
D9241	Intravenous sedation		E					
D9242	IV sedation ea ad 30 m		E					
D9248	Sedation (non-iv)		N					
D9310	Dental consultation		E					
D9410	Dental house call		E					
D9420	Hospital call		E					
D9430	Office visit during hours		E					
D9440	Office visit after hours		E					
D9450	Case presentation tx plan		E					
D9610	Dent therapeutic drug inject		E					
D9612	Thera par drugs 2 or > admin		E					
D9630	Other drugs/medicaments		S	0330	9.3266	$628.98		$125.80
D9910	Dent appl desensitizing med		E					
D9911	Appl desensitizing resin		E					
D9920	Behavior management		E					
D9930	Treatment of complications		S	0330	9.3266	$628.98		$125.80
D9940	Dental occlusal guard		S	0330	9.3266	$628.98		$125.80

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
D9941	Fabrication athletic guard		E					
D9942	Repair/reline occlusal guard		E					
D9950	Occlusion analysis		S	0330	9.3266	$628.98		$125.80
D9951	Limited occlusal adjustment		S	0330	9.3266	$628.98		$125.80
D9952	Complete occlusal adjustment		S	0330	9.3266	$628.98		$125.80
D9970	Enamel microabrasion		E					
D9971	Odontoplasty 1-2 teeth		E					
D9972	Extrnl bleaching per arch		E					
D9973	Extrnl bleaching per tooth		E					
D9974	Intrnl bleaching per tooth		E					
D9999	Adjunctive procedure		E					
E0100	Cane adjust/fixed with tip		Y					
E0105	Cane adjust/fixed quad/3 pro		Y					
E0110	Crutch forearm pair		Y					
E0111	Crutch forearm each		Y					
E0112	Crutch underarm pair wood		Y					
E0113	Crutch underarm each wood		Y					
E0114	Crutch underarm pair no wood		Y					
E0116	Crutch underarm each no wood		Y					
E0117	Underarm springassist crutch		Y					
E0118	Crutch substitute		E					
E0130	Walker rigid adjust/fixed ht		Y					
E0135	Walker folding adjust/fixed		Y					
E0140	Walker w trunk support		Y					
E0141	Rigid wheeled walker adj/fix		Y					
E0143	Walker folding wheeled w/o s		Y					
E0144	Enclosed walker w rear seat		Y					
E0147	Walker variable wheel resist		Y					
E0148	Heavyduty walker no wheels		Y					
E0149	Heavy duty wheeled walker		Y					
E0153	Forearm crutch platform atta		Y					
E0154	Walker platform attachment		Y					
E0155	Walker wheel attachment,pair		Y					
E0156	Walker seat attachment		Y					
E0157	Walker crutch attachment		Y					
E0158	Walker leg extenders set of4		Y					
E0159	Brake for wheeled walker		Y					
E0160	Sitz type bath or equipment		Y					
E0161	Sitz bath/equipment w/faucet		Y					
E0162	Sitz bath chair		Y					
E0163	Commode chair with fixed arm		Y					
E0165	Commode chair with		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
	detacharm							
E0167	Commode chair pail or pan		Y					
E0168	Heavyduty/wide commode chair		Y					
E0170	Commode chair electric		Y					
E0171	Commode chair non-electric		Y					
E0172	Seat lift mechanism toilet		E					
E0175	Commode chair foot rest		Y					
E0181	Press pad alternating w/ pum		Y					
E0182	Replace pump, alt press pad		Y					
E0184	Dry pressure mattress		Y					
E0185	Gel pressure mattress pad		Y					
E0186	Air pressure mattress		Y					
E0187	Water pressure mattress		Y					
E0188	Synthetic sheepskin pad		Y					
E0189	Lambswool sheepskin pad		Y					
E0190	Positioning cushion		E					
E0191	Protector heel or elbow		Y					
E0193	Powered air flotation bed		Y					
E0194	Air fluidized bed		Y					
E0196	Gel pressure mattress		Y					
E0197	Air pressure pad for mattres		Y					
E0198	Water pressure pad for mattr		Y					
E0199	Dry pressure pad for mattres		Y					
E0200	Heat lamp without stand		Y					
E0202	Phototherapy light w/ photom		Y					
E0203	Therapeutic lightbox tabletp		E					
E0205	Heat lamp with stand		Y					
E0210	Electric heat pad standard		Y					
E0215	Electric heat pad moist		Y					
E0217	Water circ heat pad w pump		Y					
E0218	Water circ cold pad w pump		Y					
E0220	Hot water bottle		Y					
E0221	Infrared heating pad system		Y					
E0225	Hydrocollator unit		Y					
E0230	Ice cap or collar		Y					
E0231	Wound warming device		E					
E0232	Warming card for NWT		E					
E0235	Paraffin bath unit portable		Y					
E0236	Pump for water circulating p		Y					
E0238	Heat pad non-electric moist		Y					
E0239	Hydrocollator unit portable		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E0240	Bath/shower chair		E					
E0241	Bath tub wall rail		E					
E0242	Bath tub rail floor		E					
E0243	Toilet rail		E					
E0244	Toilet seat raised		E					
E0245	Tub stool or bench		E					
E0246	Transfer tub rail attachment		E					
E0247	Trans bench w/wo comm open		E					
E0248	HDtrans bench w/wo comm open		E					
E0249	Pad water circulating heat u		Y					
E0250	Hosp bed fixed ht w/ mattres		Y					
E0251	Hosp bed fixd ht w/o mattres		Y					
E0255	Hospital bed var ht w/ mattr		Y					
E0256	Hospital bed var ht w/o matt		Y					
E0260	Hosp bed semi-electr w/ matt		Y					
E0261	Hosp bed semi-electr w/o mat		Y					
E0265	Hosp bed total electr w/ mat		Y					
E0266	Hosp bed total elec w/o matt		Y					
E0270	Hospital bed institutional t		E					
E0271	Mattress innerspring		Y					
E0272	Mattress foam rubber		Y					
E0273	Bed board		E					
E0274	Over-bed table		E					
E0275	Bed pan standard		Y					
E0276	Bed pan fracture		Y					
E0277	Powered pres-redu air mattrs		Y					
E0280	Bed cradle		Y					
E0290	Hosp bed fx ht w/o rails w/m		Y					
E0291	Hosp bed fx ht w/o rail w/o		Y					
E0292	Hosp bed var ht w/o rail w/o		Y					
E0293	Hosp bed var ht w/o rail w/		Y					
E0294	Hosp bed semi-elect w/ mattr		Y					
E0295	Hosp bed semi-elect w/o matt		Y					
E0296	Hosp bed total elect w/ matt		Y					
E0297	Hosp bed total elect w/o mat		Y					
E0300	Enclosed ped crib hosp grade		Y					
E0301	HD hosp bed, 350-600 lbs		Y					
E0302	Ex hd hosp bed > 600 lbs		Y					
E0303	Hosp bed hvy dty xtra wide		Y					
E0304	Hosp bed xtra hvy dty x wide		Y					
E0305	Rails bed side half length		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E0310	Rails bed side full length		Y					
E0315	Bed accessory brd/tbl/supprt		E					
E0316	Bed safety enclosure		Y					
E0325	Urinal male jug-type		Y					
E0326	Urinal female jug-type		Y					
E0328	Ped hospital bed, manual		Y					
E0329	Ped hospital bed semi/elect		Y					
E0350	Control unit bowel system		E					
E0352	Disposable pack w/bowel syst		E					
E0370	Air elevator for heel		E					
E0371	Nonpower mattress overlay		Y					
E0372	Powered air mattress overlay		Y					
E0373	Nonpowered pressure mattress		Y					
E0424	Stationary compressed gas 02		Y					
E0425	Gas system stationary compre		E					
E0430	Oxygen system gas portable		E					
E0431	Portable gaseous 02		Y					
E0434	Portable liquid 02		Y					
E0435	Oxygen system liquid portabl		E					
E0439	Stationary liquid 02		Y					
E0440	Oxygen system liquid station		E					
E0441	Oxygen contents, gaseous		Y					
E0442	Oxygen contents, liquid		Y					
E0443	Portable 02 contents, gas		Y					
E0444	Portable 02 contents, liquid		Y					
E0445	Oximeter non-invasive		N					
E0450	Vol control vent invasiv int		Y					
E0455	Oxygen tent excl croup/ped t		Y					
E0457	Chest shell		Y					
E0459	Chest wrap		Y					
E0460	Neg press vent portabl/statn		Y					
E0461	Vol control vent noninv int		Y					
E0462	Rocking bed w/ or w/o side r		Y					
E0463	Press supp vent invasive int		Y					
E0464	Press supp vent noninv int		Y					
E0470	RAD w/o backup non-inv intfc		Y					
E0471	RAD w/backup non inv intrfc		Y					
E0472	RAD w backup invasive intrfc		Y					
E0480	Percussor elect/pneum home m		Y					
E0481	Intrpulmnry percuss vent sys		E					
E0482	Cough stimulating device		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E0483	Chest compression gen system		Y					
E0484	Non-elec oscillatory pep dvc		Y					
E0485	Oral device/appliance prefab		Y					
E0486	Oral device/appliance cusfab		Y					
E0487	Electronic spirometer		N					
E0500	Ippb all types		Y					
E0550	Humidif extens supple w ippb		Y					
E0555	Humidifier for use w/ regula		Y					
E0560	Humidifier supplemental w/ i		Y					
E0561	Humidifier nonheated w PAP		Y					
E0562	Humidifier heated used w PAP		Y					
E0565	Compressor air power source		Y					
E0570	Nebulizer with compression		Y					
E0571	Aerosol compressor for svneb		Y					
E0572	Aerosol compressor adjust pr		Y					
E0574	Ultrasonic generator w svneb		Y					
E0575	Nebulizer ultrasonic		Y					
E0580	Nebulizer for use w/ regulat		Y					
E0585	Nebulizer w/ compressor & he		Y					
E0600	Suction pump portab hom modl		Y					
E0601	Cont airway pressure device		Y					
E0602	Manual breast pump		Y					
E0603	Electric breast pump		N					
E0604	Hosp grade elec breast pump		A					
E0605	Vaporizer room type		Y					
E0606	Drainage board postural		Y					
E0607	Blood glucose monitor home		Y					
E0610	Pacemaker monitr audible/vis		Y					
E0615	Pacemaker monitr digital/vis		Y					
E0616	Cardiac event recorder		N					
E0617	Automatic ext defibrillator		Y					
E0618	Apnea monitor		Y					
E0619	Apnea monitor w recorder		Y					
E0620	Cap bld skin piercing laser		Y					
E0621	Patient lift sling or seat		Y					
E0625	Patient lift bathroom or toi		E					
E0627	Seat lift incorp lift-chair		Y					
E0628	Seat lift for pt furn-electr		Y					
E0629	Seat lift for pt furn-non-el		Y					
E0630	Patient lift hydraulic		Y					
E0635	Patient lift electric		Y					
E0636	PT support & positioning sys		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E0637	Combination sit to stand sys		E					
E0638	Standing frame sys		E					
E0639	Moveable patient lift system		E					
E0640	Fixed patient lift system		E					
E0641	Multi-position stnd fram sys		E					
E0642	Dynamic standing frame		E					
E0650	Pneuma compresor non-segment		Y					
E0651	Pneum compressor segmental		Y					
E0652	Pneum compres w/cal pressure		Y					
E0655	Pneumatic appliance half arm		Y					
E0656	Segmental pneumatic trunk		Y					
E0657	Segmental pneumatic chest		Y					
E0660	Pneumatic appliance full leg		Y					
E0665	Pneumatic appliance full arm		Y					
E0666	Pneumatic appliance half leg		Y					
E0667	Seg pneumatic appl full leg		Y					
E0668	Seg pneumatic appl full arm		Y					
E0669	Seg pneumatic appli half leg		Y					
E0671	Pressure pneum appl full leg		Y					
E0672	Pressure pneum appl full arm		Y					
E0673	Pressure pneum appl half leg		Y					
E0675	Pneumatic compression device		Y					
E0676	Inter limb compress dev NOS		Y					
E0691	Uvl pnl 2 sq ft or less		Y					
E0692	Uvl sys panel 4 ft		Y					
E0693	Uvl sys panel 6 ft		Y					
E0694	Uvl md cabinet sys 6 ft		Y					
E0700	Safety equipment		E					
E0705	Transfer device		B					
E0710	Restraints any type		E					
E0720	Tens two lead		Y					
E0730	Tens four lead		Y					
E0731	Conductive garment for tens/		Y					
E0740	Incontinence treatment systm		Y					
E0744	Neuromuscular stim for scoli		Y					
E0745	Neuromuscular stim for shock		Y					
E0746	Electromyograph biofeedback		N					
E0747	Elec osteogen stim not spine		Y					
E0748	Elec osteogen stim spinal		Y					
E0749	Elec osteogen stim implanted		N					
E0755	Electronic salivary reflex s		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E0760	Osteogen ultrasound stimltor		Y					
E0761	Nontherm electromgntc device		E					
E0762	Trans elec jt stim dev sys		B					
E0764	Functional neuromuscularstim		Y					
E0765	Nerve stimulator for tx n&v		Y					
E0769	Electric wound treatment dev		B					
E0770	Functional electric stim NOS		Y					
E0776	Iv pole		Y					
E0779	Amb infusion pump mechanical		Y					
E0780	Mech amb infusion pump <8hrs		Y					
E0781	External ambulatory infus pu		Y					
E0782	Non-programble infusion pump		N					
E0783	Programmable infusion pump		N					
E0784	Ext amb infusn pump insulin		Y					
E0785	Replacement impl pump cathet		N					
E0786	Implantable pump replacement		N					
E0791	Parenteral infusion pump sta		Y					
E0830	Ambulatory traction device		N					
E0840	Tract frame attach headboard		Y					
E0849	Cervical pneum trac equip		Y					
E0850	Traction stand free standing		Y					
E0855	Cervical traction equipment		Y					
E0856	Cervic collar w air bladder		Y					
E0860	Tract equip cervical tract		Y					
E0870	Tract frame attach footboard		Y					
E0880	Trac stand free stand extrem		Y					
E0890	Traction frame attach pelvic		Y					
E0900	Trac stand free stand pelvic		Y					
E0910	Trapeze bar attached to bed		Y					
E0911	HD trapeze bar attach to bed		Y					
E0912	HD trapeze bar free standing		Y					
E0920	Fracture frame attached to b		Y					
E0930	Fracture frame free standing		Y					
E0935	Cont pas motion exercise dev		Y					
E0936	CPM device, other than knee		E					
E0940	Trapeze bar free standing		Y					
E0941	Gravity assisted traction de		Y					
E0942	Cervical head harness/halter		Y					
E0944	Pelvic belt/harness/boot		Y					
E0945	Belt/harness extremity		Y					
E0946	Fracture frame dual w cross		Y					
E0947	Fracture frame attachmnts pe		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E0948	Fracture frame attachmnts ce		Y					
E0950	Tray		Y					
E0951	Loop heel		Y					
E0952	Toe loop/holder, each		Y					
E0955	Cushioned headrest		Y					
E0956	W/c lateral trunk/hip suppor		Y					
E0957	W/c medial thigh support		Y					
E0958	Whlchr att- conv 1 arm drive		Y					
E0959	Amputee adapter		B					
E0960	W/c shoulder harness/straps		Y					
E0961	Wheelchair brake extension		B					
E0966	Wheelchair head rest extensi		B					
E0967	Manual wc hand rim w project		Y					
E0968	Wheelchair commode seat		Y					
E0969	Wheelchair narrowing device		Y					
E0970	Wheelchair no. 2 footplates		E					
E0971	Wheelchair anti-tipping devi		B					
E0973	W/Ch access det adj armrest		B					
E0974	W/Ch access anti-rollback		B					
E0978	W/C acc,saf belt pelv strap		B					
E0980	Wheelchair safety vest		Y					
E0981	Seat upholstery, replacement		Y					
E0982	Back upholstery, replacement		Y					
E0983	Add pwr joystick		Y					
E0984	Add pwr tiller		Y					
E0985	W/c seat lift mechanism		Y					
E0986	Man w/c push-rim pow assist		Y					
E0990	Wheelchair elevating leg res		B					
E0992	Wheelchair solid seat insert		B					
E0994	Wheelchair arm rest		Y					
E0995	Wheelchair calf rest		B					
E1002	Pwr seat tilt		Y					
E1003	Pwr seat recline		Y					
E1004	Pwr seat recline mech		Y					
E1005	Pwr seat recline pwr		Y					
E1006	Pwr seat combo w/o shear		Y					
E1007	Pwr seat combo w/shear		Y					
E1008	Pwr seat combo pwr shear		Y					
E1009	Add mech leg elevation		Y					
E1010	Add pwr leg elevation		Y					
E1011	Ped wc modify width adjustm		Y					
E1014	Reclining back add ped w/c		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E1015	Shock absorber for man w/c		Y					
E1016	Shock absorber for power w/c		Y					
E1017	HD shck absrbr for hd man wc		Y					
E1018	HD shck absrber for hd powwc		Y					
E1020	Residual limb support system		Y					
E1028	W/c manual swingaway		Y					
E1029	W/c vent tray fixed		Y					
E1030	W/c vent tray gimbaled		Y					
E1031	Rollabout chair with casters		Y					
E1035	Patient transfer system		Y					
E1037	Transport chair, ped size		Y					
E1038	Transport chair pt wt<=300lb		Y					
E1039	Transport chair pt wt >300lb		Y					
E1050	Whelchr fxd full length arms		Y					
E1060	Wheelchair detachable arms		Y					
E1070	Wheelchair detachable foot r		Y					
E1083	Hemi-wheelchair fixed arms		Y					
E1084	Hemi-wheelchair detachable a		Y					
E1085	Hemi-wheelchair fixed arms		E					
E1086	Hemi-wheelchair detachable a		E					
E1087	Wheelchair lightwt fixed arm		Y					
E1088	Wheelchair lightweight det a		Y					
E1089	Wheelchair lightwt fixed arm		E					
E1090	Wheelchair lightweight det a		E					
E1092	Wheelchair wide w/ leg rests		Y					
E1093	Wheelchair wide w/ foot rest		Y					
E1100	Whchr s-recl fxd arm leg res		Y					
E1110	Wheelchair semi-recl detach		Y					
E1130	Whlchr stand fxd arm ft rest		E					
E1140	Wheelchair standard detach a		E					
E1150	Wheelchair standard w/ leg r		Y					
E1160	Wheelchair fixed arms		Y					
E1161	Manual adult wc w tiltinspac		Y					
E1170	Whlchr ampu fxd arm leg rest		Y					
E1171	Wheelchair amputee w/o leg r		Y					
E1172	Wheelchair amputee detach ar		Y					
E1180	Wheelchair amputee w/ foot r		Y					
E1190	Wheelchair amputee w/ leg re		Y					
E1195	Wheelchair amputee heavy dut		Y					
E1200	Wheelchair amputee fixed arm		Y					
E1220	Whlchr special size/constrc		Y					
E1221	Wheelchair spec size w foot		Y					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E1222	Wheelchair spec size w/ leg		Y					
E1223	Wheelchair spec size w foot		Y					
E1224	Wheelchair spec size w/ leg		Y					
E1225	Manual semi-reclining back		Y					
E1226	Manual fully reclining back		B					
E1227	Wheelchair spec sz spec ht a		Y					
E1228	Wheelchair spec sz spec ht b		Y					
E1229	Pediatric wheelchair NOS		Y					
E1230	Power operated vehicle		Y					
E1231	Rigid ped w/c tilt-in-space		Y					
E1232	Folding ped wc tilt-in-space		Y					
E1233	Rig ped wc tltnspc w/o seat		Y					
E1234	Fld ped wc tltnspc w/o seat		Y					
E1235	Rigid ped wc adjustable		Y					
E1236	Folding ped wc adjustable		Y					
E1237	Rgd ped wc adjstabl w/o seat		Y					
E1238	Fld ped wc adjstabl w/o seat		Y					
E1239	Ped power wheelchair NOS		Y					
E1240	Whchr litwt det arm leg rest		Y					
E1250	Wheelchair lightwt fixed arm		E					
E1260	Wheelchair lightwt foot rest		E					
E1270	Wheelchair lightweight leg r		Y					
E1280	Whchr h-duty det arm leg res		Y					
E1285	Wheelchair heavy duty fixed		E					
E1290	Wheelchair hvy duty detach a		E					
E1295	Wheelchair heavy duty fixed		Y					
E1296	Wheelchair special seat heig		Y					
E1297	Wheelchair special seat dept		Y					
E1298	Wheelchair spec seat depth/w		Y					
E1300	Whirlpool portable		E					
E1310	Whirlpool non-portable		Y					
E1340	Repair for DME, per 15 min		E					
E1353	Oxygen supplies regulator		Y					
E1354	Wheeled cart, port cyl/conc		Y					
E1355	Oxygen supplies stand/rack		Y					
E1356	Batt pack/cart, port conc		Y					
E1357	Battery charger, port conc		Y					
E1358	DC power adapter, port conc		Y					
E1372	Oxy suppl heater for nebuliz		Y					
E1390	Oxygen concentrator		Y					
E1391	Oxygen concentrator, dual		Y					
E1392	Portable oxygen concentrator		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E1399	Durable medical equipment mi		Y					
E1405	O2/water vapor enrich w/heat		Y					
E1406	O2/water vapor enrich w/o he		Y					
E1500	Centrifuge		A					
E1510	Kidney dialysate delivry sys		A					
E1520	Heparin infusion pump		A					
E1530	Replacement air bubble detec		A					
E1540	Replacement pressure alarm		A					
E1550	Bath conductivity meter		A					
E1560	Replace blood leak detector		A					
E1570	Adjustable chair for esrd pt		A					
E1575	Transducer protect/fld bar		A					
E1580	Unipuncture control system		A					
E1590	Hemodialysis machine		A					
E1592	Auto interm peritoneal dialy		A					
E1594	Cycler dialysis machine		A					
E1600	Deli/install chrg hemo equip		A					
E1610	Reverse osmosis h2o puri sys		A					
E1615	Deionizer H2O puri system		A					
E1620	Replacement blood pump		A					
E1625	Water softening system		A					
E1630	Reciprocating peritoneal dia		A					
E1632	Wearable artificial kidney		A					
E1634	Peritoneal dialysis clamp		B					
E1635	Compact travel hemodialyzer		A					
E1636	Sorbent cartridges per 10		A					
E1637	Hemostats for dialysis, each		A					
E1639	Dialysis scale		A					
E1699	Dialysis equipment noc		A					
E1700	Jaw motion rehab system		Y					
E1701	Repl cushions for jaw motion		Y					
E1702	Repl measr scales jaw motion		Y					
E1800	Adjust elbow ext/flex device		Y					
E1801	SPS elbow device		Y					
E1802	Adjst forearm pro/sup device		Y					
E1805	Adjust wrist ext/flex device		Y					
E1806	SPS wrist device		Y					
E1810	Adjust knee ext/flex device		Y					
E1811	SPS knee device		Y					
E1812	Knee ext/flex w act res ctrl		Y					
E1815	Adjust ankle ext/flex device		Y					
E1816	SPS ankle device		Y					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E1818	SPS forearm device		Y					
E1820	Soft interface material		Y					
E1821	Replacement interface SPSD		Y					
E1825	Adjust finger ext/flex devc		Y					
E1830	Adjust toe ext/flex device		Y					
E1840	Adj shoulder ext/flex device		Y					
E1841	Static str shldr dev rom adj		Y					
E1902	AAC non-electronic board		Y					
E2000	Gastric suction pump hme mdl		Y					
E2100	Bld glucose monitor w voice		Y					
E2101	Bld glucose monitor w lance		Y					
E2120	Pulse gen sys tx endolymp fl		Y					
E2201	Man w/ch acc seat w>=20"<24"		Y					
E2202	Seat width 24-27 in		Y					
E2203	Frame depth less than 22 in		Y					
E2204	Frame depth 22 to 25 in		Y					
E2205	Manual wc accessory, handrim		Y					
E2206	Complete wheel lock assembly		Y					
E2207	Crutch and cane holder		Y					
E2208	Cylinder tank carrier		Y					
E2209	Arm trough each		Y					
E2210	Wheelchair bearings		Y					
E2211	Pneumatic propulsion tire		Y					
E2212	Pneumatic prop tire tube		Y					
E2213	Pneumatic prop tire insert		Y					
E2214	Pneumatic caster tire each		Y					
E2215	Pneumatic caster tire tube		Y					
E2216	Foam filled propulsion tire		Y					
E2217	Foam filled caster tire each		Y					
E2218	Foam propulsion tire each		Y					
E2219	Foam caster tire any size ea		Y					
E2220	Solid propulsion tire each		Y					
E2221	Solid caster tire each		Y					
E2222	Solid caster integrated whl		Y					
E2223	Valve replacement only each		Y					
E2224	Propulsion whl excludes tire		Y					
E2225	Caster wheel excludes tire		Y					
E2226	Caster fork replacement only		Y					
E2227	Gear reduction drive wheel		Y					
E2228	Mwc acc, wheelchair brake		Y					
E2230	Manual standing system		E					
E2231	Solid seat support base		Y					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E2291	Planar back for ped size wc		Y					
E2292	Planar seat for ped size wc		Y					
E2293	Contour back for ped size wc		Y					
E2294	Contour seat for ped size wc		Y					
E2295	Ped dynamic seating frame		Y					
E2300	Pwr seat elevation sys		Y					
E2301	Pwr standing		Y					
E2310	Electro connect btw control		Y					
E2311	Electro connect btw 2 sys		Y					
E2312	Mini-prop remote joystick		Y					
E2313	PWC harness, expand control		Y					
E2321	Hand interface joystick		Y					
E2322	Mult mech switches		Y					
E2323	Special joystick handle		Y					
E2324	Chin cup interface		Y					
E2325	Sip and puff interface		Y					
E2326	Breath tube kit		Y					
E2327	Head control interface mech		Y					
E2328	Head/extremity control inter		Y					
E2329	Head control nonproportional		Y					
E2330	Head control proximity switc		Y					
E2331	Attendant control		Y					
E2340	W/c wdth 20-23 in seat frame		Y					
E2341	W/c wdth 24-27 in seat frame		Y					
E2342	W/c dpth 20-21 in seat frame		Y					
E2343	W/c dpth 22-25 in seat frame		Y					
E2351	Electronic SGD interface		Y					
E2360	22nf nonsealed leadacid		Y					
E2361	22nf sealed leadacid battery		Y					
E2362	Gr24 nonsealed leadacid		Y					
E2363	Gr24 sealed leadacid battery		Y					
E2364	U1nonsealed leadacid battery		Y					
E2365	U1 sealed leadacid battery		Y					
E2366	Battery charger, single mode		Y					
E2367	Battery charger, dual mode		Y					
E2368	Power wc motor replacement		Y					
E2369	Pwr wc gear box replacement		Y					
E2370	Pwr wc motor/gear box combo		Y					
E2371	Gr27 sealed leadacid battery		Y					
E2372	Gr27 non-sealed leadacid		Y					
E2373	Hand/chin ctrl spec joystick		Y					
E2374	Hand/chin ctrl std joystick		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E2375	Non-expandable controller		Y					
E2376	Expandable controller, repl		Y					
E2377	Expandable controller, initl		Y					
E2381	Pneum drive wheel tire		Y					
E2382	Tube, pneum wheel drive tire		Y					
E2383	Insert, pneum wheel drive		Y					
E2384	Pneumatic caster tire		Y					
E2385	Tube, pneumatic caster tire		Y					
E2386	Foam filled drive wheel tire		Y					
E2387	Foam filled caster tire		Y					
E2388	Foam drive wheel tire		Y					
E2389	Foam caster tire		Y					
E2390	Solid drive wheel tire		Y					
E2391	Solid caster tire		Y					
E2392	Solid caster tire, integrate		Y					
E2393	Valve, pneumatic tire tube		Y					
E2394	Drive wheel excludes tire		Y					
E2395	Caster wheel excludes tire		Y					
E2396	Caster fork		Y					
E2397	Pwc acc, lith-based battery		Y					
E2399	Noc interface		Y					
E2402	Neg press wound therapy pump		Y					
E2500	SGD digitized pre-rec <=8min		Y					
E2502	SGD prerec msg >8min <=20min		Y					
E2504	SGD prerec msg>20min <=40min		Y					
E2506	SGD prerec msg > 40 min		Y					
E2508	SGD spelling phys contact		Y					
E2510	SGD w multi methods msg/accs		Y					
E2511	SGD sftwre prgrm for PC/PDA		Y					
E2512	SGD accessory, mounting sys		Y					
E2599	SGD accessory noc		Y					
E2601	Gen w/c cushion wdth < 22 in		Y					
E2602	Gen w/c cushion wdth >=22 in		Y					
E2603	Skin protect wc cus wd <22in		Y					
E2604	Skin protect wc cus wd>=22in		Y					
E2605	Position wc cush wdth <22 in		Y					
E2606	Position wc cush wdth>=22 in		Y					
E2607	Skin pro/pos wc cus wd <22in		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
E2608	Skin pro/pos wc cus wd>=22in		Y					
E2609	Custom fabricate w/c cushion		Y					
E2610	Powered w/c cushion		B					
E2611	Gen use back cush wdth <22in		Y					
E2612	Gen use back cush wdth>=22in		Y					
E2613	Position back cush wd <22in		Y					
E2614	Position back cush wd>=22in		Y					
E2615	Pos back post/lat wdth <22in		Y					
E2616	Pos back post/lat wdth>=22in		Y					
E2617	Custom fab w/c back cushion		Y					
E2619	Replace cover w/c seat cush		Y					
E2620	WC planar back cush wd <22in		Y					
E2621	WC planar back cush wd>=22in		Y					
E8000	Posterior gait trainer		E					
E8001	Upright gait trainer		E					
E8002	Anterior gait trainer		E					
G0008	Admin influenza virus vac		S	0350	0.3805	$25.66		$0.00
G0009	Admin pneumococcal vaccine		S	0350	0.3805	$25.66		$0.00
G0010	Admin hepatitis b vaccine		B					
G0027	Semen analysis		A					
G0101	CA screen;pelvic/breast exam		V	0604	0.8092	$54.57		$10.92
G0102	Prostate ca screening; dre		N					
G0103	PSA screening		A					
G0104	CA screen;flexi sigmoidscope		S	0159	3.8194	$257.58		$64.40
G0105	Colorectal scrn; hi risk ind		T	0158	8.0958	$545.97		$136.49
G0106	Colon CA screen;barium enema		S	0157	1.4324	$96.60		$19.32
G0108	Diab manage trn per indiv		A					
G0109	Diab manage trn ind/group		A					
G0117	Glaucoma scrn hgh risk direc		S	0698	0.9841	$66.37		$13.28
G0118	Glaucoma scrn hgh risk direc		S	0230	0.6048	$40.79		$8.16
G0120	Colon ca scrn; barium enema		S	0157	1.4324	$96.60		$19.32
G0121	Colon ca scrn not hi rsk ind		T	0158	8.0958	$545.97		$136.49
G0122	Colon ca scrn; barium enema		E					
G0123	Screen cerv/vag thin layer		A					
G0124	Screen c/v thin layer by MD		B					
G0127	Trim nail(s)	CH	T	0012	0.4119	$27.78		$5.56
G0128	CORF skilled nursing service		B					
G0129	Partial hosp prog service		P					
G0130	Single energy x-ray study		X	0260	0.6780	$45.72		$9.15
G0141	Scr c/v cyto,autosys and md		B					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G0143	Scr c/v cyto,thinlayer,rescr		A					
G0144	Scr c/v cyto,thinlayer,rescr		A					
G0145	Scr c/v cyto,thinlayer,rescr		A					
G0147	Scr c/v cyto, automated sys		A					
G0148	Scr c/v cyto, autosys, rescr		A					
G0151	HHCP-serv of pt,ea 15 min		B					
G0152	HHCP-serv of ot,ea 15 min		B					
G0153	HHCP-svs of s/l path,ea 15mn		B					
G0154	HHCP-svs of rn,ea 15 min		B					
G0155	HHCP-svs of csw,ea 15 min		B					
G0156	HHCP-svs of aide,ea 15 min		B					
G0166	Extrnl counterpulse, per tx		T	0678	1.5241	$102.78		$20.56
G0168	Wound closure by adhesive		B					
G0173	Linear acc stereo radsur com		S	0067	51.9998	$3,506.81		$701.37
G0175	OPPS Service,sched team conf	CH	V	0607	1.6475	$111.11		$22.23
G0176	OPPS/PHP,activity therapy		P					
G0177	OPPS/PHP; train & educ serv		N					
G0179	MD recertification HHA PT		M					
G0180	MD certification HHA patient		M					
G0181	Home health care supervision		M					
G0182	Hospice care supervision		M					
G0186	Dstry eye lesn,fdr vssl tech		T	0235	6.0497	$407.99		$81.60
G0202	Screeningmammographydigital		A					
G0204	Diagnosticmammographydigital		A					
G0206	Diagnosticmammographydigital		A					
G0219	PET img wholbod melano nonco		E					
G0235	PET not otherwise specified		E					
G0237	Therapeutic procd strg endur		S	0077	0.4088	$27.57	$7.74	$5.52
G0238	Oth resp proc, indiv		S	0077	0.4088	$27.57	$7.74	$5.52
G0239	Oth resp proc, group		S	0077	0.4088	$27.57	$7.74	$5.52
G0245	Initial foot exam pt lops		V	0604	0.8092	$54.57		$10.92
G0246	Followup eval of foot pt lop		V	0605	1.0400	$70.14		$14.03
G0247	Routine footcare pt w lops		T	0013	0.8679	$58.53		$11.71
G0248	Demonstrate use home inr mon		V	0607	1.6475	$111.11		$22.23
G0249	Provide INR test mater/equip		V	0607	1.6475	$111.11		$22.23
G0250	MD INR test revie inter mgmt		M					
G0251	Linear acc based stero radio		S	0065	13.2633	$894.46		$178.90
G0252	PET imaging initial dx		E					
G0255	Current percep threshold tst		E					
G0257	Unsched dialysis ESRD pt hos		S	0170	6.5515	$441.83		$88.37
G0259	Inject for sacroiliac joint		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G0260	Inj for sacroiliac jt anesth		T	0207	7.4043	$499.34		$99.87
G0268	Removal of impacted wax md		N					
G0269	Occlusive device in vein art		N					
G0270	MNT subs tx for change dx		A					
G0271	Group MNT 2 or more 30 mins		A					
G0275	Renal angio, cardiac cath		N					
G0278	Iliac art angio,cardiac cath		N					
G0281	Elec stim unattend for press		A					
G0282	Elect stim wound care not pd		E					
G0283	Elec stim other than wound		A					
G0288	Recon, CTA for surg plan		N					
G0289	Arthro, loose body + chondro		N					
G0290	Drug-eluting stents, single		T	0656	111.0209	$7,487.14		$1,497.43
G0291	Drug-eluting stents,each add		T	0656	111.0209	$7,487.14		$1,497.43
G0293	Non-cov surg proc,clin trial		X	0340	0.6682	$45.06		$9.02
G0294	Non-cov proc, clinical trial		X	0340	0.6682	$45.06		$9.02
G0295	Electromagnetic therapy onc		E					
G0302	Pre-op service LVRS complete		S	0209	11.4707	$773.57	$268.73	$154.72
G0303	Pre-op service LVRS 10-15dos		S	0209	11.4707	$773.57	$268.73	$154.72
G0304	Pre-op service LVRS 1-9 dos		S	0213	2.3712	$159.91	$53.58	$31.99
G0305	Post op service LVRS min 6		S	0213	2.3712	$159.91	$53.58	$31.99
G0306	CBC/diffwbc w/o platelet		A					
G0307	CBC without platelet		A					
G0328	Fecal blood scrn immunoassay		A					
G0329	Electromagntic tx for ulcers		A					
G0333	Dispense fee initial 30 day		M					
G0337	Hospice evaluation preelecti		B					
G0339	Robot lin-radsurg com, first		S	0067	51.9998	$3,506.81		$701.37
G0340	Robt lin-radsurg fractx 2-5		S	0066	37.1427	$2,504.87		$500.98
G0341	Percutaneous islet celltrans		C					
G0342	Laparoscopy islet cell trans		C					
G0343	Laparotomy islet cell transp		C					
G0364	Bone marrow aspirate &biopsy		X	0340	0.6682	$45.06		$9.02
G0365	Vessel mapping hemo access		S	0267	2.3326	$157.31	$60.50	$31.47
G0372	MD service required for PMD		M					
G0378	Hospital observation per hr		N					
G0379	Direct refer hospital observ		Q3	0604	0.8092	$54.57		$10.92
G0380	Lev 1 hosp type B ED visit		V	0626	0.6748	$45.51		$9.11
G0381	Lev 2 hosp type B ED visit		V	0627	0.9584	$64.63		$12.93
G0382	Lev 3 hosp type B ED visit		V	0628	1.3934	$93.97		$18.80
G0383	Lev 4 hosp type B ED visit		V	0629	1.9419	$130.96		$26.20
G0384	Lev 5 hosp type B ED visit	CH	Q3	0630	3.6843	$248.47	$55.89	$49.70

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G0389	Ultrasound exam AAA screen		S	0266	1.4674	$98.96	$37.80	$19.80
G0390	Trauma Respons w/hosp criti		S	0618	11.9055	$802.90		$160.58
G0392	AV fistula or graft arterial	CH	D					
G0393	AV fistula or graft venous	CH	D					
G0396	Alcohol/subs interv 15-30mn		S	0432	0.5594	$37.73		$7.55
G0397	Alcohol/subs interv >30 min		S	0432	0.5594	$37.73		$7.55
G0398	Home sleep test/type 2 Porta		S	0213	2.3712	$159.91	$53.58	$31.99
G0399	Home sleep test/type 3 Porta		S	0213	2.3712	$159.91	$53.58	$31.99
G0400	Home sleep test/type 4 Porta		S	0213	2.3712	$159.91	$53.58	$31.99
G0402	Initial preventive exam	CH	V	0607	1.6475	$111.11		$22.23
G0403	EKG for initial prevent exam		M					
G0404	EKG tracing for initial prev		S	0099	0.3891	$26.24		$5.25
G0405	EKG interpret & report preve		B					
G0406	Telhealth inpt consult 15min		M					
G0407	Telheath inpt consult 25min		M					
G0408	Telhealth inpt consult 35mins		M					
G0409	CORF related serv 15 mins ea		M					
G0410	Grp psych partial hosp 45-50		P					
G0411	Inter active grp psych parti		P					
G0412	Open tx iliac spine uni/bil		C					
G0413	Pelvic ring fracture uni/bila		T	0050	31.6510	$2,134.51		$426.91
G0414	Pelvic ring fx treat int fix		C					
G0415	Open tx post pelvic fxcture		C					
G0416	Sat biopsy prostate 1-20 spc		S	1505		$350.00		$70.00
G0417	Sat biopsy prostate 21-40		S	1507		$550.00		$110.00
G0418	Sat biopsy prostate 41-60		S	1511		$950.00		$190.00
G0419	Sat biopsy prostate: >60		S	1513		$1,150.00		$230.00
G3001	Admin + supply, tositumomab		S	0442	25.0241	$1,687.60		$337.52
G8006	AMI pt recd aspirin at arriv		M					
G8007	AMI pt did not receiv aspiri		M					
G8008	AMI pt ineligible for aspiri		M					
G8009	AMI pt recd Bblock at arr		M					
G8010	AMI pt did not rec bblock		M					
G8011	AMI pt inelig Bbloc at arriv		M					
G8012	Pneum pt recv antibiotic 4 h		M					
G8013	Pneum pt w/o antibiotic 4 hr		M					
G8014	Pneum pt not elig antibiotic		M					
G8015	Diabetic pt w/ HBA1c>9%		M					
G8016	Diabetic pt w/ HBA1c<or=9%		M					
G8017	DM pt inelig for HBA1c measu		M					
G8018	Care not provided for HbA1c		M					
G8019	Diabetic pt w/LDL>= 100mg/dl		M					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G8020	Diab pt w/LDL< 100mg/dl		M					
G8021	Diab pt inelig for LDL meas		M					
G8022	Care not provided for LDL		M					
G8023	DM pt w BP>=140/80		M					
G8024	Diabetic pt wBP<140/80		M					
G8025	Diabetic pt inelig for BP me		M					
G8026	Diabet pt w no care re BP me		M					
G8027	HF p w/LVSD on ACE-I/ARB		M					
G8028	HF pt w/LVSD not on ACE-I/AR		M					
G8029	HF pt not elig for ACE-I/ARB		M					
G8030	HF pt w/LVSD on Bblocker		M					
G8031	HF pt w/LVSD not on Bblocker		M					
G8032	HF pt not elig for Bblocker		M					
G8033	PMI-CAD pt on Bblocker		M					
G8034	PMI-CAD pt not on Bblocker		M					
G8035	PMI-CAD pt inelig Bblocker		M					
G8036	AMI-CAD pt doc on antiplatel		M					
G8037	AMI-CAD pt not docu on antip		M					
G8038	AMI-CAD inelig antiplate mea		M					
G8039	CAD pt w/LDL>100mg/dl		M					
G8040	CAD pt w/LDL<or=100mg/dl		M					
G8041	CAD pt not eligible for LDL		M					
G8051	Osteoporosis assess		M					
G8052	Osteopor pt not assess		M					
G8053	Pt inelig for osteopor meas		M					
G8054	Falls assess not docum 12 mo		M					
G8055	Falls assess w/ 12 mon		M					
G8056	Not elig for falls assessmen		M					
G8057	Hearing assess receive		M					
G8058	Pt w/o hearing assess		M					
G8059	Pt inelig for hearing assess		M					
G8060	Urinary incont pt assess		M					
G8061	Pt not assess for urinary in		M					
G8062	Pt not elig for urinary inco		M					
G8075	ESRD pt w/ dialy of URR>=65%		M					
G8076	ESRD pt w/ dialy of URR<65%		M					
G8077	ESRD pt not elig for URR/KtV		M					
G8078	ESRD pt w/Hct>or=33		M					
G8079	ESRD pt w/Hct<33		M					
G8080	ESRD pt inelig for HCT/Hgb		M					
G8081	ESRD pt w/ auto AV fistula		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G8082	ESRD pt w other fistula		M					
G8085	ESRD PT inelig auto AV FISTU		M					
G8093	COPD pt rec smoking cessat		M					
G8094	COPD pt w/o smoke cessat int		M					
G8099	Osteopo pt given Ca+VitD sup		M					
G8100	Osteop pt inelig for Ca+VitD		M					
G8103	New dx osteo pt w/antiresorp		M					
G8104	Osteo pt inelig for antireso		M					
G8106	Bone dens meas test perf		M					
G8107	Bone dens meas test inelig		M					
G8108	Pt receiv influenza vacc		M					
G8109	Pt w/o influenza vacc		M					
G8110	Pt inelig for influenza vacc		M					
G8111	Pt receiv mammogram		M					
G8112	Pt not doc mammogram		M					
G8113	Pt ineligible mammography		M					
G8114	Care not provided for mamogr		M					
G8115	Pt receiv pneumo vacc		M					
G8116	Pt did not rec pneumo vacc		M					
G8117	Pt was inelig for pneumo vac		M					
G8126	Pt treat w/antidepress12wks		M					
G8127	Pt not treat w/antidepres12w		M					
G8128	Pt inelig for antidepres med		M					
G8129	Pt treat w/antidepres for 6m		M					
G8130	Pt not treat w/antidepres 6m		M					
G8131	Pt inelig for antidepres med		M					
G8152	Pt w/AB 1 hr prior to incisi		M					
G8153	Pt not doc for AB 1 hr prior		M					
G8154	Pt ineligi for AB therapy		M					
G8155	Pt recd thromboemb prophylax		M					
G8156	Pt did not rec thromboembo		M					
G8157	Pt ineligi for thrombolism		M					
G8159	Pt w/CABG w/o IMA		M					
G8162	Iso CABG pt w/o preop Bblock		M					
G8164	Iso CABG pt w/prolng intub		M					
G8165	Iso CABG pt w/o prolng intub		M					
G8166	Iso CABG req surg rexpo		M					
G8167	Iso CABG w/o surg explo		M					
G8170	CEA/ext bypass pt on aspirin		M					
G8171	Pt w/carot endarct/ext bypas		M					
G8172	CEA/ext bypass pt not on asp		M					
G8182	CAD pt care not prov LDL		M					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G8183	HF/atrial fib pt on warfarin		M					
G8184	HF/atrial fib pt inelig warf		M					
G8185	Osteoarth pt w/ assess pain		M					
G8186	Osteoarth pt inelig assess		M					
G8193	Antibio not doc prior surg		M					
G8196	Antibio not docum prior surg		M					
G8200	Cefazolin not docum prophy		M					
G8204	MD not doc order to d/c anti		M					
G8209	Clinician did not doc		M					
G8214	Clini not doc order VTE		M					
G8217	Pt not received DVT proph		M					
G8219	Received DVT proph day 2		M					
G8220	Pt not rec DVT proph day 2		M					
G8221	Pt inelig for DVT proph		M					
G8223	Pt not doc for presc antipla		M					
G8226	Pt no prescr anticoa at D/C		M					
G8231	Pt not doc for admin t-PA		M					
G8234	Pt not doc dysphagia screen		M					
G8238	Pt not doc to rec rehab serv		M					
G8240	Inter carotid stenosis30-99%		M					
G8243	Pt not doc MRI/CT w/o lesion		M					
G8246	Pt inelig hx w new/chg mole		M					
G8248	Pt w/one alarm symp not doc		M					
G8251	Pt not doc w/Barretts, endo		M					
G8254	Pt w/no doc order for barium		M					
G8257	Pt not doc rev meds D/C		M					
G8260	Pt not doc to have dec maker		M					
G8263	Pt not doc assess urinary in		M					
G8266	Pt not doc charc urin incon		M					
G8268	Pt not doc rec care urin inc		M					
G8271	Pt no doc screen fall		M					
G8274	Clini not doc pres/abs alarm		M					
G8276	Pt not doc mole change		M					
G8279	Pt not doc rec PE		M					
G8282	Pt not doc to rec couns		M					
G8285	Pt did not rec pres osteo		M					
G8289	Pt not doc rec Ca/Vit D		M					
G8293	COPD pt w/o spir results		M					
G8296	COPD pt not doc bronch ther		M					
G8298	Pt doc optic nerve eval		M					
G8299	Pt not doc optic nerv eval		M					
G8302	Pt doc w/ target IOP		M					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G8303	Pt not doc w/ IOP		M					
G8304	Clin doc pt inelig IOP		M					
G8305	Clin not prov care POAG		M					
G8306	POAG w/ IOP rec care plan		M					
G8307	POAG w/ IOP no care plan		M					
G8308	POAG w/ IOP not doc plan		M					
G8310	Pt not doc rec antiox		M					
G8314	Pt not doc to rec mac exam		M					
G8318	Pt doc not have visual func		M					
G8322	Pt not doc pre axial leng		M					
G8326	Pt not doc rec fundus exam		M					
G8330	Pt not doc rec dilated mac		M					
G8334	Doc of macular not giv MD		M					
G8338	Clin not doc pt test osteo		M					
G8341	Pt not doc for DEXA		M					
G8345	Pt not doc have DEXA		M					
G8351	Pt not doc ECG		M					
G8354	Pt not rec aspirin prior ER		M					
G8357	Pt not doc to have ECG		M					
G8360	Pt not doc vital signs recor		M					
G8362	Pt not doc 02 SAT assess		M					
G8365	Pt not doc mental status		M					
G8367	Pt not doc have empiric AB		M					
G8370	Asthma pt w survey not docum		M					
G8371	Chemother not rec stg3 colon		M					
G8372	Chemother rec stg3 colon ca		M					
G8373	Chemo plan documen prior che		M					
G8374	Chemo plan not doc prior che		M					
G8375	CLL pt w/o doc flow cytometr		M					
G8376	Brst ca pt inelig tamoxifen		M					
G8377	MD doc colon ca pt inelig ch		M					
G8378	MD doc pt inelig radiation		M					
G8379	Doc radiat tx recom 12mo ov		M					
G8380	Pt w stgIC-3Brst ca not rec		M					
G8381	Pt w stgIC-3Brst ca rec tam		M					
G8382	MM pt w/o doc IV bisphophon		M					
G8383	No doc radiation rec 12mo ov		M					
G8384	Base cytogen test MDS notper		M					
G8385	Diabet pt no do Hgb A1c 12m		M					
G8386	Diabet pt nodoc LDLiprotei		M					
G8387	ESRD pt w Hct/Hgb not docume		M					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G8388	ESRD pt w URR/Ktv notdoc eli		M					
G8389	MDS pt no doc FE st prio EPO		M					
G8390	Diabetic w/o document BP 12m		M					
G8391	Pt w asthma no doc med or tx		M					
G8395	LVEF>=40% doc normal or mild		M					
G8396	LVEF not performed		M					
G8397	Dil macula/fundus exam/w doc		M					
G8398	Dil macular/fundus not performe		M					
G8399	Pt w/DXA document or order		M					
G8400	Pt w/DXA no document or order		M					
G8401	Pt inelig osteo screen measu		M					
G8402	Smoke preven interven counse		M					
G8403	Smoke preven nocounsel		M					
G8404	Low extemity neur exam docum		M					
G8405	Low extemity neur not perfor		M					
G8406	Pt inelig lower extrem neuro		M					
G8407	ABI documented		M					
G8408	ABI not documented		M					
G8409	Pt inelig for ABI measure		M					
G8410	Eval on foot documented		M					
G8415	Eval on foot not performed		M					
G8416	Pt inelig footwear evaluation		M					
G8417	Calc BMI abv up param f/u		M					
G8418	Calc BMI blw low param f/u		M					
G8419	Calc BMI out nrm param nof/u		M					
G8420	Calc BMI norm parameters		M					
G8421	BMI not calculated		M					
G8422	Pt inelig BMI calculation		M					
G8423	Pt screen flu vac & counsel		M					
G8424	Flu vaccine not screen		M					
G8425	Flu vaccine screen not curre		M					
G8426	Pt not approp screen & counc		M					
G8427	Doc meds verified w/pt or rep		M					
G8428	Meds document w/o verifica		M					
G8429	Incomplete doc pt on meds		M					
G8430	Pt inelig med check		M					
G8431	Pos clin depres scrn f/u doc		M					
G8432	Clin depression screen not d		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G8433	Pt inelig; scrn clin dep		M					
G8434	Cognitive impairment screen		M					
G8435	Cognitive screen not documen		M					
G8436	Pt inelig for cognitive impairm		M					
G8437	Care plan develop & document		M					
G8438	Pt inelig for devlp care pln		M					
G8439	Care plan develp & not docum		M					
G8440	Pain assess f/u pln document		M					
G8441	No document of pain assess		M					
G8442	Pt inelig pain assessment		M					
G8443	Prescription by E-Prescrib system		M					
G8445	Prescrip not gen at encounter		M					
G8446	Some prescrib print or call		M					
G8447	Pt vis doc use CCHIT cer EHR		M					
G8448	Pt vis doc w/non-CCHIT EHR		M					
G8449	Pt not doc w/EMR due to syst		M					
G8450	Beta-bloc rx pt w/abn lvef		M					
G8451	Pt w/abn lvef inelig b-bloc		M					
G8452	Pt w/abn lvef b-bloc no rx		M					
G8453	Tob use cess int counsel		M					
G8454	Tob use cess int no counsel		M					
G8455	Current tobacco smoker		M					
G8456	Smokeless tobacco user		M					
G8457	Cur tobacco non-user		M					
G8458	Pt inelig geno no antvir tx		M					
G8459	Doc pt rec antivir treat		M					
G8460	Pt inelig RNA no antvir tx		M					
G8461	Pt rec antivir treat hep c		M					
G8462	Pt inelig couns no antvir tx		M					
G8463	Pt rec antiviral treat doc		M					
G8464	Pt inelig; lo to no dter rsk		M					
G8465	High risk recurrence pro ca		M					
G8466	Pt inelig suic; MDD remis		M					
G8467	New dx init/rec episode MDD		M					
G8468	ACE/ARB rx pt w/abn lvef		M					
G8469	Pt w/abn lvef inelig ACE/ARB		M					
G8470	Pt w/ normal lvef		M					
G8471	LVEF not performed/doc		M					
G8472	ACE/ARB no rx pt w/abn lvef		M					
G8473	ACE/ARB thxpy rx'd		M					
G8474	ACE/ARB not rx'd; doc reas		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G8475	ACE/ARB thxpy not rx'd		M					
G8476	BP sys <130 and dias <80		M					
G8477	BP sys>=130 and/or dias >=80		M					
G8478	BP not performed/doc		M					
G8479	MD rx'd ACE/ARB thxpy		M					
G8480	Pt inelig ACE/ARB thxpy		M					
G8481	MD not rx'd ACE/ARB thxpy		M					
G8482	Flu immunize order/admin		M					
G8483	Flu imm no ord/admin doc rea		M					
G8484	Flu immunize no order/admin		M					
G8485	Report, Diabetes measures		M					
G8486	Report, Prev Care Measures		M					
G8487	Report CKD Measures		M					
G8488	Report ESRD Measures		M					
G8489	CAD measures grp		M					
G8490	RA measures grp		M					
G8491	HIV/AIDS measures grp		M					
G8492	Prev Care measures grp		M					
G8493	Back pain measures grp		M					
G8494	DM meas qual act perform		M					
G8495	CKD meas qual act perform		M					
G8496	PC meas qual act perform		M					
G8497	CABG meas qual act perform		M					
G8498	CAD meas qual act perform		M					
G8499	RA meas qual act perform		M					
G8500	HIV meas qual act perform		M					
G8501	Perio meas qual act perform		M					
G8502	BP meas qual act perform		M					
G8503	Doc proph antibx w/in 1 hr		M					
G8504	Doc ord pro antbx w/in 1 hr		M					
G8505	No doc proph antibx w/in 1hr		M					
G8506	Pt rec ACE/ARB		M					
G8507	Pt inelig pt verif meds		M					
G8508	Pt inelig; pain asses no f/u		M					
G8509	Pain assess no f/u pln doc		M					
G8510	Pt inelig neg scrn depres		M					
G8511	Clin depres scrn no f/u doc		M					
G8512	Pain sev quant present		M					
G8513	ABI meas & doc		M					
G8514	PT inelig; ABI measure		M					
G8515	No ABI measurement		M					
G8516	Scrn fal rsk >2 fal or w/inj		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G8517	Scrn fall rsk; <2 falls		M					
G8518	Clin stg b/f lun/eso ca surg		M					
G8519	Pt in; clin ca stg b/f surg		M					
G8520	Clin stg b/f surg not doc		M					
G8521	Antplt recd 48 hrs & disch		M					
G8522	Pt inelig; antiplt therapy		M					
G8523	Antplt not recd reas no spec		M					
G8524	Patch closure conv CEA		M					
G8525	No patch closure CEA		M					
G8526	No patch closure conv CEA		M					
G8527	Doc ord antimic prophy		M					
G8528	Pt inelig; proph antibiot		M					
G8529	No doc ord antimic prophy		M					
G8530	Auto AV fistula recd		M					
G8531	Pt inelig; auto AV fistula		M					
G8532	No auto AV fistula; no reas		M					
G8533	Partic in clin data base reg		M					
G8534	Doc elder mal scrn f/u plan		M					
G8535	Pt inelig no eld mal scrn		M					
G8536	No doc elder mal scrn		M					
G8537	Pt inelig eldmal scrn no f/u		M					
G8538	Eld mal scrn no f/u pln		M					
G8539	Cur funct assess & care pln		M					
G8540	Pt inelig funct assess		M					
G8541	No doc cur funct assess		M					
G8542	Pt inelig func asses no pln		M					
G8543	Cur funct asses; no care pln		M					
G8544	CABG measures grp		M					
G9001	MCCD, initial rate		B					
G9002	MCCD,maintenance rate		B					
G9003	MCCD, risk adj hi, initial		B					
G9004	MCCD, risk adj lo, initial		B					
G9005	MCCD, risk adj, maintenance		B					
G9006	MCCD, Home monitoring		B					
G9007	MCCD, sch team conf		B					
G9008	Mccd,phys coor-care ovrsght		B					
G9009	MCCD, risk adj, level 3		B					
G9010	MCCD, risk adj, level 4		B					
G9011	MCCD, risk adj, level 5		B					
G9012	Other Specified Case Mgmt		B					
G9013	ESRD demo bundle level I		E					
G9014	ESRD demo bundle-level II		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G9016	Demo-smoking cessation coun		E					
G9017	Amantadine HCL 100mg oral		A					
G9018	Zanamivir,inhalation pwd 10mr		A					
G9019	Oseltamivir phosphate 75mg		A					
G9020	Rimantadine HCL 100mg oral		A					
G9033	Amantadine HCL oral brand		A					
G9034	Zanamivir, inh pwdr, brand		A					
G9035	Oseltamivir phosp, brand		A					
G9036	Rimantadine HCL, brand		A					
G9041	Low vision rehab occupationa		A					
G9042	Low vision rehab orient/mobi		A					
G9043	Low vision lowvision therapi		A					
G9044	Low vision rehabilate teache		A					
G9050	Oncology work-up evaluation		E					
G9051	Oncology tx decision-mgmt		E					
G9052	Onc surveillance for disease		E					
G9053	Onc expectant management pt		E					
G9054	Onc supervision palliative		E					
G9055	Onc visit unspecified NOS		E					
G9056	Onc prac mgmt adheres guide		E					
G9057	Onc pract mgmt differs trial		E					
G9058	Onc prac mgmt disagree w/gui		E					
G9059	Onc prac mgmt pt opt alterna		E					
G9060	Onc prac mgmt dif pt comorb		E					
G9061	Onc prac cond noadd by guide		E					
G9062	Onc prac guide differs nos		E					
G9063	Onc dx nsclc stgl no progres		M					
G9064	Onc dx nsclc stg2 no progres		M					
G9065	Onc dx nsclc stg3A no progres		M					
G9066	Onc dx nsclc stg3B-4 metasta		M					
G9067	Onc dx nsclc dx unknown nos		M					
G9068	Onc dx sclc/nsclc limited		M					
G9069	Onc dx sclc/nsclc ext at dx		M					
G9070	Onc dx sclc/nsclc ext unknwn		M					
G9071	Onc dx brst stg1-2B HR,nopro		M					
G9072	Onc dx brst stg1-2 noprogres		M					
G9073	Onc dx brst stg3-HR, no pro		M					
G9074	Onc dx brst stg3-noprogress		M					
G9075	Onc dx brst metastic/ recur		M					
G9077	Onc dx prostate T1no progres		M					
G9078	Onc dx prostate T2no progres		M					
G9079	Onc dx prostate T3b-T4noprog		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G9080	Onc dx prostate w/rise PSA		M					
G9083	Onc dx prostate unknwn nos		M					
G9084	Onc dx colon t1-3,n1-2,no pr		M					
G9085	Onc dx colon T4, N0 w/o prog		M					
G9086	Onc dx colon T1-4 no dx prog		M					
G9087	Onc dx colon metas evid dx		M					
G9088	Onc dx colon metas noevid dx		M					
G9089	Onc dx colon extent unknown		M					
G9090	Onc dx rectal T1-2 no progr		M					
G9091	Onc dx rectal T3 N0 no prog		M					
G9092	Onc dx rectal T1-3,N1-2noprg		M					
G9093	Onc dx rectal T4,N,M0 no prg		M					
G9094	Onc dx rectal M1 w/mets prog		M					
G9095	Onc dx rectal extent unknwn		M					
G9096	Onc dx esophag T1-T3 noprog		M					
G9097	Onc dx esophageal T4 no prog		M					
G9098	Onc dx esophageal mets recur		M					
G9099	Onc dx esophageal unknown		M					
G9100	Onc dx gastric no recurrence		M					
G9101	Onc dx gastric p R1-R2noprog		M					
G9102	Onc dx gastric unresectable		M					
G9103	Onc dx gastric recurrent		M					
G9104	Onc dx gastric unknown NOS		M					
G9105	Onc dx pancreatc p R0 res no		M					
G9106	Onc dx pancreatc p R1/R2 no		M					
G9107	Onc dx pancreatic unresectab		M					
G9108	Onc dx pancreatic unknwn NOS		M					
G9109	Onc dx head/neck T1-T2no prg		M					
G9110	Onc dx head/neck T3-4 noprog		M					
G9111	Onc dx head/neck M1 mets rec		M					
G9112	Onc dx head/neck ext unknown		M					
G9113	Onc dx ovarian stg1A-B no pr		M					
G9114	Onc dx ovarian stg1A-B or 2		M					
G9115	Onc dx ovarian stg3/4 noprog		M					
G9116	Onc dx ovarian recurrence		M					
G9117	Onc dx ovarian unknown NOS		M					
G9123	Onc dx CML chronic phase		M					
G9124	Onc dx CML acceler phase		M					
G9125	Onc dx CML blast phase		M					
G9126	Onc dx CML remission		M					
G9128	Onc dx multi myeloma stage I		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
G9129	Onc dx mult myeloma stg2 hig		M					
G9130	Onc dx multi myeloma unknown		M					
G9131	Onc dx brst unknown NOS		M					
G9132	Onc dx prostate mets no cast		M					
G9133	Onc dx prostate clinical met		M					
G9134	Onc NHLstg 1-2 no relap no		M					
G9135	Onc dx NHL stg 3-4 not relap		M					
G9136	Onc dx NHL trans to lg Bcell		M					
G9137	Onc dx NHL relapse/refractor		M					
G9138	Onc dx NHL stg unknown		M					
G9139	Onc dx CML dx status unknown		M					
G9140	Frontier extended stay demo		A					
J0120	Tetracyclin injection		N					
J0128	Abarelix injection	CH	E					
J0129	Abatacept injection		K	9230		$18.79		$3.76
J0130	Abciximab injection		K	1605		$430.59		$86.12
J0132	Acetylcysteine injection	CH	K	1272		$2.23		$0.45
J0133	Acyclovir injection		N					
J0135	Adalimumab injection		K	1083		$347.55		$69.51
J0150	Injection adenosine 6 MG		K	0379		$9.89		$1.98
J0152	Adenosine injection		K	0917		$69.02		$13.81
J0170	Adrenalin epinephrin inject		N					
J0180	Agalsidase beta injection		K	9208		$133.68		$26.74
J0190	Inj biperiden lactate/5 mg		N					
J0200	Alatrofloxacin mesylate		N					
J0205	Alglucerase injection		K	0900		$41.21		$8.25
J0207	Amifostine		K	7000		$366.25		$73.25
J0210	Methyldopate hcl injection		K	2210		$26.88		$5.38
J0215	Alefacept		K	1633		$27.90		$5.58
J0220	Alglucosidase alfa injection		K	9234		$124.68		$24.94
J0256	Alpha 1 proteinase inhibitor		K	0901		$3.61		$0.73
J0270	Alprostadil for injection		B					
J0275	Alprostadil urethral suppos		B					
J0278	Amikacin sulfate injection		N					
J0280	Aminophyllin 250 MG inj		N					
J0282	Amiodarone HCl		N					
J0285	Amphotericin B		N					
J0287	Amphotericin b lipid complex		K	9024		$9.71		$1.95
J0288	Ampho b cholesteryl sulfate		K	0735		$13.74		$2.75
J0289	Amphotericin b liposome inj		K	0736		$14.04		$2.81

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J0290	Ampicillin 500 MG inj		N					
J0295	Ampicillin sodium per 1.5 gm		N					
J0300	Amobarbital 125 MG inj		N					
J0330	Succinycholine chloride inj		N					
J0348	Anidulafungin injection		K	0760		$1.30		$0.26
J0350	Injection anistreplase 30 u	CH	E					
J0360	Hydralazine hcl injection		N					
J0364	Apomorphine hydrochloride		N					
J0365	Aprotonin, 10,000 kiu		K	1682		$2.60		$0.52
J0380	Inj metaraminol bitartrate		N					
J0390	Chloroquine injection		N					
J0395	Arbutamine hcl injection	CH	E					
J0400	Aripiprazole injection		N					
J0456	Azithromycin		N					
J0460	Atropine sulfate injection		N					
J0470	Dimecaprol injection	CH	K	1273		$26.49		$5.30
J0475	Baclofen 10 MG injection		K	9032		$191.65		$38.33
J0476	Baclofen intrathecal trial		K	1631		$71.22		$14.25
J0480	Basiliximab		K	1683		$1,560.48		$312.10
J0500	Dicyclomine injection		N					
J0515	Inj benztropine mesylate		N					
J0520	Bethanechol chloride inject		N					
J0530	Penicillin g benzathine inj		N					
J0540	Penicillin g benzathine inj		N					
J0550	Penicillin g benzathine inj	CH	N					
J0560	Penicillin g benzathine inj		N					
J0570	Penicillin g benzathine inj		N					
J0580	Penicillin g benzathine inj		N					
J0583	Bivalirudin		K	3041		$2.30		$0.46
J0585	Botulinum toxin a per unit		K	0902		$5.41		$1.09
J0587	Botulinum toxin type B		K	9018		$8.94		$1.79
J0592	Buprenorphine hydrochloride		N					
J0594	Busulfan injection		K	1178		$12.34		$2.47
J0595	Butorphanol tartrate 1 mg		N					
J0600	Edetate calcium disodium inj	CH	K	1274		$73.04		$14.61
J0610	Calcium gluconate injection		N					
J0620	Calcium glycer & lact/10 ML		N					
J0630	Calcitonin salmon injection		K	1220		$48.20		$9.64
J0636	Inj calcitriol per 0.1 mcg		N					
J0637	Caspofungin acetate		K	9019		$12.50		$2.50
J0640	Leucovorin calcium injection		N					
J0641	Levoleucovorin injection		G	1236		$1.28		$0.25

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J0670	Inj mepivacaine HCL/10 ml		N					
J0690	Cefazolin sodium injection		N					
J0692	Cefepime HCl for injection		N					
J0694	Cefoxitin sodium injection		N					
J0696	Ceftriaxone sodium injection		N					
J0697	Sterile cefuroxime injection		N					
J0698	Cefotaxime sodium injection		N					
J0702	Betamethasone acet&sod phosp		N					
J0704	Betamethasone sod phosp/4 MG		N					
J0706	Caffeine citrate injection		N					
J0710	Cephapirin sodium injection		N					
J0713	Inj ceftazidime per 500 mg		N					
J0715	Ceftizoxime sodium / 500 MG		N					
J0720	Chloramphenicol sodium injec		N					
J0725	Chorionic gonadotropin/1000u		N					
J0735	Clonidine hydrochloride		K	0935		$66.81		$13.37
J0740	Cidofovir injection		K	9033		$746.87		$149.38
J0743	Cilastatin sodium injection		N					
J0744	Ciprofloxacin iv		N					
J0745	Inj codeine phosphate /30 MG		N					
J0760	Colchicine injection		N					
J0770	Colistimethate sodium inj		N					
J0780	Prochlorperazine injection		N					
J0795	Corticorelin ovine triflutal		K	1684		$4.27		$0.86
J0800	Corticotropin injection		K	1280		$2,395.39		$479.08
J0835	Inj cosyntropin per 0.25 MG		K	0835		$93.48		$18.70
J0850	Cytomegalovirus imm IV /vial		K	0903		$862.24		$172.45
J0878	Daptomycin injection		K	9124		$0.39		$0.08
J0881	Darbepoetin alfa, non-esrd		K	1685		$2.92		$0.59
J0882	Darbepoetin alfa, esrd use		A					
J0885	Epoetin alfa, non-esrd		K	1686		$9.26		$1.86
J0886	Epoetin alfa 1000 units ESRD		A					
J0894	Decitabine injection		K	9231		$27.50		$5.50
J0895	Deferoxamine mesylate inj		N					
J0900	Testosterone enanthate inj		N					
J0945	Brompheniramine maleate inj	CH	K	1256	0.1397	$9.42		$1.89
J0970	Estradiol valerate injection		N					
J1000	Depo-estradiol cypionate inj		N					
J1020	Methylprednisolone 20 MG inj		N					
J1030	Methylprednisolone 40 MG inj		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J1040	Methylprednisolone 80 MG inj		N					
J1051	Medroxyprogesterone inj		N					
J1055	Medrxyprogester acetate inj		E					
J1056	MA/EC contraceptiveinjection		E					
J1060	Testosterone cypionate 1 ML		N					
J1070	Testosterone cypionat 100 MG		N					
J1080	Testosterone cypionat 200 MG		N					
J1094	Inj dexamethasone acetate		N					
J1100	Dexamethasone sodium phos		N					
J1110	Inj dihydroergotamine mesylt		N					
J1120	Acetazolamid sodium injectio		N					
J1160	Digoxin injection		N					
J1162	Digoxin immune fab (ovine)		K	1687		$473.85		$94.77
J1165	Phenytoin sodium injection		N					
J1170	Hydromorphone injection		N					
J1180	Dyphylline injection		N					
J1190	Dexrazoxane HCl injection		K	0726		$373.66		$74.74
J1200	Diphenhydramine hcl injectio		N					
J1205	Chlorothiazide sodium inj		K	0747		$275.07		$55.02
J1212	Dimethyl sulfoxide 50% 50 ML		K	1221		$68.36		$13.68
J1230	Methadone injection		N					
J1240	Dimenhydrinate injection		N					
J1245	Dipyridamole injection		N					
J1250	Inj dobutamine HCL/250 mg		N					
J1260	Dolasetron mesylate	CH	N					
J1265	Dopamine injection		N					
J1267	Doripenem injection		G	9241		$0.59		$0.12
J1270	Injection, doxercalciferol		N					
J1300	Eculizumab injection	CH	K	9236		$178.24		$35.65
J1320	Amitriptyline injection		N					
J1324	Enfuvirtide injection	CH	K	1257	0.0079	$0.53		$0.11
J1325	Epoprostenol injection		N					
J1327	Eptifibatide injection		K	1607		$17.36		$3.48
J1330	Ergonovine maleate injection		N					
J1335	Ertapenem injection		N					
J1364	Erythro lactobionate /500 MG		N					
J1380	Estradiol valerate 10 MG inj		N					
J1390	Estradiol valerate 20 MG inj		N					
J1410	Inj estrogen conjugate 25 MG		K	9038		$77.07		$15.42
J1430	Ethanolamine oleate 100 mg		K	1688		$147.14		$29.43
J1435	Injection estrone per 1 MG		N					
J1436	Etidronate disodium inj		K	1436		$70.06		$14.02

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J1438	Etanercept injection		K	1608		$177.37		$35.48
J1440	Filgrastim 300 mcg injection		K	0728		$198.95		$39.79
J1441	Filgrastim 480 mcg injection		K	7049		$306.33		$61.27
J1450	Fluconazole		N					
J1451	Fomepizole, 15 mg		K	1689		$9.91		$1.99
J1452	Intraocular Fomivirsen na	CH	E					
J1453	Fosaprepitant injection		G	9242		$1.57		$0.31
J1455	Foscarnet sodium injection	CH	N					
J1457	Gallium nitrate injection		K	0878		$1.57		$0.32
J1458	Galsulfase injection		K	9224		$334.07		$66.82
J1459	Inj IVIG privigen 500 mg		G	1214		$35.19		$6.91
J1460	Gamma globulin 1 CC inj		K	3043		$12.57		$2.52
J1470	Gamma globulin 2 CC inj	CH	K	1282		$25.15		$5.03
J1480	Gamma globulin 3 CC inj	CH	K	1283		$37.70		$7.54
J1490	Gamma globulin 4 CC inj		K	0904		$50.29		$10.06
J1500	Gamma globulin 5 CC inj	CH	K	1284		$62.86		$12.58
J1510	Gamma globulin 6 CC inj		K	0920		$75.51		$15.11
J1520	Gamma globulin 7 CC inj		K	0921		$87.92		$17.59
J1530	Gamma globulin 8 CC inj		K	0922		$100.58		$20.12
J1540	Gamma globulin 9 CC inj		K	0923		$113.26		$22.66
J1550	Gamma globulin 10 CC inj		K	0924		$125.72		$25.15
J1560	Gamma globulin > 10 CC inj		K	0933		$125.72		$25.15
J1561	Gamunex injection		K	0948		$35.52		$7.11
J1562	Vivaglobin, inj	CH	K	1275		$6.87		$1.38
J1565	RSV-ivig		K	0906		$15.87		$3.18
J1566	Immune globulin, powder		K	2731		$30.43		$6.09
J1568	Octagam injection		K	0943		$36.09		$7.22
J1569	Gammagard liquid injection		K	0944		$34.42		$6.89
J1570	Ganciclovir sodium injection		N					
J1571	Hepagam b im injection		G	0946		$44.02		$8.64
J1572	Flebogamma injection		K	0947		$34.94		$6.99
J1573	Hepagam b intravenous, inj		G	1138		$44.02		$8.64
J1580	Garamycin gentamicin inj		N					
J1590	Gatifloxacin injection		N					
J1595	Injection glatiramer acetate		K	1015		$69.06		$13.82
J1600	Gold sodium thiomaleate inj		N					
J1610	Glucagon hydrochloride/1 MG		K	9042		$69.37		$13.88
J1620	Gonadorelin hydroch/ 100 mcg		K	7005		$176.89		$35.38
J1626	Granisetron hcl injection	CH	N					
J1630	Haloperidol injection		N					
J1631	Haloperidol decanoate inj		N					
J1640	Hemin, 1 mg		K	1690		$7.73		$1.55

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J1642	Inj heparin sodium per 10 u		N					
J1644	Inj heparin sodium per 1000u		N					
J1645	Dalteparin sodium		N					
J1650	Inj enoxaparin sodium		N					
J1652	Fondaparinux sodium	CH	K	1276		$6.75		$1.35
J1655	Tinzaparin sodium injection		N					
J1670	Tetanus immune globulin inj		K	1670		$210.55		$42.11
J1675	Histrelin acetate		B					
J1700	Hydrocortisone acetate inj		N					
J1710	Hydrocortisone sodium ph inj		N					
J1720	Hydrocortisone sodium succ i		N					
J1730	Diazoxide injection		K	1740		$112.16		$22.44
J1740	Ibandronate sodium injection		K	9229		$136.57		$27.32
J1742	Ibutilide fumarate injection		K	9044		$383.94		$76.79
J1743	Idursulfase injection		K	9232		$446.44		$89.29
J1745	Infliximab injection		K	7043		$55.68		$11.14
J1750	Inj iron dextran		K	1237		$11.62		$2.33
J1756	Iron sucrose injection		K	9046		$0.40		$0.08
J1785	Injection imiglucerase /unit		K	0916		$4.12		$0.83
J1790	Droperidol injection		N					
J1800	Propranolol injection		N					
J1810	Droperidol/fentanyl inj		E					
J1815	Insulin injection		N					
J1817	Insulin for insulin pump use	CH	K	1277		$3.12		$0.63
J1825	Interferon beta-1a		E					
J1830	Interferon beta-1b / .25 MG		K	0910		$148.73		$29.75
J1835	Itraconazole injection	CH	N					
J1840	Kanamycin sulfate 500 MG inj		N					
J1850	Kanamycin sulfate 75 MG inj		N					
J1885	Ketorolac tromethamine inj		N					
J1890	Cephalothin sodium injection		N					
J1930	Lanreotide injection		K	9237		$26.56		$5.32
J1931	Laronidase injection		K	9209		$25.08		$5.02
J1940	Furosemide injection		N					
J1945	Lepirudin		K	1693		$174.70		$34.94
J1950	Leuprolide acetate /3.75 MG		K	0800		$456.44		$91.29
J1953	Levetiracetam injection		G	9238		$0.44		$0.09
J1955	Inj levocarnitine per 1 gm		B					
J1956	Levofloxacin injection		N					
J1960	Levorphanol tartrate inj		N					
J1980	Hyoscyamine sulfate inj		N					
J1990	Chlordiazepoxide injection		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J2001	Lidocaine injection		N					
J2010	Lincomycin injection		N					
J2020	Linezolid injection		K	9001		$29.66		$5.94
J2060	Lorazepam injection		N					
J2150	Mannitol injection		N					
J2170	Mecasermin injection		N					
J2175	Meperidine hydrochl /100 MG		N					
J2180	Meperidine/promethazine inj		N					
J2185	Meropenem		N					
J2210	Methylergonovin maleate inj		N					
J2248	Micafungin sodium injection		K	9227		$1.11		$0.23
J2250	Inj midazolam hydrochloride		N					
J2260	Inj milrinone lactate / 5 MG		N					
J2270	Morphine sulfate injection		N					
J2271	Morphine so4 injection 100mg		N					
J2275	Morphine sulfate injection		N					
J2278	Ziconotide injection		K	1694		$6.38		$1.28
J2280	Inj, moxifloxacin 100 mg		N					
J2300	Inj nalbuphine hydrochloride		N					
J2310	Inj naloxone hydrochloride		N					
J2315	Naltrexone, depot form		K	0759		$1.85		$0.37
J2320	Nandrolone decanoate 50 MG	CH	K	1285	0.0949	$6.40		$1.28
J2321	Nandrolone decanoate 100 MG	CH	K	1260	1.1513	$77.64		$15.53
J2322	Nandrolone decanoate 200 MG	CH	K	1286	0.6492	$43.78		$8.76
J2323	Natalizumab injection		K	9126		$7.76		$1.56
J2325	Nesiritide injection		K	1695		$34.20		$6.84
J2353	Octreotide injection, depot		K	1207		$104.21		$20.85
J2354	Octreotide inj, non-depot		N					
J2355	Oprelvekin injection		K	7011		$243.53		$48.71
J2357	Omalizumab injection		K	9300		$18.20		$3.64
J2360	Orphenadrine injection		N					
J2370	Phenylephrine hcl injection		N					
J2400	Chloroprocaine hcl injection		N					
J2405	Ondansetron hcl injection	CH	N					
J2410	Oxymorphone hcl injection		N					
J2425	Palifermin injection		K	1696		$11.12		$2.23
J2430	Pamidronate disodium /30 MG		K	0730		$29.01		$5.81
J2440	Papaverin hcl injection		N					
J2460	Oxytetracycline injection	CH	E					
J2469	Palonosetron hcl		K	9210		$16.94		$3.39
J2501	Paricalcitol		N					
J2503	Pegaptanib sodium injection		K	1697		$1,014.62		$202.93

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J2504	Pegademase bovine, 25 iu		K	1739		$221.87		$44.38
J2505	Injection, pegfilgrastim 6mg		K	9119		$2,117.44		$423.49
J2510	Penicillin g procaine inj		N					
J2513	Pentastarch 10% solution		K	1222		$158.77		$31.76
J2515	Pentobarbital sodium inj	CH	N					
J2540	Penicillin g potassium inj		N					
J2543	Piperacillin/tazobactam		N					
J2545	Pentamidine non-comp unit		B					
J2550	Promethazine hcl injection		N					
J2560	Phenobarbital sodium inj		N					
J2590	Oxytocin injection		N					
J2597	Inj desmopressin acetate		N					
J2650	Prednisolone acetate inj		N					
J2670	Totazoline hcl injection	CH	K	1278	1.0101	$68.12		$13.63
J2675	Inj progesterone per 50 MG		N					
J2680	Fluphenazine decanoate 25 MG		N					
J2690	Procainamide hcl injection		N					
J2700	Oxacillin sodium injeciton		N					
J2710	Neostigmine methylslfte inj		N					
J2720	Inj protamine sulfate/10 MG		N					
J2724	Protein c concentrate		K	1139		$12.06		$2.42
J2725	Inj protirelin per 250 mcg		N					
J2730	Pralidoxime chloride inj		K	1023		$90.17		$18.04
J2760	Phentolaine mesylate inj		N					
J2765	Metoclopramide hcl injection		N					
J2770	Quinupristin/dalfopristin		K	2770		$143.94		$28.79
J2778	Ranibizumab injection		K	9233		$399.51		$79.91
J2780	Ranitidine hydrochloride inj		N					
J2783	Rasburicase		K	0738		$162.77		$32.56
J2785	Regadenoson injection		G	9244		$49.97		$9.81
J2788	Rho d immune globulin 50 mcg		K	9023		$26.23		$5.25
J2790	Rho d immune globulin inj		K	0884		$81.69		$16.34
J2791	Rhophylac injection		K	0945		$5.14		$1.03
J2792	Rho(D) immune globulin h, sd		K	1609		$16.52		$3.31
J2794	Risperidone, long acting		K	9125		$4.88		$0.98
J2795	Ropivacaine HCl injection		N					
J2800	Methocarbamol injection		N					
J2805	Sincalide injection	CH	N					
J2810	Inj theophylline per 40 MG		N					
J2820	Sargramostim injection		K	0731		$24.54		$4.91
J2850	Inj secretin synthetic human		K	1700		$26.06		$5.22

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J2910	Aurothioglucose injeciton		N					
J2916	Na ferric gluconate complex		N					
J2920	Methylprednisolone injection		N					
J2930	Methylprednisolone injection		N					
J2940	Somatrem injection		K	1225		$43.99		$8.80
J2941	Somatropin injection		K	7034		$51.08		$10.22
J2950	Promazine hcl injection		N					
J2993	Reteplase injection		K	9005		$952.30		$190.46
J2995	Inj streptokinase /250000 IU		K	1226		$78.00		$15.60
J2997	Alteplase recombinant		K	7048		$33.20		$6.64
J3000	Streptomycin injection		N					
J3010	Fentanyl citrate injeciton		N					
J3030	Sumatriptan succinate / 6 MG		K	3030		$82.90		$16.58
J3070	Pentazocine injection		N					
J3101	Tenecteplase injection		K	9002		$40.45		$8.09
J3105	Terbutaline sulfate inj		N					
J3110	Teriparatide injection		B					
J3120	Testosterone enanthate inj		N					
J3130	Testosterone enanthate inj		N					
J3140	Testosterone suspension inj		N					
J3150	Testosteron propionate inj		N					
J3230	Chlorpromazine hcl injection		N					
J3240	Thyrotropin injection		K	9108		$947.71		$189.55
J3243	Tigecycline injection		K	9228		$1.09		$0.22
J3246	Tirofiban HCl		K	7041		$7.75		$1.55
J3250	Trimethobenzamide hcl inj		N					
J3260	Tobramycin sulfate injection		N					
J3265	Injection torsemide 10 mg/ml		N					
J3280	Thiethylperazine maleate inj		N					
J3285	Treprostinil injection		K	1701		$55.95		$11.19
J3300	Triamcinolone A inj PRS-free		K	1253		$3.17		$0.64
J3301	Triamcinolone acet inj NOS		N					
J3302	Triamcinolone diacetate inj		N					
J3303	Triamcinolone hexacetonl inj		N					
J3305	Inj trimetrexate glucoronate		K	7045		$124.80		$24.96
J3310	Perphenazine injeciton		N					
J3315	Triptorelin pamoate		K	9122		$160.86		$32.18
J3320	Spectinomycn dl-hcl inj	CH	K	1262	0.4368	$29.46		$5.90
J3350	Urea injection	CH	N					
J3355	Urofollitropin, 75 iu		K	1741		$56.24		$11.25
J3360	Diazepam injection		N					
J3364	Urokinase 5000 IU injection		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J3365	Urokinase 250,000 IU inj		K	7036		$449.09		$89.82
J3370	Vancomycin hcl injection		N					
J3396	Verteporfin injection		K	1203		$9.21		$1.85
J3400	Triflupromazine hcl inj	CH	N					
J3410	Hydroxyzine hcl injection		N					
J3411	Thiamine hcl 100 mg		N					
J3415	Pyridoxine hcl 100 mg		N					
J3420	Vitamin b12 injection		N					
J3430	Vitamin k phytonadione inj		N					
J3465	Injection, voriconazole		K	1052		$5.35		$1.07
J3470	Hyaluronidase injection		N					
J3471	Ovine, up to 999 USP units		N					
J3472	Ovine, 1000 USP units	CH	N					
J3473	Hyaluronidase recombinant	CH	N					
J3475	Inj magnesium sulfate		N					
J3480	Inj potassium chloride		N					
J3485	Zidovudine		N					
J3486	Ziprasidone mesylate		N					
J3487	Zoledronic acid		K	9115		$212.66		$42.54
J3488	Reclast injection	CH	K	0951		$220.64		$44.13
J3490	Drugs unclassified injection		N					
J3520	Edetate disodium per 150 mg		E					
J3530	Nasal vaccine inhalation		N					
J3535	Metered dose inhaler drug		E					
J3570	Laetrile amygdalin vit B17		E					
J3590	Unclassified biologics		N					
J7030	Normal saline solution infus		N					
J7040	Normal saline solution infus		N					
J7042	5% dextrose/normal saline		N					
J7050	Normal saline solution infus		N					
J7060	5% dextrose/water		N					
J7070	D5w infusion		N					
J7100	Dextran 40 infusion		N					
J7110	Dextran 75 infusion		N					
J7120	Ringers lactate infusion		N					
J7130	Hypertonic saline solution		N					
J7186	Antihemophilic viii/vwf comp		K	1213		$0.83		$0.17
J7187	Humate-P, inj		K	1704		$0.87		$0.18
J7189	Factor viia		K	1705		$1.24		$0.25
J7190	Factor viii		K	0925		$0.84		$0.17
J7191	Factor VIII (porcine)	CH	K	1279		$1.95		$0.39
J7192	Factor viii recombinant		K	0927		$1.06		$0.22

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J7193	Factor IX non-recombinant		K	0931		$0.89		$0.18
J7194	Factor ix complex		K	0928		$0.80		$0.16
J7195	Factor IX recombinant		K	0932		$1.06		$0.22
J7197	Antithrombin iii injection	CH	K	1263		$2.24		$0.45
J7198	Anti-inhibitor		K	0929		$1.45		$0.29
J7199	Hemophilia clot factor noc		B					
J7300	Intraut copper contraceptive		E					
J7302	Levonorgestrel iu contracept		E					
J7303	Contraceptive vaginal ring		E					
J7304	Contraceptive hormone patch		E					
J7306	Levonorgestrel implant sys		E					
J7307	Etonogestrel implant system		E					
J7308	Aminolevulinic acid hcl top		K	7308		$117.83		$23.57
J7310	Ganciclovir long act implant		K	0913		$16,640.00		$3,328.00
J7311	Fluocinolone acetonide implt		K	9225		$18,980.00		$3,796.00
J7321	Hyalgan/supartz inj per dose		K	0873		$95.01		$19.01
J7322	Synvisc inj per dose		K	0874		$182.83		$36.57
J7323	Euflexxa inj per dose		K	0875		$111.39		$22.28
J7324	Orthovisc inj per dose		K	0877		$178.26		$35.66
J7330	Cultured chondrocytes implnt		B					
J7500	Azathioprine oral 50mg		N					
J7501	Azathioprine parenteral		K	0887		$89.43		$17.89
J7502	Cyclosporine oral 100 mg	CH	N					
J7504	Lymphocyte immune globulin		K	0890		$453.54		$90.71
J7505	Monoclonal antibodies		K	7038		$1,055.24		$211.05
J7506	Prednisone oral		N					
J7507	Tacrolimus oral per 1 MG		K	0891		$3.97		$0.80
J7509	Methylprednisolone oral		N					
J7510	Prednisolone oral per 5 mg		N					
J7511	Antithymocyte globuln rabbit		K	9104		$364.83		$72.97
J7513	Daclizumab, parenteral		K	1612		$349.79		$69.96
J7515	Cyclosporine oral 25 mg		N					
J7516	Cyclosporin parenteral 250mg		K	1204		$21.85		$4.37
J7517	Mycophenolate mofetil oral		K	9015		$3.37		$0.68
J7518	Mycophenolic acid	CH	N					
J7520	Sirolimus, oral		K	9020		$8.66		$1.74
J7525	Tacrolimus injection		K	9006		$136.85		$27.37
J7599	Immunosuppressive drug noc		N					
J7604	Acetylcysteine comp unit		M					
J7605	Arformoterol non-comp unit		M					
J7606	Formoterol fumarate, inh		M					
J7607	Levalbuterol comp con		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J7608	Acetylcysteine non-comp unit		M					
J7609	Albuterol comp unit		M					
J7610	Albuterol comp con		M					
J7611	Albuterol non-comp con		M					
J7612	Levalbuterol non-comp con		M					
J7613	Albuterol non-comp unit		M					
J7614	Levalbuterol non-comp unit		M					
J7615	Levalbuterol comp unit		M					
J7620	Albuterol ipratrop non-comp		M					
J7622	Beclomethasone comp unit		M					
J7624	Betamethasone comp unit		M					
J7626	Budesonide non-comp unit		M					
J7627	Budesonide comp unit		M					
J7628	Bitolterol mesylate comp con		M					
J7629	Bitolterol mesylate comp unt		M					
J7631	Cromolyn sodium noncomp unit		M					
J7632	Cromolyn sodium comp unit		M					
J7633	Budesonide non-comp con		M					
J7634	Budesonide comp con		M					
J7635	Atropine comp con		M					
J7636	Atropine comp unit		M					
J7637	Dexamethasone comp con		M					
J7638	Dexamethasone comp unit		M					
J7639	Dornase alfa non-comp unit		M					
J7640	Formoterol comp unit		E					
J7641	Flunisolide comp unit		M					
J7642	Glycopyrrolate comp con		M					
J7643	Glycopyrrolate comp unit		M					
J7644	Ipratropium bromide non-comp		M					
J7645	Ipratropium bromide comp		M					
J7647	Isoetharine comp con		M					
J7648	Isoetharine non-comp con		M					
J7649	Isoetharine non-comp unit		M					
J7650	Isoetharine comp unit		M					
J7657	Isoproterenol comp con		M					
J7658	Isoproterenol non-comp con		M					
J7659	Isoproterenol non-comp unit		M					
J7660	Isoproterenol comp unit		M					
J7667	Metaproterenol comp con		M					
J7668	Metaproterenol non-comp con		M					
J7669	Metaproterenol non-comp unit		M					
J7670	Metaproterenol comp unit		M					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J7674	Methacholine chloride, neb		N					
J7676	Pentamidine comp unit dose		M					
J7680	Terbutaline sulf comp con		M					
J7681	Terbutaline sulf comp unit		M					
J7682	Tobramycin non-comp unit		M					
J7683	Triamcinolone comp con		M					
J7684	Triamcinolone comp unit		M					
J7685	Tobramycin comp unit		M					
J7699	Inhalation solution for DME		M					
J7799	Non-inhalation drug for DME		N					
J8498	Antiemetic rectal/supp NOS		B					
J8499	Oral prescrip drug non chemo		E					
J8501	Oral aprepitant		K	0868		$5.31		$1.07
J8510	Oral busulfan	CH	N					
J8515	Cabergoline, oral 0.25mg		E					
J8520	Capecitabine, oral, 150 mg		K	7042		$5.18		$1.04
J8521	Capecitabine, oral, 500 mg		K	0934		$17.18		$3.44
J8530	Cyclophosphamide oral 25 MG		N					
J8540	Oral dexamethasone		N					
J8560	Etoposide oral 50 MG		K	0802		$29.13		$5.83
J8565	Gefitinib oral		E					
J8597	Antiemetic drug oral NOS		N					
J8600	Melphalan oral 2 MG		N					
J8610	Methotrexate oral 2.5 MG		N					
J8650	Nabilone oral	CH	N					
J8700	Temozolomide		K	1086		$8.15		$1.63
J8705	Topotecan oral		G	1238		$68.36		$13.41
J8999	Oral prescription drug chemo		B					
J9000	Doxorubicin hcl injection		N					
J9001	Doxorubicin hcl liposome inj		K	7046		$431.98		$86.40
J9010	Alemtuzumab injection		K	9110		$559.97		$112.00
J9015	Aldesleukin injection		K	0807		$796.41		$159.29
J9017	Arsenic trioxide injection		K	9012		$35.82		$7.17
J9020	Asparaginase injection		K	0814		$56.93		$11.39
J9025	Azacitidine injection		K	1709		$4.67		$0.94
J9027	Clofarabine injection		K	1710		$114.39		$22.88
J9031	Bcg live intravesical vac		K	0809		$116.18		$23.24
J9033	Bendamustine injection		G	9243		$18.65		$3.66
J9035	Bevacizumab injection		K	9214		$56.32		$11.27
J9040	Bleomycin sulfate injection		N					
J9041	Bortezomib injection		K	9207		$35.59		$7.12
J9045	Carboplatin injection		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J9050	Carmustine injection		K	0812		$173.02		$34.61
J9055	Cetuximab injection		K	9215		$48.79		$9.76
J9060	Cisplatin 10 MG injection		N					
J9062	Cisplatin 50 MG injection		N					
J9065	Inj cladribine per 1 MG		K	0858		$29.57		$5.92
J9070	Cyclophosphamide 100 MG inj		N					
J9080	Cyclophosphamide 200 MG inj		N					
J9090	Cyclophosphamide 500 MG inj		N					
J9091	Cyclophosphamide 1.0 grm inj		N					
J9092	Cyclophosphamide 2.0 grm inj		N					
J9093	Cyclophosphamide lyophilized		N					
J9094	Cyclophosphamide lyophilized		N					
J9095	Cyclophosphamide lyophilized		N					
J9096	Cyclophosphamide lyophilized		N					
J9097	Cyclophosphamide lyophilized		N					
J9098	Cytarabine liposome inj		K	1166		$439.60		$87.92
J9100	Cytarabine hcl 100 MG inj		N					
J9110	Cytarabine hcl 500 MG inj		N					
J9120	Dactinomycin injection		K	0752		$532.63		$106.53
J9130	Dacarbazine 100 mg inj		N					
J9140	Dacarbazine 200 MG inj		N					
J9150	Daunorubicin injection		K	0820		$15.83		$3.17
J9151	Daunorubicin citrate inj		K	0821		$55.04		$11.01
J9160	Denileukin diftitox inj		K	1084		$1,395.09		$279.02
J9165	Diethylstilbestrol injection		K	1209		$78.08		$15.62
J9170	Docetaxel injection		K	0823		$334.54		$66.91
J9175	Elliotts b solution per ml		N					
J9178	Inj, epirubicin hcl, 2 mg		K	1167		$7.52		$1.51
J9181	Etoposide injection		N					
J9185	Fludarabine phosphate inj		K	0842		$144.55		$28.91
J9190	Fluorouracil injection		N					
J9200	Floxuridine injection		K	0827		$56.99		$11.40
J9201	Gemcitabine hcl injection		K	0828		$135.39		$27.08
J9202	Goserelin acetate implant		K	0810		$185.13		$37.03
J9206	Irinotecan injection		K	0830		$17.95		$3.59
J9207	Ixabepilone injection		G	9240		$63.74		$12.51
J9208	Ifosfomide injection		K	0831		$31.63		$6.33
J9209	Mesna injection		K	0732		$6.12		$1.23
J9211	Idarubicin hcl injection		K	0832		$126.99		$25.40
J9212	Interferon alfacon-1 inj	CH	K	1266		$6.75		$1.35
J9213	Interferon alfa-2a inj		K	0834		$39.76		$7.96
J9214	Interferon alfa-2b inj		K	0836		$14.65		$2.93

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
J9215	Interferon alfa-n3 inj		K	0865		$17.89		$3.58
J9216	Interferon gamma 1-b inj		K	0838		$358.41		$71.69
J9217	Leuprolide acetate suspnsion		K	9217		$199.59		$39.92
J9218	Leuprolide acetate injeciton		K	0861		$6.41		$1.29
J9219	Leuprolide acetate implant		K	7051		$4,728.88		$945.78
J9225	Vantas implant		G	1711		$1,568.13		$307.71
J9226	Supprelin LA implant		G	1142		$14,817.10		$2,907.51
J9230	Mechlorethamine hcl inj		K	0751		$144.41		$28.89
J9245	Inj melphalan hydrochl 50 MG		K	0840		$1,593.95		$318.79
J9250	Methotrexate sodium inj		N					
J9260	Methotrexate sodium inj		N					
J9261	Nelarabine injection	CH	K	0825		$100.11		$20.03
J9263	Oxaliplatin		K	1738		$9.36		$1.88
J9264	Paclitaxel protein bound		K	1712		$8.94		$1.79
J9265	Paclitaxel injection	CH	N					
J9266	Pegaspargase injection		K	0843		$2,569.01		$513.81
J9268	Pentostatin injection		K	0844		$1,420.37		$284.08
J9270	Plicamycin (mithramycin) inj	CH	N					
J9280	Mitomycin 5 MG inj		K	1232		$15.39		$3.08
J9290	Mitomycin 20 MG inj		K	1233		$61.56		$12.32
J9291	Mitomycin 40 MG inj		K	1234		$123.13		$24.63
J9293	Mitoxantrone hydrochl / 5 MG		K	0864		$79.65		$15.93
J9300	Gemtuzumab ozogamicin inj		K	9004		$2,509.93		$501.99
J9303	Panitumumab injection		K	9235		$82.70		$16.54
J9305	Pemetrexed injection		K	9213		$47.25		$9.45
J9310	Rituximab injection		K	0849		$538.74		$107.75
J9320	Streptozocin injection		K	0850		$277.66		$55.54
J9330	Temsirolimus injection	CH	K	1168		$47.90		$9.58
J9340	Thiotepa injection		K	0851		$90.34		$18.07
J9350	Topotecan injection		K	0852		$938.98		$187.80
J9355	Trastuzumab injection		K	1613		$61.88		$12.38
J9357	Valrubicin injection		K	1235		$384.38		$76.88
J9360	Vinblastine sulfate inj		N					
J9370	Vincristine sulfate 1 MG inj		N					
J9375	Vincristine sulfate 2 MG inj		N					
J9380	Vincristine sulfate 5 MG inj		N					
J9390	Vinorelbine tartrate inj	CH	N					
J9395	Injection, Fulvestrant		K	9120		$79.81		$15.97
J9600	Porfimer sodium injection		K	0856		$2,660.78		$532.16
J9999	Chemotherapy drug		N					
K0001	Standard wheelchair		Y					
K0002	Stnd hemi (low seat) whlchr		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
K0003	Lightweight wheelchair		Y					
K0004	High strength ltwt whlchr		Y					
K0005	Ultralightweight wheelchair		Y					
K0006	Heavy duty wheelchair		Y					
K0007	Extra heavy duty wheelchair		Y					
K0009	Other manual wheelchair/base		Y					
K0010	Stnd wt frame power whlchr		Y					
K0011	Stnd wt pwr whlchr w control		Y					
K0012	Ltwt portbl power whlchr		Y					
K0014	Other power whlchr base		Y					
K0015	Detach non-adjus hght armrst		Y					
K0017	Detach adjust armrest base		Y					
K0018	Detach adjust armrst upper		Y					
K0019	Arm pad each		Y					
K0020	Fixed adjust armrest pair		Y					
K0037	High mount flip-up footrest		Y					
K0038	Leg strap each		Y					
K0039	Leg strap h style each		Y					
K0040	Adjustable angle footplate		Y					
K0041	Large size footplate each		Y					
K0042	Standard size footplate each		Y					
K0043	Ftrst lower extension tube		Y					
K0044	Ftrst upper hanger bracket		Y					
K0045	Footrest complete assembly		Y					
K0046	Elevat legrst low extension		Y					
K0047	Elevat legrst up hangr brack		Y					
K0050	Ratchet assembly		Y					
K0051	Cam relese assem ftrst/lgrst		Y					
K0052	Swingaway detach footrest		Y					
K0053	Elevate footrest articulate		Y					
K0056	Seat ht <17 or >=21 ltwt wc		Y					
K0065	Spoke protectors		Y					
K0069	Rear whl complete solid tire		Y					
K0070	Rear whl compl pneum tire		Y					
K0071	Front castr compl pneum tire		Y					
K0072	Frnt cstr cmpl sem-pneum tir		Y					
K0073	Caster pin lock each		Y					
K0077	Front caster assem complete		Y					
K0098	Drive belt power wheelchair		Y					
K0105	Iv hanger		Y					
K0108	W/c component-accessory NOS		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
K0195	Elevating whlchair leg rests		Y					
K0455	Pump uninterrupted infusion		Y					
K0462	Temporary replacement eqpmnt		Y					
K0552	Supply/ext inf pump syr type		Y					
K0601	Repl batt silver oxide 1.5 v		Y					
K0602	Repl batt silver oxide 3 v		Y					
K0603	Repl batt alkaline 1.5 v		Y					
K0604	Repl batt lithium 3.6 v		Y					
K0605	Repl batt lithium 4.5 v		Y					
K0606	AED garment w elec analysis		Y					
K0607	Repl batt for AED		Y					
K0608	Repl garment for AED		Y					
K0609	Repl electrode for AED		Y					
K0669	Seat/back cus no sadmerc ver		Y					
K0672	Removable soft interface LE		A					
K0730	Ctrl dose inh drug deliv sys		Y					
K0733	12-24hr sealed lead acid		Y					
K0734	Adj skin pro w/c cus wd<22in		Y					
K0735	Adj skin pro wc cus wd>=22in		Y					
K0736	Adj skin pro/pos wc cus<22in		Y					
K0737	Adj skin pro/pos wc cus>=22"		Y					
K0738	Portable gas oxygen system		Y					
K0739	Repair/svc DME non-oxygen eq		Y					
K0740	Repair/svc oxygen equipment		Y					
K0800	POV group 1 std up to 300lbs		Y					
K0801	POV group 1 hd 301-450 lbs		Y					
K0802	POV group 1 vhd 451-600 lbs		Y					
K0806	POV group 2 std up to 300lbs		Y					
K0807	POV group 2 hd 301-450 lbs		Y					
K0808	POV group 2 vhd 451-600 lbs		Y					
K0812	Power operated vehicle NOC		Y					
K0813	PWC gp 1 std port seat/back		Y					
K0814	PWC gp 1 std port cap chair		Y					
K0815	PWC gp 1 std seat/back		Y					
K0816	PWC gp 1 std cap chair		Y					
K0820	PWC gp 2 std port seat/back		Y					
K0821	PWC gp 2 std port cap chair		Y					
K0822	PWC gp 2 std seat/back		Y					
K0823	PWC gp 2 std cap chair		Y					
K0824	PWC gp 2 hd seat/back		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
K0825	PWC gp 2 hd cap chair		Y					
K0826	PWC gp 2 vhd seat/back		Y					
K0827	PWC gp vhd cap chair		Y					
K0828	PWC gp 2 xtra hd seat/back		Y					
K0829	PWC gp 2 xtra hd cap chair		Y					
K0830	PWC gp2 std seat elevate s/b		Y					
K0831	PWC gp2 std seat elevate cap		Y					
K0835	PWC gp2 std sing pow opt s/b		Y					
K0836	PWC gp2 std sing pow opt cap		Y					
K0837	PWC gp 2 hd sing pow opt s/b		Y					
K0838	PWC gp 2 hd sing pow opt cap		Y					
K0839	PWC gp2 vhd sing pow opt s/b		Y					
K0840	PWC gp2 xhd sing pow opt s/b		Y					
K0841	PWC gp2 std mult pow opt s/b		Y					
K0842	PWC gp2 std mult pow opt cap		Y					
K0843	PWC gp2 hd mult pow opt s/b		Y					
K0848	PWC gp 3 std seat/back		Y					
K0849	PWC gp 3 std cap chair		Y					
K0850	PWC gp 3 hd seat/back		Y					
K0851	PWC gp 3 hd cap chair		Y					
K0852	PWC gp 3 vhd seat/back		Y					
K0853	PWC gp 3 vhd cap chair		Y					
K0854	PWC gp 3 xhd seat/back		Y					
K0855	PWC gp 3 xhd cap chair		Y					
K0856	PWC gp3 std sing pow opt s/b		Y					
K0857	PWC gp3 std sing pow opt cap		Y					
K0858	PWC gp3 hd sing pow opt s/b		Y					
K0859	PWC gp3 hd sing pow opt cap		Y					
K0860	PWC gp3 vhd sing pow opt s/b		Y					
K0861	PWC gp3 std mult pow opt s/b		Y					
K0862	PWC gp3 hd mult pow opt s/b		Y					
K0863	PWC gp3 vhd mult pow opt s/b		Y					
K0864	PWC gp3 xhd mult pow opt s/b		Y					
K0868	PWC gp 4 std seat/back		Y					
K0869	PWC gp 4 std cap chair		Y					
K0870	PWC gp 4 hd seat/back		Y					
K0871	PWC gp 4 vhd seat/back		Y					
K0877	PWC gp4 std sing pow opt s/b		Y					
K0878	PWC gp4 std sing pow opt cap		Y					
K0879	PWC gp4 hd sing pow opt s/b		Y					
K0880	PWC gp4 vhd sing pow opt s/b		Y					
K0884	PWC gp4 std mult pow opt s/b		Y					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
K0885	PWC gp4 std mult pow opt cap		Y					
K0886	PWC gp4 hd mult pow s/b		Y					
K0890	PWC gp5 ped sing pow opt s/b		Y					
K0891	PWC gp5 ped mult pow opt s/b		Y					
K0898	Power wheelchair NOC		Y					
K0899	Pow mobil dev no SADMERC		Y					
L0112	Cranial cervical orthosis		A					
L0113	Cranial cervical torticollis		A					
L0120	Cerv flexible non-adjustable		A					
L0130	Flex thermoplastic collar mo		A					
L0140	Cervical semi-rigid adjustab		A					
L0150	Cerv semi-rig adj molded chn		A					
L0160	Cerv semi-rig wire occ/mand		A					
L0170	Cervical collar molded to pt		A					
L0172	Cerv col thermplas foam 2 pi		A					
L0174	Cerv col foam 2 piece w thor		A					
L0180	Cer post col occ/man sup adj		A					
L0190	Cerv collar supp adj cerv ba		A					
L0200	Cerv col supp adj bar & thor		A					
L0210	Thoracic rib belt		A					
L0220	Thor rib belt custom fabrica		A					
L0430	Dewall posture protector		A					
L0450	TLSO flex prefab thoracic		A					
L0452	tlso flex custom fab thoraci		A					
L0454	TLSO flex prefab sacrococ-T9		A					
L0456	TLSO flex prefab		A					
L0458	TLSO 2Mod symphis-xipho pre		A					
L0460	TLSO2Mod symphysis-stern pre		A					
L0462	TLSO 3Mod sacro-scap pre		A					
L0464	TLSO 4Mod sacro-scap pre		A					
L0466	TLSO rigid frame pre soft ap		A					
L0468	TLSO rigid frame prefab pelv		A					
L0470	TLSO rigid frame pre subclav		A					
L0472	TLSO rigid frame hyperex pre		A					
L0480	TLSO rigid plastic custom fa		A					
L0482	TLSO rigid lined custom fab		A					
L0484	TLSO rigid plastic cust fab		A					
L0486	TLSO rigidlined cust fab two		A					
L0488	TLSO rigid lined pre one pie		A					
L0490	TLSO rigid plastic pre one		A					
L0491	TLSO 2 piece rigid shell		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L0492	TLSO 3 piece rigid shell		A					
L0621	SIO flex pelvisacral prefab		A					
L0622	SIO flex pelvisacral custom		A					
L0623	SIO panel prefab		A					
L0624	SIO panel custom		A					
L0625	LO flexibl L1-below L5 pre		A					
L0626	LO sag stays/panels pre-fab		A					
L0627	LO sagitt rigid panel prefab		A					
L0628	LO flex w/o rigid stays pre		A					
L0629	LSO flex w/rigid stays cust		A					
L0630	LSO post rigid panel pre		A					
L0631	LSO sag-coro rigid frame pre		A					
L0632	LSO sag rigid frame cust		A					
L0633	LSO flexion control prefab		A					
L0634	LSO flexion control custom		A					
L0635	LSO sagit rigid panel prefab		A					
L0636	LSO sagittal rigid panel cus		A					
L0637	LSO sag-coronal panel prefab		A					
L0638	LSO sag-coronal panel custom		A					
L0639	LSO s/c shell/panel prefab		A					
L0640	LSO s/c shell/panel custom		A					
L0700	Ctlso a-p-l control molded		A					
L0710	Ctlso a-p-l control w/ inter		A					
L0810	Halo cervical into jckt vest		A					
L0820	Halo cervical into body jack		A					
L0830	Halo cerv into milwaukee typ		A					
L0859	MRI compatible system		A					
L0861	Halo repl liner/interface		A					
L0970	Tlso corset front		A					
L0972	Lso corset front		A					
L0974	Tlso full corset		A					
L0976	Lso full corset		A					
L0978	Axillary crutch extension		A					
L0980	Peroneal straps pair		A					
L0982	Stocking supp grips set of f		A					
L0984	Protective body sock each		A					
L0999	Add to spinal orthosis NOS		A					
L1000	Ctlso milwauke initial model		A					
L1001	CTLSO infant immobilizer		A					
L1005	Tension based scoliosis orth		A					
L1010	Ctlso axilla sling		A					
L1020	Kyphosis pad		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L1025	Kyphosis pad floating		A					
L1030	Lumbar bolster pad		A					
L1040	Lumbar or lumbar rib pad		A					
L1050	Sternal pad		A					
L1060	Thoracic pad		A					
L1070	Trapezius sling		A					
L1080	Outrigger		A					
L1085	Outrigger bil w/ vert extens		A					
L1090	Lumbar sling		A					
L1100	Ring flange plastic/leather		A					
L1110	Ring flange plas/leather mol		A					
L1120	Covers for upright each		A					
L1200	Furnsh initial orthosis only		A					
L1210	Lateral thoracic extension		A					
L1220	Anterior thoracic extension		A					
L1230	Milwaukee type superstructur		A					
L1240	Lumbar derotation pad		A					
L1250	Anterior asis pad		A					
L1260	Anterior thoracic derotation		A					
L1270	Abdominal pad		A					
L1280	Rib gusset (elastic) each		A					
L1290	Lateral trochanteric pad		A					
L1300	Body jacket mold to patient		A					
L1310	Post-operative body jacket		A					
L1499	Spinal orthosis NOS		A					
L1500	Thkao mobility frame		A					
L1510	Thkao standing frame		A					
L1520	Thkao swivel walker		A					
L1600	Abduct hip flex frejka w cvr		A					
L1610	Abduct hip flex frejka covr		A					
L1620	Abduct hip flex pavlik harne		A					
L1630	Abduct control hip semi-flex		A					
L1640	Pelv band/spread bar thigh c		A					
L1650	HO abduction hip adjustable		A					
L1652	HO bi thighcuffs w sprdr bar		A					
L1660	HO abduction static plastic		A					
L1680	Pelvic & hip control thigh c		A					
L1685	Post-op hip abduct custom fa		A					
L1686	HO post-op hip abduction		A					
L1690	Combination bilateral HO		A					
L1700	Leg perthes orth toronto typ		A					
L1710	Legg perthes orth newington		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L1720	Legg perthes orthosis trilat		A					
L1730	Legg perthes orth scottish r		A					
L1755	Legg perthes patten bottom t		A					
L1800	Knee orthoses elas w stays		A					
L1810	Ko elastic with joints		A					
L1815	Elastic with condylar pads		A					
L1820	Ko elas w/ condyle pads & jo		A					
L1825	Ko elastic knee cap		A					
L1830	Ko immobilizer canvas longit		A					
L1831	Knee orth pos locking joint		A					
L1832	KO adj jnt pos rigid support		A					
L1834	Ko w/0 joint rigid molded to		A					
L1836	Rigid KO wo joints		A					
L1840	Ko derot ant cruciate custom		A					
L1843	KO single upright custom fit		A					
L1844	Ko w/adj jt rot cntrl molded		A					
L1845	Ko w/ adj flex/ext rotat cus		A					
L1846	Ko w adj flex/ext rotat mold		A					
L1847	KO adjustable w air chambers		A					
L1850	Ko swedish type		A					
L1860	Ko supracondylar socket mold		A					
L1900	Afo sprng wir drsflx calf bd		A					
L1901	Prefab ankle orthosis		A					
L1902	Afo ankle gauntlet		A					
L1904	Afo molded ankle gauntlet		A					
L1906	Afo multiligamentus ankle su		A					
L1907	AFO supramalleolar custom		A					
L1910	Afo sing bar clasp attach sh		A					
L1920	Afo sing upright w/ adjust s		A					
L1930	Afo plastic		A					
L1932	Afo rig ant tib prefab TCF/=		A					
L1940	Afo molded to patient plasti		A					
L1945	Afo molded plas rig ant tib		A					
L1950	Afo spiral molded to pt plas		A					
L1951	AFO spiral prefabricated		A					
L1960	Afo pos solid ank plastic mo		A					
L1970	Afo plastic molded w/ankle j		A					
L1971	AFO w/ankle joint, prefab		A					
L1980	Afo sing solid stirrup calf		A					
L1990	Afo doub solid stirrup calf		A					
L2000	Kafo sing fre stirr thi/calf		A					
L2005	KAFO sng/dbl mechanical act		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L2010	Kafo sng solid stirrup w/o j		A					
L2020	Kafo dbl solid stirrup band/		A					
L2030	Kafo dbl solid stirrup w/o j		A					
L2034	KAFO pla sin up w/wo k/a cus		A					
L2035	KAFO plastic pediatric size		A					
L2036	Kafo plas doub free knee mol		A					
L2037	Kafo plas sing free knee mol		A					
L2038	Kafo w/o joint multi-axis an		A					
L2040	Hkafo torsion bil rot straps		A					
L2050	Hkafo torsion cable hip pelv		A					
L2060	Hkafo torsion ball bearing j		A					
L2070	Hkafo torsion unilat rot str		A					
L2080	Hkafo unilat torsion cable		A					
L2090	Hkafo unilat torsion ball br		A					
L2106	Afo tib fx cast plaster mold		A					
L2108	Afo tib fx cast molded to pt		A					
L2112	Afo tibial fracture soft		A					
L2114	Afo tib fx semi-rigid		A					
L2116	Afo tibial fracture rigid		A					
L2126	Kafo fem fx cast thermoplas		A					
L2128	Kafo fem fx cast molded to p		A					
L2132	Kafo femoral fx cast soft		A					
L2134	Kafo fem fx cast semi-rigid		A					
L2136	Kafo femoral fx cast rigid		A					
L2180	Plas shoe insert w ank joint		A					
L2182	Drop lock knee		A					
L2184	Limited motion knee joint		A					
L2186	Adj motion knee jnt lerman t		A					
L2188	Quadrilateral brim		A					
L2190	Waist belt		A					
L2192	Pelvic band & belt thigh fla		A					
L2200	Limited ankle motion ea jnt		A					
L2210	Dorsiflexion assist each joi		A					
L2220	Dorsi & plantar flex ass/res		A					
L2230	Split flat caliper stirr & p		A					
L2232	Rocker bottom, contact AFO		A					
L2240	Round caliper and plate atta		A					
L2250	Foot plate molded stirrup at		A					
L2260	Reinforced solid stirrup		A					
L2265	Long tongue stirrup		A					
L2270	Varus/valgus strap padded/li		A					
L2275	Plastic mod low ext pad/line		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L2280	Molded inner boot		A					
L2300	Abduction bar jointed adjust		A					
L2310	Abduction bar-straight		A					
L2320	Non-molded lacer		A					
L2330	Lacer molded to patient mode		A					
L2335	Anterior swing band		A					
L2340	Pre-tibial shell molded to p		A					
L2350	Prosthetic type socket molde		A					
L2360	Extended steel shank		A					
L2370	Patten bottom		A					
L2375	Torsion ank & half solid sti		A					
L2380	Torsion straight knee joint		A					
L2385	Straight knee joint heavy du		A					
L2387	Add LE poly knee custom KAFO		A					
L2390	Offset knee joint each		A					
L2395	Offset knee joint heavy duty		A					
L2397	Suspension sleeve lower ext		A					
L2405	Knee joint drop lock ea jnt		A					
L2415	Knee joint cam lock each joi		A					
L2425	Knee disc/dial lock/adj flex		A					
L2430	Knee jnt ratchet lock ea jnt		A					
L2492	Knee lift loop drop lock rin		A					
L2500	Thi/glut/ischia wgt bearing		A					
L2510	Th/wght bear quad-lat brim m		A					
L2520	Th/wght bear quad-lat brim c		A					
L2525	Th/wght bear nar m-l brim mo		A					
L2526	Th/wght bear nar m-l brim cu		A					
L2530	Thigh/wght bear lacer non-mo		A					
L2540	Thigh/wght bear lacer molded		A					
L2550	Thigh/wght bear high roll cu		A					
L2570	Hip clevis type 2 posit jnt		A					
L2580	Pelvic control pelvic sling		A					
L2600	Hip clevis/thrust bearing fr		A					
L2610	Hip clevis/thrust bearing lo		A					
L2620	Pelvic control hip heavy dut		A					
L2622	Hip joint adjustable flexion		A					
L2624	Hip adj flex ext abduct cont		A					
L2627	Plastic mold recipro hip & c		A					
L2628	Metal frame recipro hip & ca		A					
L2630	Pelvic control band & belt u		A					
L2640	Pelvic control band & belt b		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L2650	Pelv & thor control gluteal		A					
L2660	Thoracic control thoracic ba		A					
L2670	Thorac cont paraspinal uprig		A					
L2680	Thorac cont lat support upri		A					
L2750	Plating chrome/nickel pr bar		A					
L2755	Carbon graphite lamination		A					
L2760	Extension per extension per		A					
L2768	Ortho sidebar disconnect		A					
L2770	Low ext orthosis per bar/jnt		A					
L2780	Non-corrosive finish		A					
L2785	Drop lock retainer each		A					
L2795	Knee control full kneecap		A					
L2800	Knee cap medial or lateral p		A					
L2810	Knee control condylar pad		A					
L2820	Soft interface below knee se		A					
L2830	Soft interface above knee se		A					
L2840	Tibial length sock fx or equ		A					
L2850	Femoral lgth sock fx or equa		A					
L2999	Lower extremity orthosis NOS		A					
L3000	Ft insert ucb berkeley shell		A					
L3001	Foot insert remov molded spe		A					
L3002	Foot insert plastazote or eq		A					
L3003	Foot insert silicone gel eac		A					
L3010	Foot longitudinal arch suppo		A					
L3020	Foot longitud/metatarsal sup		A					
L3030	Foot arch support remov prem		A					
L3031	Foot lamin/prepreg composite		A					
L3040	Ft arch suprt premold longit		A					
L3050	Foot arch supp premold metat		A					
L3060	Foot arch supp longitud/meta		A					
L3070	Arch suprt att to sho longit		A					
L3080	Arch supp att to shoe metata		A					
L3090	Arch supp att to shoe long/m		A					
L3100	Hallus-valgus nght dynamic s		A					
L3140	Abduction rotation bar shoe		A					
L3150	Abduct rotation bar w/o shoe		A					
L3160	Shoe styled positioning dev		A					
L3170	Foot plastic heel stabilizer		A					
L3201	Oxford w supinat/pronat inf		A					
L3202	Oxford w/ supinat/pronator c		A					
L3203	Oxford w/ supinator/pronator		A					
L3204	! lightop w/ supp/pronator inf		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L3206	Hightop w/ supp/pronator chi		A					
L3207	Hightop w/ supp/pronator jun		A					
L3208	Surgical boot each infant		A					
L3209	Surgical boot each child		A					
L3211	Surgical boot each junior		A					
L3212	Benesch boot pair infant		A					
L3213	Benesch boot pair child		A					
L3214	Benesch boot pair junior		A					
L3215	Orthopedic ftwear ladies oxf		E					
L3216	Orthoped ladies shoes dpth i		E					
L3217	Ladies shoes hightop depth i		E					
L3219	Orthopedic mens shoes oxford		E					
L3221	Orthopedic mens shoes dpth i		E					
L3222	Mens shoes hightop depth inl		E					
L3224	Woman's shoe oxford brace		A					
L3225	Man's shoe oxford brace		A					
L3230	Custom shoes depth inlay		A					
L3250	Custom mold shoe remov prost		A					
L3251	Shoe molded to pt silicone s		A					
L3252	Shoe molded plastazote cust		A					
L3253	Shoe molded plastazote cust		A					
L3254	Orth foot non-stndard size/w		A					
L3255	Orth foot non-standard size/		A					
L3257	Orth foot add charge split s		A					
L3260	Ambulatory surgical boot eac		E					
L3265	Plastazote sandal each		A					
L3300	Sho lift taper to metatarsal		A					
L3310	Shoe lift elev heel/sole neo		A					
L3320	Shoe lift elev heel/sole cor		A					
L3330	Lifts elevation metal extens		A					
L3332	Shoe lifts tapered to one-ha		A					
L3334	Shoe lifts elevation heel /i		A					
L3340	Shoe wedge sach		A					
L3350	Shoe heel wedge		A					
L3360	Shoe sole wedge outside sole		A					
L3370	Shoe sole wedge between sole		A					
L3380	Shoe clubfoot wedge		A					
L3390	Shoe outflare wedge		A					
L3400	Shoe metatarsal bar wedge ro		A					
L3410	Shoe metatarsal bar between		A					
L3420	Full sole/heel wedge btween		A					
L3430	Sho heel count plast reinfor		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L3440	Heel leather reinforced		A					
L3450	Shoe heel sach cushion type		A					
L3455	Shoe heel new leather standa		A					
L3460	Shoe heel new rubber standar		A					
L3465	Shoe heel thomas with wedge		A					
L3470	Shoe heel thomas extend to b		A					
L3480	Shoe heel pad & depress for		A					
L3485	Shoe heel pad removable for		A					
L3500	Ortho shoe add leather insol		A					
L3510	Orthopedic shoe add rub insl		A					
L3520	O shoe add felt w leath insl		A					
L3530	Ortho shoe add half sole		A					
L3540	Ortho shoe add full sole		A					
L3550	O shoe add standard toe tap		A					
L3560	O shoe add horseshoe toe tap		A					
L3570	O shoe add instep extension		A					
L3580	O shoe add instep velcro clo		A					
L3590	O shoe convert to sof counte		A					
L3595	Ortho shoe add march bar		A					
L3600	Trans shoe calip plate exist		A					
L3610	Trans shoe caliper plate new		A					
L3620	Trans shoe solid stirrup exi		A					
L3630	Trans shoe solid stirrup new		A					
L3640	Shoe dennis browne splint bo		A					
L3649	Orthopedic shoe modifica NOS		A					
L3650	Shlder fig 8 abduct restrain		A					
L3651	Prefab shoulder orthosis		A					
L3652	Prefab dbl shoulder orthosis		A					
L3660	Abduct restrainer canvas&web		A					
L3670	Acromio/clavicular canvas&we		A					
L3671	SO cap design w/o jnts CF		A					
L3672	SO airplane w/o jnts CF		A					
L3673	SO airplane w/joint CF		A					
L3675	Canvas vest SO		A					
L3677	SO hard plastic stabilizer		E					
L3700	Elbow orthoses elas w stays		A					
L3701	Prefab elbow orthosis		A					
L3702	EO w/o joints CF		A					
L3710	Elbow elastic with metal joi		A					
L3720	Forearm/arm cuffs free motio		A					
L3730	Forearm/arm cuffs ext/flex a		A					
L3740	Cuffs adj lock w/ active con		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L3760	EO withjoint, Prefabricated		A					
L3762	Rigid EO wo joints		A					
L3763	EWHO rigid w/o jnts CF		A					
L3764	EWHO w/joint(s) CF		A					
L3765	EWHFO rigid w/o jnts CF		A					
L3766	EWHFO w/joint(s) CF		A					
L3806	WHFO w/joint(s) custom fab		A					
L3807	WHFO,no joint, prefabricated		A					
L3808	WHFO, rigid w/o joints		A					
L3900	Hinge extension/flex wrist/f		A					
L3901	Hinge ext/flex wrist finger		A					
L3904	Whfo electric custom fitted		A					
L3905	WHO w/nontorsion jnt(s) CF		A					
L3906	WHO w/o joints CF		A					
L3908	Wrist cock-up non-molded		A					
L3909	Prefab wrist orthosis		A					
L3911	Prefab hand finger orthosis		A					
L3912	Flex glove w/elastic finger		A					
L3913	HFO w/o joints CF		A					
L3915	WHO w nontor jnt(s) prefab		A					
L3917	Prefab metacarpl fx orthosis		A					
L3919	HO w/o joints CF		A					
L3921	HFO w/joint(s) CF		A					
L3923	HFO w/o joints PF		A					
L3925	FO pip/dip with joint/spring		A					
L3927	FO pip/dip w/o joint/spring		A					
L3929	HFO nontorsion joint, prefab		A					
L3931	WHFO nontorsion joint prefab		A					
L3933	FO w/o joints CF		A					
L3935	FO nontorsion joint CF		A					
L3956	Add joint upper ext orthosis		A					
L3960	Sewho airplan desig abdu pos		A					
L3961	SEWHO cap design w/o jnts CF		A					
L3962	Sewho erbs palsey design abd		A					
L3964	Seo mobile arm sup att to wc		Y					
L3965	Arm supp att to wc rancho ty		Y					
L3966	Mobile arm supports reclinin		Y					
L3967	SEWHO airplane w/o jnts CF		A					
L3968	Friction dampening arm supp		Y					
L3969	Monosuspension arm/hand supp		Y					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L3970	Elevat proximal arm support		Y					
L3971	SEWHO cap design w/jnt(s) CF		A					
L3972	Offset/lat rocker arm w/ ela		Y					
L3973	SEWHO airplane w/jnt(s) CF		A					
L3974	Mobile arm support supinator		Y					
L3975	SEWHFO cap design w/o jnt CF		A					
L3976	SEWHFO airplane w/o jnts CF		A					
L3977	SEWHFO cap desgn w/jnt(s) CF		A					
L3978	SEWHFO airplane w/jnt(s) CF		A					
L3980	Upp ext fx orthosis humeral		A					
L3982	Upper ext fx orthosis rad/ul		A					
L3984	Upper ext fx orthosis wrist		A					
L3995	Sock fracture or equal each		A					
L3999	Upper limb orthosis NOS		A					
L4000	Repl girdle milwaukee orth		A					
L4002	Replace strap, any orthosis		A					
L4010	Replace trilateral socket br		A					
L4020	Replace quadlat socket brim		A					
L4030	Replace socket brim cust fit		A					
L4040	Replace molded thigh lacer		A					
L4045	Replace non-molded thigh lac		A					
L4050	Replace molded calf lacer		A					
L4055	Replace non-molded calf lace		A					
L4060	Replace high roll cuff		A					
L4070	Replace prox & dist upright		A					
L4080	Repl met band kafo-afo prox		A					
L4090	Repl met band kafo-afo calf/		A					
L4100	Repl leath cuff kafo prox th		A					
L4110	Repl leath cuff kafo-afo cal		A					
L4130	Replace pretibial shell		A					
L4205	Ortho dvc repair per 15 min		A					
L4210	Orth dev repair/repl minor p		A					
L4350	Ankle control orthosi prefab		A					
L4360	Pneumati walking boot prefab		A					
L4370	Pneumatic full leg splint		A					
L4380	Pneumatic knee splint		A					
L4386	Non-pneum walk boot prefab		A					
L4392	Replace AFO soft interface		A					
L4394	Replace foot drop spint		A					
L4396	Static AFO		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L4398	Foot drop splint recumbent		A					
L5000	Sho insert w arch toe filler		A					
L5010	Mold socket ank hgt w/ toe f		A					
L5020	Tibial tubercle hgt w/ toe f		A					
L5050	Ank symes mold sckt sach ft		A					
L5060	Symes met fr leath socket ar		A					
L5100	Molded socket shin sach foot		A					
L5105	Plast socket jts/thgh lacer		A					
L5150	Mold sckt ext knee shin sach		A					
L5160	Mold socket bent knee shin s		A					
L5200	Kne sing axis fric shin sach		A					
L5210	No knee/ankle joints w/ ft b		A					
L5220	No knee joint with artic ali		A					
L5230	Fem focal defic constant fri		A					
L5250	Hip canad sing axi cons fric		A					
L5270	Tilt table locking hip sing		A					
L5280	Hemipelvect canad sing axis		A					
L5301	BK mold socket SACH ft endo		A					
L5311	Knee disart, SACH ft, endo		A					
L5321	AK open end SACH		A					
L5331	Hip disart canadian SACH ft		A					
L5341	Hemipelvectomy canadian SACH		A					
L5400	Postop dress & 1 cast chg bk		A					
L5410	Postop dsg bk ea add cast ch		A					
L5420	Postop dsg & 1 cast chg ak/d		A					
L5430	Postop dsg ak ea add cast ch		A					
L5450	Postop app non-wgt bear dsg		A					
L5460	Postop app non-wgt bear dsg		A					
L5500	Init bk ptb plaster direct		A					
L5505	Init ak ischal plstr direct		A					
L5510	Prep BK ptb plaster molded		A					
L5520	Perp BK ptb thermopls direct		A					
L5530	Prep BK ptb thermopls molded		A					
L5535	Prep BK ptb open end socket		A					
L5540	Prep BK ptb laminated socket		A					
L5560	Prep AK ischial plast molded		A					
L5570	Prep AK ischial direct form		A					
L5580	Prep AK ischial thermo mold		A					
L5585	Prep AK ischial open end		A					
L5590	Prep AK ischial laminated		A					
L5595	Hip disartic sach thermopls		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L5600	Hip disart sach laminat mold		A					
L5610	Above knee hydracadence		A					
L5611	Ak 4 bar link w/fric swing		A					
L5613	Ak 4 bar ling w/hydraul swig		A					
L5614	4-bar link above knee w/swng		A					
L5616	Ak univ multiplex sys frict		A					
L5617	AK/BK self-aligning unit ea		A					
L5618	Test socket symes		A					
L5620	Test socket below knee		A					
L5622	Test socket knee disarticula		A					
L5624	Test socket above knee		A					
L5626	Test socket hip disarticulat		A					
L5628	Test socket hemipelvectomy		A					
L5629	Below knee acrylic socket		A					
L5630	Syme typ expandabl wall sckt		A					
L5631	Ak/knee disartic acrylic soc		A					
L5632	Symes type ptb brim design s		A					
L5634	Symes type poster opening so		A					
L5636	Symes type medial opening so		A					
L5637	Below knee total contact		A					
L5638	Below knee leather socket		A					
L5639	Below knee wood socket		A					
L5640	Knee disarticulat leather so		A					
L5642	Above knee leather socket		A					
L5643	Hip flex inner socket ext fr		A					
L5644	Above knee wood socket		A					
L5645	Bk flex inner socket ext fra		A					
L5646	Below knee cushion socket		A					
L5647	Below knee suction socket		A					
L5648	Above knee cushion socket		A					
L5649	Isch containmt/narrow m-l so		A					
L5650	Tot contact ak/knee disart s		A					
L5651	Ak flex inner socket ext fra		A					
L5652	Suction susp ak/knee disart		A					
L5653	Knee disart expand wall sock		A					
L5654	Socket insert symes		A					
L5655	Socket insert below knee		A					
L5656	Socket insert knee articulat		A					
L5658	Socket insert above knee		A					
L5661	Multi-durometer symes		A					
L5665	Multi-durometer below knee		A					
L5666	Below knee cuff suspension		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L5668	Socket insert w/o lock lower		A					
L5670	Bk molded supracondylar susp		A					
L5671	BK/AK locking mechanism		A					
L5672	Bk removable medial brim sus		A					
L5673	Socket insert w lock mech		A					
L5676	Bk knee joints single axis p		A					
L5677	Bk knee joints polycentric p		A					
L5678	Bk joint covers pair		A					
L5679	Socket insert w/o lock mech		A					
L5680	Bk thigh lacer non-molded		A					
L5681	Intl custm cong/latyp insert		A					
L5682	Bk thigh lacer glut/ischia m		A					
L5683	Initial custom socket insert		A					
L5684	Bk fork strap		A					
L5685	Below knee sus/seal sleeve		A					
L5686	Bk back check		A					
L5688	Bk waist belt webbing		A					
L5690	Bk waist belt padded and lin		A					
L5692	Ak pelvic control belt light		A					
L5694	Ak pelvic control belt pad/l		A					
L5695	Ak sleeve susp neoprene/equa		A					
L5696	Ak/knee disartic pelvic join		A					
L5697	Ak/knee disartic pelvic band		A					
L5698	Ak/knee disartic silesian ba		A					
L5699	Shoulder harness		A					
L5700	Replace socket below knee		A					
L5701	Replace socket above knee		A					
L5702	Replace socket hip		A					
L5703	Symes ankle w/o (SACH) foot		A					
L5704	Custom shape cover BK		A					
L5705	Custom shape cover AK		A					
L5706	Custom shape cvr knee disart		A					
L5707	Custom shape cvr hip disart		A					
L5710	Kne-shin exo sng axi mnl loc		A					
L5711	Knee-shin exo mnl lock ultra		A					
L5712	Knee-shin exo frict swg & st		A					
L5714	Knee-shin exo variable frict		A					
L5716	Knee-shin exo mech stance ph		A					
L5718	Knee-shin exo frct swg & sta		A					
L5722	Knee-shin pneum swg frct exo		A					
L5724	Knee-shin exo fluid swing ph		A					
L5726	Knee-shin ext jnts fld swg e		A					

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L5728	Knee-shin fluid swg & stance		A					
L5780	Knee-shin pneum/hydra pneum		A					
L5781	Lower limb pros vacuum pump		A					
L5782	HD low limb pros vacuum pump		A					
L5785	Exoskeletal bk ultralt mater		A					
L5790	Exoskeletal ak ultra-light m		A					
L5795	Exoskel hip ultra-light mate		A					
L5810	Endoskel knee-shin mnl lock		A					
L5811	Endo knee-shin mnl lck ultra		A					
L5812	Endo knee-shin frct swg & st		A					
L5814	Endo knee-shin hydral swg ph		A					
L5816	Endo knee-shin polyc mch sta		A					
L5818	Endo knee-shin frct swg & st		A					
L5822	Endo knee-shin pneum swg frc		A					
L5824	Endo knee-shin fluid swing p		A					
L5826	Miniature knee joint		A					
L5828	Endo knee-shin fluid swg/sta		A					
L5830	Endo knee-shin pneum/swg pha		A					
L5840	Multi-axial knee/shin system		A					
L5845	Knee-shin sys stance flexion		A					
L5848	Knee-shin sys hydraul stance		A					
L5850	Endo ak/hip knee extens assi		A					
L5855	Mech hip extension assist		A					
L5856	Elec knee-shin swing/stance		A					
L5857	Elec knee-shin swing only		A					
L5858	Stance phase only		A					
L5910	Endo below knee alignable sy		A					
L5920	Endo ak/hip alignable system		A					
L5925	Above knee manual lock		A					
L5930	High activity knee frame		A					
L5940	Endo bk ultra-light material		A					
L5950	Endo ak ultra-light material		A					
L5960	Endo hip ultra-light materia		A					
L5962	Below knee flex cover system		A					
L5964	Above knee flex cover system		A					
L5966	Hip flexible cover system		A					
L5968	Multiaxial ankle w dorsiflex		A					
L5970	Foot external keel sach foot		A					
L5971	SACH foot, replacement		A					
L5972	Flexible keel foot		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L5974	Foot single axis ankle/foot		A					
L5975	Combo ankle/foot prosthesis		A					
L5976	Energy storing foot		A					
L5978	Ft prosth multiaxial ankl/ft		A					
L5979	Multi-axial ankle/ft prosth		A					
L5980	Flex foot system		A					
L5981	Flex-walk sys low ext prosth		A					
L5982	Exoskeletal axial rotation u		A					
L5984	Endoskeletal axial rotation		A					
L5985	Lwr ext dynamic prosth pylon		A					
L5986	Multi-axial rotation unit		A					
L5987	Shank ft w vert load pylon		A					
L5988	Vertical shock reducing pylo		A					
L5990	User adjustable heel height		A					
L5999	Lowr extremity prosthes NOS		A					
L6000	Par hand robin-aids thum rem		A					
L6010	Hand robin-aids little/ring		A					
L6020	Part hand robin-aids no fing		A					
L6025	Part hand disart myoelectric		A					
L6050	Wrst MLd sck flx hng tri pad		A					
L6055	Wrst mold sock w/exp interfa		A					
L6100	Elb mold sock flex hinge pad		A					
L6110	Elbow mold sock suspension t		A					
L6120	Elbow mold doub splt soc ste		A					
L6130	Elbow stump activated lock h		A					
L6200	Elbow mold outsid lock hinge		A					
L6205	Elbow molded w/ expand inter		A					
L6250	Elbow inter loc elbow forarm		A					
L6300	Shlder disart int lock elbow		A					
L6310	Shoulder passive restor comp		A					
L6320	Shoulder passive restor cap		A					
L6350	Thoracic intern lock elbow		A					
L6360	Thoracic passive restor comp		A					
L6370	Thoracic passive restor cap		A					
L6380	Postop dsg cast chg wrst/elb		A					
L6382	Postop dsg cast chg elb dis/		A					
L6384	Postop dsg cast chg shlder/t		A					
L6386	Postop ea cast chg & realign		A					
L6388	Postop applicat rigid dsg on		A					
L6400	Below elbow prosth tiss shap		A					
L6450	Elb disart prosth tiss shap		A					
L6500	Above elbow prosth tiss shap		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L6550	Shldr disar prosth tiss shap		A					
L6570	Scap thorac prosth tiss shap		A					
L6580	Wrist/elbow bowden cable mol		A					
L6582	Wrist/elbow bowden cbl dir f		A					
L6584	Elbow fair lead cable molded		A					
L6586	Elbow fair lead cable dir fo		A					
L6588	Shdr fair lead cable molded		A					
L6590	Shdr fair lead cable direct		A					
L6600	Polycentric hinge pair		A					
L6605	Single pivot hinge pair		A					
L6610	Flexible metal hinge pair		A					
L6611	Additional switch, ext power		A					
L6615	Disconnect locking wrist uni		A					
L6616	Disconnect insert locking wr		A					
L6620	Flexion/extension wrist unit		A					
L6621	Flex/ext wrist w/wo friction		A					
L6623	Spring-ass rot wrst w/ latch		A					
L6624	Flex/ext/rotation wrist unit		A					
L6625	Rotation wrst w/ cable lock		A					
L6628	Quick disconn hook adapter o		A					
L6629	Lamination collar w/ couplin		A					
L6630	Stainless steel any wrist		A					
L6632	Latex suspension sleeve each		A					
L6635	Lift assist for elbow		A					
L6637	Nudge control elbow lock		A					
L6638	Elec lock on manual pw elbow		A					
L6639	Heavy duty elbow feature		A					
L6640	Shoulder abduction joint pai		A					
L6641	Excursion amplifier pulley t		A					
L6642	Excursion amplifier lever ty		A					
L6645	Shoulder flexion-abduction j		A					
L6646	Multipo locking shoulder jnt		A					
L6647	Shoulder lock actuator		A					
L6648	Ext pwrd shlder lock/unlock		A					
L6650	Shoulder universal joint		A					
L6655	Standard control cable extra		A					
L6660	Heavy duty control cable		A					
L6665	Teflon or equal cable lining		A					
L6670	Hook to hand cable adapter		A					
L6672	Harness chest/shlder saddle		A					
L6675	Harness figure of 8 sing con		A					
L6676	Harness figure of 8 dual con		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L6677	UE triple control harness		A					
L6680	Test sock wrist disart/bel e		A					
L6682	Test sock elbw disart/above		A					
L6684	Test socket shldr disart/tho		A					
L6686	Suction socket		A					
L6687	Frame typ socket bel elbow/w		A					
L6688	Frame typ sock above elb/dis		A					
L6689	Frame typ socket shoulder di		A					
L6690	Frame typ sock interscap-tho		A					
L6691	Removable insert each		A					
L6692	Silicone gel insert or equal		A					
L6693	Lockingelbow forearm cntrbal		A					
L6694	Elbow socket ins use w/lock		A					
L6695	Elbow socket ins use w/o lck		A					
L6696	Cus elbo skt in for con/atyp		A					
L6697	Cus elbo skt in not con/atyp		A					
L6698	Below/above elbow lock mech		A					
L6703	Term dev, passive hand mitt		A					
L6704	Term dev, sport/rec/work att		A					
L6706	Term dev mech hook vol open		A					
L6707	Term dev mech hook vol close		A					
L6708	Term dev mech hand vol open		A					
L6709	Term dev mech hand vol close		A					
L6711	Ped term dev, hook, vol open		A					
L6712	Ped term dev, hook, vol clos		A					
L6713	Ped term dev, hand, vol open		A					
L6714	Ped term dev, hand, vol clos		A					
L6721	Hook/hand, hvy dty, vol open		A					
L6722	Hook/hand, hvy dty, vol clos		A					
L6805	Term dev modifier wrist unit		A					
L6810	Term dev precision pinch dev		A					
L6881	Term dev auto grasp feature		A					
L6882	Microprocessor control uplmb		A					
L6883	Replc sockt below e/w disa		A					
L6884	Replc sockt above elbow disa		A					
L6885	Replc sockt shldr dis/interc		A					
L6890	Prefab glove for term device		A					
L6895	Custom glove for term device		A					
L6900	Hand restorat thumb/1 finger		A					
L6905	Hand restoration multiple fi		A					
L6910	Hand restoration no fingers		A					
L6915	Hand restoration replacmnt g		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L6920	Wrist disarticul switch ctrl		A					
L6925	Wrist disart myoelectronic c		A					
L6930	Below elbow switch control		A					
L6935	Below elbow myoelectronic ct		A					
L6940	Elbow disarticulation switch		A					
L6945	Elbow disart myoelectronic c		A					
L6950	Above elbow switch control		A					
L6955	Above elbow myoelectronic ct		A					
L6960	Shldr disartic switch contro		A					
L6965	Shldr disartic myoelectronic		A					
L6970	Interscapular-thor switch ct		A					
L6975	Interscap-thor myoelectronic		A					
L7007	Adult electric hand		A					
L7008	Pediatric electric hand		A					
L7009	Adult electric hook		A					
L7040	Prehensile actuator		A					
L7045	Pediatric electric hook		A					
L7170	Electronic elbow hosmer swit		A					
L7180	Electronic elbow sequential		A					
L7181	Electronic elbo simultaneous		A					
L7185	Electron elbow adolescent sw		A					
L7186	Electron elbow child switch		A					
L7190	Elbow adolescent myoelectron		A					
L7191	Elbow child myoelectronic ct		A					
L7260	Electron wrist rotator otto		A					
L7261	Electron wrist rotator utah		A					
L7266	Servo control steeper or equ		A					
L7272	Analogue control unb or equa		A					
L7274	Proportional ctl 12 volt uta		A					
L7360	Six volt bat otto bock/eq ea		A					
L7362	Battery chrgr six volt otto		A					
L7364	Twelve volt battery utah/equ		A					
L7366	Battery chrgr 12 volt utah/e		A					
L7367	Replacemnt lithium ionbatter		A					
L7368	Lithium ion battery charger		A					
L7400	Add UE prost be/wd, ultlite		A					
L7401	Add UE prost a/e ultlite mat		A					
L7402	Add UE prost s/d ultlite mat		A					
L7403	Add UE prost b/e acrylic		A					
L7404	Add UE prost a/e acrylic		A					
L7405	Add UE prost s/d acrylic		A					
L7499	Upper extremity prosthes NOS		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L7500	Prosthetic dvc repair hourly		A					
L7510	Prosthetic device repair rep		A					
L7520	Repair prosthesis per 15 min		A					
L7600	Prosthetic donning sleeve		E					
L7900	Male vacuum erection system		A					
L8000	Mastectomy bra		A					
L8001	Breast prosthesis bra & form		A					
L8002	Brst prsth bra & bilat form		A					
L8010	Mastectomy sleeve		A					
L8015	Ext breastprosthesis garment		A					
L8020	Mastectomy form		A					
L8030	Breast prosthesis silicone/e		A					
L8035	Custom breast prosthesis		A					
L8039	Breast prosthesis NOS		A					
L8040	Nasal prosthesis		A					
L8041	Midfacial prosthesis		A					
L8042	Orbital prosthesis		A					
L8043	Upper facial prosthesis		A					
L8044	Hemi-facial prosthesis		A					
L8045	Auricular prosthesis		A					
L8046	Partial facial prosthesis		A					
L8047	Nasal septal prosthesis		A					
L8048	Unspec maxillofacial prosth		A					
L8049	Repair maxillofacial prosth		A					
L8300	Truss single w/ standard pad		A					
L8310	Truss double w/ standard pad		A					
L8320	Truss addition to std pad wa		A					
L8330	Truss add to std pad scrotal		A					
L8400	Sheath below knee		A					
L8410	Sheath above knee		A					
L8415	Sheath upper limb		A					
L8417	Pros sheath/sock w gel cushn		A					
L8420	Prosthetic sock multi ply BK		A					
L8430	Prosthetic sock multi ply AK		A					
L8435	Pros sock multi ply upper lm		A					
L8440	Shrinker below knee		A					
L8460	Shrinker above knee		A					
L8465	Shrinker upper limb		A					
L8470	Pros sock single ply BK		A					
L8480	Pros sock single ply AK		A					
L8485	Pros sock single ply upper l		A					
L8499	Unlisted misc prosthetic ser		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L8500	Artificial larynx		A					
L8501	Tracheostomy speaking valve		A					
L8505	Artificial larynx, accessory		A					
L8507	Trach-esoph voice pros pt in		A					
L8509	Trach-esoph voice pros md in		A					
L8510	Voice amplifier		A					
L8511	Indwelling trach insert		A					
L8512	Gel cap for trach voice pros		A					
L8513	Trach pros cleaning device		A					
L8514	Repl trach puncture dilator		A					
L8515	Gel cap app device for trach		A					
L8600	Implant breast silicone/eq		N					
L8603	Collagen imp urinary 2.5 ml		N					
L8604	Dextranomer/hyaluronic acid		N					
L8606	Synthetic implnt urinary 1ml		N					
L8609	Artificial cornea		N					
L8610	Ocular implant		N					
L8612	Aqueous shunt prosthesis		N					
L8613	Ossicular implant		N					
L8614	Cochlear device		N					
L8615	Coch implant headset replace		A					
L8616	Coch implant microphone repl		A					
L8617	Coch implant trans coil repl		A					
L8618	Coch implant tran cable repl		A					
L8619	Replace cochlear processor		A					
L8621	Repl zinc air battery		A					
L8622	Repl alkaline battery		A					
L8623	Lith ion batt CID,non-earlvl		A					
L8624	Lith ion batt CID, ear level		A					
L8630	Metacarpophalangeal implant		N					
L8631	MCP joint repl 2 pc or more		N					
L8641	Metatarsal joint implant		N					
L8642	Hallux implant		N					
L8658	Interphalangeal joint spacer		N					
L8659	Interphalangeal joint repl		N					
L8670	Vascular graft, synthetic		N					
L8680	Implt neurostim elctr each		B					
L8681	Pt prgrm for implt neurostim		A					
L8682	Implt neurostim radiofq rec		N					
L8683	Radiofq trsmtr for implt neu		A					
L8684	Radiof trsmtr implt scri neu		A					
L8685	Implt nrostm pls gen sng rec		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
L8686	Implt nrostm pls gen sng non		N					
L8687	Implt nrostm pls gen dua rec		N					
L8688	Implt nrostm pls gen dua non		N					
L8689	External recharg sys intern		A					
L8690	Aud osseo dev, int/ext comp		N					
L8691	Aud osseo dev ext snd proces		A					
L8695	External recharg sys extern		A					
L8699	Prosthetic implant NOS		N					
L9900	O&P supply/accessory/service		N					
M0064	Visit for drug monitoring	CH	Q3	0607	1.6475	$111.11		$22.23
M0075	Cellular therapy		E					
M0076	Prolotherapy		E					
M0100	Intragastric hypothermia		E					
M0300	IV chelationtherapy		E					
M0301	Fabric wrapping of aneurysm		E					
P2028	Cephalin floculation test		A					
P2029	Congo red blood test		A					
P2031	Hair analysis		E					
P2033	Blood thymol turbidity		A					
P2038	Blood mucoprotein		A					
P3000	Screen pap by tech w md supv		A					
P3001	Screening pap smear by phys		B					
P7001	Culture bacterial urine		E					
P9010	Whole blood for transfusion		R	0950	3.0836	$207.95		$41.59
P9011	Blood split unit		R	0967	1.3501	$91.05		$18.21
P9012	Cryoprecipitate each unit		R	0952	0.6649	$44.84		$8.97
P9016	RBC leukocytes reduced		R	0954	2.7866	$187.93		$37.59
P9017	Plasma 1 donor frz w/in 8 hr		R	9508	1.1163	$75.28		$15.06
P9019	Platelets, each unit		R	0957	0.9817	$66.20		$13.24
P9020	Plaelet rich plasma unit		R	0958	2.2068	$148.82		$29.77
P9021	Red blood cells unit		R	0959	2.0986	$141.53		$28.31
P9022	Washed red blood cells unit		R	0960	4.0050	$270.09		$54.02
P9023	Frozen plasma, pooled, sd		R	0949	0.7931	$53.49		$10.70
P9031	Platelets leukocytes reduced		R	1013	1.6971	$114.45		$22.89
P9032	Platelets, irradiated		R	9500	2.3743	$160.12		$32.03
P9033	Platelets leukoreduced irrad		R	0968	1.8684	$126.00		$25.20
P9034	Platelets, pheresis		R	9507	6.8372	$461.09		$92.22
P9035	Platelet pheres leukoreduced		R	9501	7.7076	$519.79		$103.96
P9036	Platelet pheresis irradiated		R	9502	5.3120	$358.24		$71.65
P9037	Plate pheres leukoredu irrad		R	1019	9.9795	$673.01		$134.61
P9038	RBC irradiated		R	9505	3.2895	$221.84		$44.37
P9039	RBC deglycerolized		R	9504	4.9067	$330.90		$66.18

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HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
P9040	RBC leukoreduced irradiated		R	0969	3.7502	$252.91		$50.59
P9041	Albumin (human),5%, 50ml		K	0961	0.2426	$16.36		$3.28
P9043	Plasma protein fract,5%,50ml		R	0956	0.8589	$57.92		$11.59
P9044	Cryoprecipitatereducedplasma		R	1009	1.4025	$94.58		$18.92
P9045	Albumin (human), 5%, 250 ml		K	0963	0.9097	$61.35		$12.27
P9046	Albumin (human), 25%, 20 ml		K	0964	0.3611	$24.35		$4.87
P9047	Albumin (human), 25%, 50ml		K	0965	0.9115	$61.47		$12.30
P9048	Plasmaprotein fract,5%,250ml		R	0966	1.6335	$110.16		$22.04
P9050	Granulocytes, pheresis unit		R	9506	0.7212	$48.64		$9.73
P9051	Blood, l/r, cmv-neg		R	1010	2.1758	$146.73		$29.35
P9052	Platelets, hla-m, l/r, unit		R	1011	10.6799	$720.24		$144.05
P9053	Plt, pher, l/r cmv-neg, irr		R	1020	10.1586	$685.09		$137.02
P9054	Blood, l/r, froz/degly/wash		R	1016	1.4502	$97.80		$19.56
P9055	Plt, aph/pher, l/r, cmv-neg		R	1017	6.0502	$408.02		$81.61
P9056	Blood, l/r, irradiated		R	1018	2.8902	$194.91		$38.99
P9057	RBC, frz/deg/wsh, l/r, irrad		R	1021	6.1848	$417.10		$83.42
P9058	RBC, l/r, cmv-neg, irrad		R	1022	4.1746	$281.53		$56.31
P9059	Plasma, frz between 8-24hour		R	0955	1.1992	$80.87		$16.18
P9060	Fr frz plasma donor retested		R	9503	0.9130	$61.57		$12.32
P9603	One-way allow prorated miles		A					
P9604	One-way allow prorated trip		A					
P9612	Catheterize for urine spec		A					
P9615	Urine specimen collect mult		N					
Q0035	Cardiokymography		X	0100	2.5806	$174.03	$41.44	$34.81
Q0081	Infusion ther other than che		B					
Q0083	Chemo by other than infusion		B					
Q0084	Chemotherapy by infusion		B					
Q0085	Chemo by both infusion and o		B					
Q0091	Obtaining screen pap smear		T	0191	0.1502	$10.13	$2.36	$2.03
Q0092	Set up port xray equipment		N					
Q0111	Wet mounts/ w preparations		A					
Q0112	Potassium hydroxide preps		A					
Q0113	Pinworm examinations		A					
Q0114	Fern test		A					
Q0115	Post-coital mucous exam		A					
Q0144	Azithromycin dihydrate, oral		E					
Q0163	Diphenhydramine HCl 50mg		N					
Q0164	Prochlorperazine maleate 5mg		N					
Q0165	Prochlorperazine maleate10mg		N					
Q0166	Granisetron hcl 1 mg oral	CH	N					
Q0167	Dronabinol 2.5mg oral		N					
Q0168	Dronabinol 5mg oral		N					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
Q0169	Promethazine HCl 12.5mg oral		N					
Q0170	Promethazine HCl 25 mg oral		N					
Q0171	Chlorpromazine HCl 10mg oral		N					
Q0172	Chlorpromazine HCl 25mg oral		N					
Q0173	Trimethobenzamide HCl 250mg		N					
Q0174	Thiethylperazine maleate10mg		N					
Q0175	Perphenazine 4mg oral		N					
Q0176	Perphenazine 8mg oral		N					
Q0177	Hydroxyzine pamoate 25mg		N					
Q0178	Hydroxyzine pamoate 50mg		N					
Q0179	Ondansetron hcl 8 mg oral	CH	N					
Q0180	Dolasetron mesylate oral	CH	N					
Q0181	Unspecified oral anti-emetic		E					
Q0480	Driver pneumatic vad, rep		A					
Q0481	Microprcsr cu elec vad, rep		A					
Q0482	Microprcsr cu combo vad, rep		A					
Q0483	Monitor elec vad, rep		A					
Q0484	Monitor elec or comb vad rep		A					
Q0485	Monitor cable elec vad, rep		A					
Q0486	Mon cable elec/pneum vad rep		A					
Q0487	Leads any type vad, rep only		A					
Q0488	Pwr pack base elec vad, rep		A					
Q0489	Pwr pck base combo vad, rep		A					
Q0490	Emr pwr source elec vad, rep		A					
Q0491	Emr pwr source combo vad rep		A					
Q0492	Emr pwr cbl elec vad, rep		A					
Q0493	Emr pwr cbl combo vad, rep		A					
Q0494	Emr hd pmp elec/combo, rep		A					
Q0495	Charger elec/combo vad, rep		A					
Q0496	Battery elec/combo vad, rep		A					
Q0497	Bat clps elec/comb vad, rep		A					
Q0498	Holster elec/combo vad, rep		A					
Q0499	Belt/vest elec/combo vad rep		A					
Q0500	Filters elec/combo vad, rep		A					
Q0501	Shwr cov elec/combo vad, rep		A					
Q0502	Mobility cart pneum vad, rep		A					
Q0503	Battery pneum vad replacemnt		A					
Q0504	Pwr adpt pneum vad, rep veh		A					
Q0505	Miscl supply/accessory vad		A					
Q0510	Dispens fee immunosupressive		B					
Q0511	Sup fee antiem,antica,immuno		B					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
Q0512	Px sup fee anti-can sub pres		B					
Q0513	Disp fee inhal drugs/30 days		B					
Q0514	Disp fee inhal drugs/90 days		B					
Q0515	Sermorelin acetate injection		K	3050		$1.77		$0.36
Q1003	Ntiol category 3		N					
Q1004	Ntiol category 4		E					
Q1005	Ntiol category 5		E					
Q2004	Bladder calculi irrig sol		N					
Q2009	Fosphenytoin, 50 mg		N					
Q2017	Teniposide, 50 mg		K	7035		$319.52		$63.91
Q3001	Brachytherapy Radioelements		B					
Q3014	Telehealth facility fee		A					
Q3025	IM inj interferon beta 1-a		K	9022		$164.48		$32.90
Q3026	Subc inj interferon beta-1a		E					
Q3031	Collagen skin test		N					
Q4001	Cast sup body cast plaster		B					
Q4002	Cast sup body cast fiberglas		B					
Q4003	Cast sup shoulder cast plstr		B					
Q4004	Cast sup shoulder cast fbrgl		B					
Q4005	Cast sup long arm adult plst		B					
Q4006	Cast sup long arm adult fbrg		B					
Q4007	Cast sup long arm ped plster		B					
Q4008	Cast sup long arm ped fbrgls		B					
Q4009	Cast sup sht arm adult plstr		B					
Q4010	Cast sup sht arm adult fbrgl		B					
Q4011	Cast sup sht arm ped plaster		B					
Q4012	Cast sup sht arm ped fbrglas		B					
Q4013	Cast sup gauntlet plaster		B					
Q4014	Cast sup gauntlet fiberglass		B					
Q4015	Cast sup gauntlet ped plster		B					
Q4016	Cast sup gauntlet ped fbrgls		B					
Q4017	Cast sup lng arm splint plst		B					
Q4018	Cast sup lng arm splint fbrg		B					
Q4019	Cast sup lng arm splnt ped p		B					
Q4020	Cast sup lng arm splnt ped f		B					
Q4021	Cast sup sht arm splint plst		B					
Q4022	Cast sup sht arm splint fbrg		B					
Q4023	Cast sup sht arm splnt ped p		B					
Q4024	Cast sup sht arm splnt ped f		B					
Q4025	Cast sup hip spica plaster		B					
Q4026	Cast sup hip spica fiberglas		B					
Q4027	Cast sup hip spica ped plstr		B					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
Q4028	Cast sup hip spica ped fbrgl		B					
Q4029	Cast sup long leg plaster		B					
Q4030	Cast sup long leg fiberglass		B					
Q4031	Cast sup lng leg ped plaster		B					
Q4032	Cast sup lng leg ped fbrgls		B					
Q4033	Cast sup lng leg cylinder pl		B					
Q4034	Cast sup lng leg cylinder fb		B					
Q4035	Cast sup lngleg cylndr ped p		B					
Q4036	Cast sup lngleg cylndr ped f		B					
Q4037	Cast sup shrt leg plaster		B					
Q4038	Cast sup shrt leg fiberglass		B					
Q4039	Cast sup shrt leg ped plster		B					
Q4040	Cast sup shrt leg ped fbrgls		B					
Q4041	Cast sup lng leg splnt plstr		B					
Q4042	Cast sup lng leg splnt fbrgl		B					
Q4043	Cast sup lng leg splnt ped p		B					
Q4044	Cast sup lng leg splnt ped f		B					
Q4045	Cast sup sht leg splnt plstr		B					
Q4046	Cast sup sht leg splnt fbrgl		B					
Q4047	Cast sup sht leg splnt ped p		B					
Q4048	Cast sup sht leg splnt ped f		B					
Q4049	Finger splint, static		B					
Q4050	Cast supplies unlisted		B					
Q4051	Splint supplies misc		B					
Q4080	Iloprost non-comp unit dose		Y					
Q4081	Epoetin alfa, 100 units ESRD		A					
Q4082	Drug/bio NOC part B drug CAP		B					
Q4100	Skin substitute, NOS		N					
Q4101	Apligraf skin sub		K	1240		$30.70		$6.14
Q4102	Oasis wound matrix skin sub		K	1241		$4.24		$0.85
Q4103	Oasis burn matrix skin sub		K	1242		$4.24		$0.85
Q4104	Integra BMWD skin sub		K	1243		$11.83		$2.37
Q4105	Integra DRT skin sub		K	1244		$11.83		$2.37
Q4106	Dermagraft skin sub		K	1245		$37.76		$7.56
Q4107	Graftjacket skin sub		K	1246		$86.68		$17.34
Q4108	Integra matrix skin sub		K	1247		$18.24		$3.65
Q4109	Tissuemend skin sub		N					
Q4110	Primatrix skin sub		K	1248		$35.57		$7.12
Q4111	Gammagraft skin sub		K	1252		$7.18		$1.44
Q4112	Cymetra allograft		K	1249		$303.36		$60.68
Q4113	Graftjacket express allograf		K	1250		$303.36		$60.68
Q4114	Integra flowable wound matri		G	1251		$900.29		$176.66

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
Q5001	Hospice in patient home		B					
Q5002	Hospice in assisted living		B					
Q5003	Hospice in LT/non-skilled NF		B					
Q5004	Hospice in SNF		B					
Q5005	Hospice, inpatient hospital		B					
Q5006	Hospice in hospice facility		B					
Q5007	Hospice in LTCH		B					
Q5008	Hospice in inpatient psych		B					
Q5009	Hospice care, NOS		B					
Q9951	LOCM >= 400 mg/ml iodine,1ml		N					
Q9953	Inj Fe-based MR contrast,1ml		N					
Q9954	Oral MR contrast, 100 ml		N					
Q9955	Inj perflexane lip micros,ml		N					
Q9956	Inj octafluoropropane mic,ml		N					
Q9957	Inj perflutren lip micros,ml		N					
Q9958	HOCM <=149 mg/ml iodine, 1ml		N					
Q9959	HOCM 150-199mg/ml iodine,1ml		N					
Q9960	HOCM 200-249mg/ml iodine,1ml		N					
Q9961	HOCM 250-299mg/ml iodine,1ml		N					
Q9962	HOCM 300-349mg/ml iodine,1ml		N					
Q9963	HOCM 350-399mg/ml iodine,1ml		N					
Q9964	HOCM>= 400mg/ml iodine, 1ml		N					
Q9965	LOCM 100-199mg/ml iodine,1ml		N					
Q9966	LOCM 200-299mg/ml iodine,1ml		N					
Q9967	LOCM 300-399mg/ml iodine,1ml		N					
R0070	Transport portable x-ray		B					
R0075	Transport port x-ray multipl		B					
R0076	Transport portable EKG		B					
V2020	Vision svcs frames purchases		A					
V2025	Eyeglasses delux frames		E					
V2100	Lens spher single plano 4.00		A					
V2101	Single visn sphere 4.12-7.00		A					
V2102	Singl visn sphere 7.12-20.00		A					
V2103	Spherocylindr 4.00d/12-2.00d		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
V2104	Spherocylindr 4.00d/2.12-4d		A					
V2105	Spherocylinder 4.00d/4.25-6d		A					
V2106	Spherocylinder 4.00d/>6.00d		A					
V2107	Spherocylinder 4.25d/12-2d		A					
V2108	Spherocylinder 4.25d/2.12-4d		A					
V2109	Spherocylinder 4.25d/4.25-6d		A					
V2110	Spherocylinder 4.25d/over 6d		A					
V2111	Spherocylindr 7.25d/.25-2.25		A					
V2112	Spherocylindr 7.25d/2.25-4d		A					
V2113	Spherocylindr 7.25d/4.25-6d		A					
V2114	Spherocylinder over 12.00d		A					
V2115	Lens lenticular bifocal		A					
V2118	Lens aniseikonic single		A					
V2121	Lenticular lens, single		A					
V2199	Lens single vision not oth c		A					
V2200	Lens spher bifoc plano 4.00d		A					
V2201	Lens sphere bifocal 4.12-7.0		A					
V2202	Lens sphere bifocal 7.12-20.		A					
V2203	Lens sphcyl bifocal 4.00d/.1		A					
V2204	Lens sphcy bifocal 4.00d/2.1		A					
V2205	Lens sphcy bifocal 4.00d/4.2		A					
V2206	Lens sphcy bifocal 4.00d/ove		A					
V2207	Lens sphcy bifocal 4.25-7d/.		A					
V2208	Lens sphcy bifocal 4.25-7/2.		A					
V2209	Lens sphcy bifocal 4.25-7/4.		A					
V2210	Lens sphcy bifocal 4.25-7/ov		A					
V2211	Lens sphcy bifo 7.25-12/ 25-		A					
V2212	Lens sphcyl bifo 7.25-12/2.2		A					
V2213	Lens sphcyl bifo 7.25-12/4.2		A					
V2214	Lens sphcyl bifocal over 12.		A					
V2215	Lens lenticular bifocal		A					
V2218	Lens aniseikonic bifocal		A					
V2219	Lens bifocal seg width over		A					
V2220	Lens bifocal add over 3.25d		A					
V2221	Lenticular lens, bifocal		A					
V2299	Lens bifocal speciality		A					
V2300	Lens sphere trifocal 4.00d		A					
V2301	Lens sphere trifocal 4.12-7.		A					
V2302	Lens sphere trifocal 7.12-20		A					
V2303	Lens sphcy trifocal 4.0/.12-		A					
V2304	Lens sphcy trifocal 4.0/2.25		A					
V2305	Lens sphcy trifocal 4.0/4.25		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
V2306	Lens sphcyl trifocal 4.00/>6		A					
V2307	Lens sphcy trifocal 4.25-7/.		A					
V2308	Lens sphc trifocal 4.25-7/2.		A					
V2309	Lens sphc trifocal 4.25-7/4.		A					
V2310	Lens sphc trifocal 4.25-7/>6		A					
V2311	Lens sphc trifo 7.25-12/.25-		A					
V2312	Lens sphc trifo 7.25-12/2.25		A					
V2313	Lens sphc trifo 7.25-12/4.25		A					
V2314	Lens sphcyl trifocal over 12		A					
V2315	Lens lenticular trifocal		A					
V2318	Lens aniseikonic trifocal		A					
V2319	Lens trifocal seg width > 28		A					
V2320	Lens trifocal add over 3.25d		A					
V2321	Lenticular lens, trifocal		A					
V2399	Lens trifocal speciality		A					
V2410	Lens variab asphericity sing		A					
V2430	Lens variable asphericity bi		A					
V2499	Variable asphericity lens		A					
V2500	Contact lens pmma spherical		A					
V2501	Cntct lens pmma-toric/prism		A					
V2502	Contact lens pmma bifocal		A					
V2503	Cntct lens pmma color vision		A					
V2510	Cntct gas permeable sphericl		A					
V2511	Cntct toric prism ballast		A					
V2512	Cntct lens gas permbl bifocl		A					
V2513	Contact lens extended wear		A					
V2520	Contact lens hydrophilic		A					
V2521	Cntct lens hydrophilic toric		A					
V2522	Cntct lens hydrophil bifocl		A					
V2523	Cntct lens hydrophil extend		A					
V2530	Contact lens gas impermeable		A					
V2531	Contact lens gas permeable		A					
V2599	Contact lens/es other type		A					
V2600	Hand held low vision aids		A					
V2610	Single lens spectacle mount		A					
V2615	Telescop/othr compound lens		A					
V2623	Plastic eye prosth custom		A					
V2624	Polishing artifical eye		A					
V2625	Enlargemnt of eye prosthesis		A					
V2626	Reduction of eye prosthesis		A					
V2627	Scleral cover shell		A					
V2628	Fabrication & fitting		A					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
V2629	Prosthetic eye other type		A					
V2630	Anter chamber intraocul lens		N					
V2631	Iris support intraocir lens		N					
V2632	Post chmbr intraocular lens		N					
V2700	Balance lens		A					
V2702	Deluxe lens feature		E					
V2710	Glass/plastic slab off prism		A					
V2715	Prism lens/es		A					
V2718	Fresnell prism press-on lens		A					
V2730	Special base curve		A					
V2744	Tint photochromatic lens/es		A					
V2745	Tint, any color/solid/grad		A					
V2750	Anti-reflective coating		A					
V2755	UV lens/es		A					
V2756	Eye glass case		E					
V2760	Scratch resistant coating		A					
V2761	Mirror coating		B					
V2762	Polarization, any lens		A					
V2770	Occluder lens/es		A					
V2780	Oversize lens/es		A					
V2781	Progressive lens per lens		B					
V2782	Lens, 1.54-1.65 p/1.60-1.79g		A					
V2783	Lens, >= 1.66 p/>=1.80 g		A					
V2784	Lens polycarb or equal		A					
V2785	Corneal tissue processing		F					
V2786	Occupational multifocal lens		A					
V2787	Astigmatism-correct function		E					
V2788	Presbyopia-correct function		E					
V2790	Amniotic membrane		N					
V2797	Vis item/svc in other code		A					
V2799	Miscellaneous vision service		A					
V5008	Hearing screening		E					
V5010	Assessment for hearing aid		E					
V5011	Hearing aid fitting/checking		E					
V5014	Hearing aid repair/modifying		E					
V5020	Conformity evaluation		E					
V5030	Body-worn hearing aid air		E					
V5040	Body-worn hearing aid bone		E					
V5050	Hearing aid monaural in ear		E					
V5060	Behind ear hearing aid		E					
V5070	Glasses air conduction		E					
V5080	Glasses bone conduction		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
V5090	Hearing aid dispensing fee		E					
V5095	Implant mid ear hearing pros		E					
V5100	Body-worn bilat hearing aid		E					
V5110	Hearing aid dispensing fee		E					
V5120	Body-worn binaur hearing aid		E					
V5130	In ear binaural hearing aid		E					
V5140	Behind ear binaur hearing ai		E					
V5150	Glasses binaural hearing aid		E					
V5160	Dispensing fee binaural		E					
V5170	Within ear cros hearing aid		E					
V5180	Behind ear cros hearing aid		E					
V5190	Glasses cros hearing aid		E					
V5200	Cros hearing aid dispens fee		E					
V5210	In ear bicros hearing aid		E					
V5220	Behind ear bicros hearing ai		E					
V5230	Glasses bicros hearing aid		E					
V5240	Dispensing fee bicros		E					
V5241	Dispensing fee, monaural		E					
V5242	Hearing aid, monaural, cic		E					
V5243	Hearing aid, monaural, itc		E					
V5244	Hearing aid, prog, mon, cic		E					
V5245	Hearing aid, prog, mon, itc		E					
V5246	Hearing aid, prog, mon, ite		E					
V5247	Hearing aid, prog, mon, bte		E					
V5248	Hearing aid, binaural, cic		E					
V5249	Hearing aid, binaural, itc		E					
V5250	Hearing aid, prog, bin, cic		E					
V5251	Hearing aid, prog, bin, itc		E					
V5252	Hearing aid, prog, bin, ite		E					
V5253	Hearing aid, prog, bin, bte		E					
V5254	Hearing id, digit, mon, cic		E					
V5255	Hearing aid, digit, mon, itc		E					
V5256	Hearing aid, digit, mon, ite		E					
V5257	Hearing aid, digit, mon, bte		E					
V5258	Hearing aid, digit, bin, cic		E					
V5259	Hearing aid, digit, bin, itc		E					
V5260	Hearing aid, digit, bin, ite		E					
V5261	Hearing aid, digit, bin, bte		E					
V5262	Hearing aid, disp, monaural		E					
V5263	Hearing aid, disp, binaural		E					
V5264	Ear mold/insert		E					
V5265	Ear mold/insert, disp		E					

ADDENDUM B.--PROPOSED OPPS PAYMENT BY HCPCS CODE FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	APC	Relative Weight	Payment Rate	National Unadjusted Copayment	Minimum Unadjusted Copayment
V5266	Battery for hearing device		E					
V5267	Hearing aid supply/accessory		E					
V5268	ALD Telephone Amplifier		E					
V5269	Alerting device, any type		E					
V5270	ALD, TV amplifier, any type		E					
V5271	ALD, TV caption decoder		E					
V5272	Tdd		E					
V5273	ALD for cochlear implant		E					
V5274	ALD unspecified		E					
V5275	Ear impression		E					
V5298	Hearing aid noc		E					
V5299	Hearing service		B					
V5336	Repair communication device		E					
V5362	Speech screening		E					
V5363	Language screening		E					
V5364	Dysphagia screening		E					

ADDENDUM BB.--PROPOSED ASC COVERED ANCILLARY SERVICES INTEGRAL TO COVERED SURGICAL PROCEDURES FOR CY 2010 (INCLUDING ANCILLARY SERVICES FOR WHICH PAYMENT IS PACKAGED)

ADDENDUM BB.--PROPOSED ASC COVERED ANCILARY SERVICES INTEGRAL TO COVERED SURGICAL PROCEDURES FOR CY 2010 ((INCLUDING ANCILLARY SERVICES FOR WHICH PAYMENT IS PACKAGED)

HCPCS Code	Short Descriptor	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
0042T	Ct perfusion w/contrast, cbf		N1		
0067T	Ct colonography;dx		Z2	2.7743	$115.48
0073T	Delivery, comp imrt	CH	Z3	5.4294	$226.00
0126T	Chd risk imt study		N1		
0144T	Ct heart wo dye; qual calc		Z2	0.6357	$26.46
0145T	Ct heart w/wo dye funct		Z2	3.8296	$159.41
0146T	Ccta w/wo dye		Z2	3.8296	$159.41
0147T	Ccta w/wo, quan calcium		Z2	3.8296	$159.41
0148T	Ccta w/wo, strxr		Z2	3.8296	$159.41
0149T	Ccta w/wo, strxr quan calc		Z2	3.8296	$159.41
0150T	Ccta w/wo, disease strxr		Z2	3.8296	$159.41
0151T	Ct heart funct add-on		Z2	1.5821	$65.85
0159T	Cad breast mri		N1		
0174T	Cad cxr with interp		N1		
0175T	Cad cxr remote		N1		
0182T	Hdr elect brachytherapy		Z2	10.5338	$438.47
0185T	Comptr probability analysis		N1		
70010	Contrast x-ray of brain		N1		
70015	Contrast x-ray of brain		N1		
70030	X-ray eye for foreign body		Z3	0.3673	$15.29
70100	X-ray exam of jaw		Z3	0.4014	$16.71
70110	X-ray exam of jaw		Z3	0.4898	$20.39
70120	X-ray exam of mastoids		Z3	0.517	$21.52
70130	X-ray exam of mastoids		Z2	0.645	$26.85
70134	X-ray exam of middle ear		Z3	0.5511	$22.94
70140	X-ray exam of facial bones		Z3	0.3335	$13.88
70150	X-ray exam of facial bones	CH	Z3	0.517	$21.52
70160	X-ray exam of nasal bones		Z3	0.4286	$17.84
70170	X-ray exam of tear duct		N1		

NOTES:

The Medicare program payment is 80 percent of the total payment amount and beneficiary coinsurance is 20 percent of the total payment amount, except for screening flexible sigmoidoscopies and screening colonoscopies for which the program payment is 75 percent and the beneficiary coinsurance is 25 percent.

Proposed payment indicators for radiology services (Z2 and Z3) are based on a comparison of the proposed rates according to the ASC standard ratesetting methodology and the MPFS proposed rates. Under current law, the MPFS payment rates will have a negative update for CY 2010. For a discussion of those rates, we refer readers to the June 2009 CY 2010 MPFS proposed rule.

ADDENDUM BB.--PROPOSED ASC COVERED ANCILARY SERVICES INTEGRAL TO COVERED SURGICAL PROCEDURES FOR CY 2010 ((INCLUDING ANCILLARY SERVICES FOR WHICH PAYMENT IS PACKAGED)

HCPCS Code	Short Descriptor	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
70190	X-ray exam of eye sockets		Z3	0.4356	$18.13
70200	X-ray exam of eye sockets	CH	Z3	0.5307	$22.09
70210	X-ray exam of sinuses		Z3	0.4082	$16.99
70220	X-ray exam of sinuses		Z3	0.4898	$20.39
70240	X-ray exam, pituitary saddle		Z3	0.3606	$15.01
70250	X-ray exam of skull		Z3	0.4219	$17.56
70260	X-ray exam of skull		Z3	0.5307	$22.09
70300	X-ray exam of teeth		Z3	0.1634	$6.80
70310	X-ray exam of teeth		Z2	0.4399	$18.31
70320	Full mouth x-ray of teeth		Z2	0.4399	$18.31
70328	X-ray exam of jaw joint		Z3	0.4014	$16.71
70330	X-ray exam of jaw joints		Z2	0.645	$26.85
70332	X-ray exam of jaw joint		N1		
70336	Magnetic image, jaw joint	CH	Z3	4.5177	$188.05
70350	X-ray head for orthodontia		Z3	0.245	$10.20
70355	Panoramic x-ray of jaws		Z3	0.2042	$8.50
70360	X-ray exam of neck		Z3	0.3539	$14.73
70370	Throat x-ray & fluoroscopy		Z2	1.2074	$50.26
70371	Speech evaluation, complex	CH	Z3	1.0273	$42.76
70373	Contrast x-ray of larynx		N1		
70380	X-ray exam of salivary gland		Z3	0.5374	$22.37
70390	X-ray exam of salivary duct		N1		
70450	Ct head/brain w/o dye	CH	Z3	1.9527	$81.28
70460	Ct head/brain w/dye	CH	Z3	2.5785	$107.33
70470	Ct head/brain w/o & w/dye	CH	Z3	3.1433	$130.84
70480	Ct orbit/ear/fossa w/o dye		Z2	2.7743	$115.48
70481	Ct orbit/ear/fossa w/dye	CH	Z3	3.9666	$165.11
70482	Ct orbit/ear/fossa w/o&w/dye	CH	Z3	4.4836	$186.63
70486	Ct maxillofacial w/o dye		Z2	2.7743	$115.48
70487	Ct maxillofacial w/dye	CH	Z3	3.3201	$138.20
70488	Ct maxillofacial w/o & w/dye	CH	Z3	4.0687	$169.36
70490	Ct soft tissue neck w/o dye	CH	Z3	2.5785	$107.33
70491	Ct soft tissue neck w/dye	CH	Z3	3.1909	$132.82

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HCPCS Code	Short Descriptor	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
70492	Ct sft tsue nck w/o & w/dye	CH	Z3	3.9258	$163.41
70496	Ct angiography, head		Z2	4.8339	$201.21
70498	Ct angiography, neck		Z2	4.8339	$201.21
70540	Mri orbit/face/neck w/o dye		Z2	4.9998	$208.12
70542	Mri orbit/face/neck w/dye	CH	Z3	5.7831	$240.72
70543	Mri orbt/fac/nck w/o & w/dye	CH	Z3	7.0554	$293.68
70544	Mr angiography head w/o dye		Z2	4.9998	$208.12
70545	Mr angiography head w/dye		Z2	5.9987	$249.70
70546	Mr angiograph head w/o&w/dye		Z2	7.6082	$316.69
70547	Mr angiography neck w/o dye		Z2	4.9998	$208.12
70548	Mr angiography neck w/dye		Z2	5.9987	$249.70
70549	Mr angiograph neck w/o&w/dye		Z2	7.6082	$316.69
70551	Mri brain w/o dye		Z2	4.9998	$208.12
70552	Mri brain w/dye		Z2	5.9987	$249.70
70553	Mri brain w/o & w/dye	CH	Z3	6.9331	$288.59
70554	Fmri brain by tech		Z2	4.9998	$208.12
70555	Fmri brain by phys/psych		Z2	4.9998	$208.12
70557	Mri brain w/o dye		Z2	4.9998	$208.12
70558	Mri brain w/dye		Z2	5.9987	$249.70
70559	Mri brain w/o & w/dye		Z2	7.6082	$316.69
71010	Chest x-ray		Z3	0.2585	$10.76
71015	Chest x-ray		Z3	0.3743	$15.58
71020	Chest x-ray		Z3	0.3539	$14.73
71021	Chest x-ray		Z3	0.4423	$18.41
71022	Chest x-ray	CH	Z3	0.5783	$24.07
71023	Chest x-ray and fluoroscopy		Z3	0.9458	$39.37
71030	Chest x-ray	CH	Z3	0.5578	$23.22
71034	Chest x-ray and fluoroscopy	CH	Z3	1.1294	$47.01
71035	Chest x-ray		Z3	0.4694	$19.54
71040	Contrast x-ray of bronchi		N1		
71060	Contrast x-ray of bronchi		N1		
71090	X-ray & pacemaker insertion		N1		
71100	X-ray exam of ribs		Z3	0.3877	$16.14

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71101	X-ray exam of ribs/chest		Z3	0.4762	$19.82
71110	X-ray exam of ribs		Z3	0.4831	$20.11
71111	X-ray exam of ribs/chest		Z3	0.6532	$27.19
71120	X-ray exam of breastbone		Z3	0.3877	$16.14
71130	X-ray exam of breastbone		Z3	0.4762	$19.82
71250	Ct thorax w/o dye	CH	Z3	2.5583	$106.49
71260	Ct thorax w/dye	CH	Z3	3.1705	$131.97
71270	Ct thorax w/o & w/dye	CH	Z3	3.9462	$164.26
71275	Ct angiography, chest		Z2	4.8339	$201.21
71550	Mri chest w/o dye		Z2	4.9998	$208.12
71551	Mri chest w/dye		Z2	5.9987	$249.70
71552	Mri chest w/o & w/dye		Z2	7.6082	$316.69
72010	X-ray exam of spine	CH	Z3	1.0205	$42.48
72020	X-ray exam of spine		Z3	0.2926	$12.18
72040	X-ray exam of neck spine		Z3	0.5103	$21.24
72050	X-ray exam of neck spine		Z3	0.6736	$28.04
72052	X-ray exam of neck spine	CH	Z3	0.898	$37.38
72069	X-ray exam of trunk spine		Z3	0.4898	$20.39
72070	X-ray exam of thoracic spine		Z3	0.4082	$16.99
72072	X-ray exam of thoracic spine		Z3	0.4694	$19.54
72074	X-ray exam of thoracic spine	CH	Z3	0.592	$24.64
72080	X-ray exam of trunk spine		Z3	0.4694	$19.54
72090	X-ray exam of trunk spine		Z3	0.6667	$27.75
72100	X-ray exam of lower spine		Z3	0.5374	$22.37
72110	X-ray exam of lower spine		Z3	0.7279	$30.30
72114	X-ray exam of lower spine	CH	Z3	1.0477	$43.61
72120	X-ray exam of lower spine		Z3	0.7483	$31.15
72125	Ct neck spine w/o dye	CH	Z3	2.5785	$107.33
72126	Ct neck spine w/dye	CH	Z3	3.1841	$132.54
72127	Ct neck spine w/o & w/dye	CH	Z3	3.9325	$163.69
72128	Ct chest spine w/o dye	CH	Z3	2.5718	$107.05
72129	Ct chest spine w/dye	CH	Z3	3.1909	$132.82
72130	Ct chest spine w/o & w/dye	CH	Z3	3.9666	$165.11

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72131	Ct lumbar spine w/o dye	CH	Z3	2.565	$106.77
72132	Ct lumbar spine w/dye	CH	Z3	3.1774	$132.26
72133	Ct lumbar spine w/o & w/dye	CH	Z3	3.9325	$163.69
72141	Mri neck spine w/o dye	CH	Z3	4.7082	$195.98
72142	Mri neck spine w/dye		Z2	5.9987	$249.70
72146	Mri chest spine w/o dye	CH	Z3	4.7217	$196.54
72147	Mri chest spine w/dye	CH	Z3	5.2932	$220.33
72148	Mri lumbar spine w/o dye	CH	Z3	4.6945	$195.41
72149	Mri lumbar spine w/dye		Z2	5.9987	$249.70
72156	Mri neck spine w/o & w/dye	CH	Z3	6.8581	$285.47
72157	Mri chest spine w/o & w/dye	CH	Z3	6.2662	$260.83
72158	Mri lumbar spine w/o & w/dye	CH	Z3	6.7765	$282.07
72170	X-ray exam of pelvis		Z3	0.3265	$13.59
72190	X-ray exam of pelvis	CH	Z3	0.5648	$23.51
72191	Ct angiograph pelv w/o&w/dye	CH	Z3	4.6333	$192.86
72192	Ct pelvis w/o dye	CH	Z3	2.3813	$99.12
72193	Ct pelvis w/dye	CH	Z3	2.9869	$124.33
72194	Ct pelvis w/o & w/dye	CH	Z3	3.9599	$164.83
72195	Mri pelvis w/o dye		Z2	4.9998	$208.12
72196	Mri pelvis w/dye		Z2	5.9987	$249.70
72197	Mri pelvis w/o & w/dye	CH	Z3	7.1508	$297.65
72200	X-ray exam sacroiliac joints		Z3	0.381	$15.86
72202	X-ray exam sacroiliac joints		Z3	0.449	$18.69
72220	X-ray exam of tailbone		Z3	0.3539	$14.73
72240	Contrast x-ray of neck spine		N1		
72255	Contrast x-ray, thorax spine		N1		
72265	Contrast x-ray, lower spine		N1		
72270	Contrast x-ray, spine		N1		
72275	Epidurography		N1		
72285	X-ray c/t spine disk		N1		
72291	Perq vertebroplasty, fluor		N1		
72292	Perq vertebroplasty, ct		N1		
72295	X-ray of lower spine disk		N1		

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73000	X-ray exam of collar bone		Z3	0.3743	$15.58
73010	X-ray exam of shoulder blade		Z3	0.4082	$16.99
73020	X-ray exam of shoulder		Z3	0.2993	$12.46
73030	X-ray exam of shoulder		Z3	0.3877	$16.14
73040	Contrast x-ray of shoulder		N1		
73050	X-ray exam of shoulders		Z3	0.5307	$22.09
73060	X-ray exam of humerus		Z3	0.3673	$15.29
73070	X-ray exam of elbow		Z3	0.3743	$15.58
73080	X-ray exam of elbow		Z3	0.4898	$20.39
73085	Contrast x-ray of elbow		N1		
73090	X-ray exam of forearm		Z3	0.3469	$14.44
73092	X-ray exam of arm, infant		Z3	0.4014	$16.71
73100	X-ray exam of wrist		Z3	0.4286	$17.84
73110	X-ray exam of wrist		Z3	0.517	$21.52
73115	Contrast x-ray of wrist		N1		
73120	X-ray exam of hand		Z3	0.3539	$14.73
73130	X-ray exam of hand		Z3	0.4219	$17.56
73140	X-ray exam of finger(s)		Z3	0.4762	$19.82
73200	Ct upper extremity w/o dye	CH	Z3	2.5379	$105.64
73201	Ct upper extremity w/dye	CH	Z3	3.1366	$130.56
73202	Ct uppr extremity w/o&w/dye	CH	Z3	4.1504	$172.76
73206	Ct angio upr extrm w/o&w/dye	CH	Z3	4.4019	$183.23
73218	Mri upper extremity w/o dye		Z2	4.9998	$208.12
73219	Mri upper extremity w/dye		Z2	5.9987	$249.70
73220	Mri uppr extremity w/o&w/dye	CH	Z3	7.2187	$300.48
73221	Mri joint upr extrem w/o dye		Z2	4.9998	$208.12
73222	Mri joint upr extrem w/dye	CH	Z3	5.4837	$228.26
73223	Mri joint upr extr w/o&w/dye	CH	Z3	6.7356	$280.37
73500	X-ray exam of hip		Z3	0.3335	$13.88
73510	X-ray exam of hip		Z3	0.5035	$20.96
73520	X-ray exam of hips		Z3	0.5103	$21.24
73525	Contrast x-ray of hip		N1		
73530	X-ray exam of hip		N1		

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73540	X-ray exam of pelvis & hips		Z3	0.6124	$25.49
73542	X-ray exam, sacroiliac joint		N1		
73550	X-ray exam of thigh		Z3	0.3469	$14.44
73560	X-ray exam of knee, 1 or 2		Z3	0.4014	$16.71
73562	X-ray exam of knee, 3		Z3	0.5103	$21.24
73564	X-ray exam, knee, 4 or more		Z3	0.5852	$24.36
73565	X-ray exam of knees		Z3	0.4831	$20.11
73580	Contrast x-ray of knee joint		N1		
73590	X-ray exam of lower leg		Z3	0.3402	$14.16
73592	X-ray exam of leg, infant		Z3	0.4219	$17.56
73600	X-ray exam of ankle		Z3	0.381	$15.86
73610	X-ray exam of ankle		Z3	0.4423	$18.41
73615	Contrast x-ray of ankle		N1		
73620	X-ray exam of foot		Z3	0.3606	$15.01
73630	X-ray exam of foot		Z3	0.4356	$18.13
73650	X-ray exam of heel		Z3	0.3743	$15.58
73660	X-ray exam of toe(s)		Z3	0.4219	$17.56
73700	Ct lower extremity w/o dye	CH	Z3	2.5446	$105.92
73701	Ct lower extremity w/dye	CH	Z3	3.1774	$132.26
73702	Ct lwr extremity w/o&w/dye	CH	Z3	4.1706	$173.60
73706	Ct angio lwr extr w/o&w/dye		Z2	4.8339	$201.21
73718	Mri lower extremity w/o dye		Z2	4.9998	$208.12
73719	Mri lower extremity w/dye	CH	Z3	5.8647	$244.12
73720	Mri lwr extremity w/o&w/dye	CH	Z3	7.2255	$300.76
73721	Mri jnt of lwr extre w/o dye		Z2	4.9998	$208.12
73722	Mri joint of lwr extr w/dye	CH	Z3	5.613	$233.64
73723	Mri joint lwr extr w/o&w/dye	CH	Z3	6.7222	$279.81
74000	X-ray exam of abdomen		Z3	0.2789	$11.61
74010	X-ray exam of abdomen		Z3	0.4831	$20.11
74020	X-ray exam of abdomen		Z3	0.4898	$20.39
74022	X-ray exam series, abdomen		Z3	0.592	$24.64
74150	Ct abdomen w/o dye	CH	Z3	2.4017	$99.97
74160	Ct abdomen w/dye	CH	Z3	3.4835	$145.00

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74170	Ct abdomen w/o & w/dye		Z2	4.7299	$196.88
74175	Ct angio abdom w/o & w/dye		Z2	4.8339	$201.21
74181	Mri abdomen w/o dye	CH	Z3	4.6811	$194.85
74182	Mri abdomen w/dye		Z2	5.9987	$249.70
74183	Mri abdomen w/o & w/dye	CH	Z3	7.1846	$299.06
74190	X-ray exam of peritoneum		N1		
74210	Contrst x-ray exam of throat	CH	Z3	1.0751	$44.75
74220	Contrast x-ray, esophagus		Z2	1.2598	$52.44
74230	Cine/vid x-ray, throat/esoph	CH	Z3	1.1906	$49.56
74235	Remove esophagus obstruction		N1		
74240	X-ray exam, upper gi tract		Z2	1.2598	$52.44
74241	X-ray exam, upper gi tract		Z2	1.2598	$52.44
74245	X-ray exam, upper gi tract		Z2	2.0467	$85.19
74246	Contrst x-ray uppr gi tract		Z2	1.2598	$52.44
74247	Contrst x-ray uppr gi tract		Z2	1.2598	$52.44
74249	Contrst x-ray uppr gi tract		Z2	2.0467	$85.19
74250	X-ray exam of small bowel		Z2	1.2598	$52.44
74251	X-ray exam of small bowel		Z2	2.0467	$85.19
74260	X-ray exam of small bowel		Z2	1.2598	$52.44
74270	Contrast x-ray exam of colon		Z2	1.2598	$52.44
74280	Contrast x-ray exam of colon		Z2	2.0467	$85.19
74283	Contrast x-ray exam of colon		Z2	1.2598	$52.44
74290	Contrast x-ray, gallbladder		Z3	0.9797	$40.78
74291	Contrast x-rays, gallbladder		Z3	1.0205	$42.48
74300	X-ray bile ducts/pancreas		N1		
74301	X-rays at surgery add-on		N1		
74305	X-ray bile ducts/pancreas		N1		
74320	Contrast x-ray of bile ducts		N1		
74327	X-ray bile stone removal		N1		
74328	X-ray bile duct endoscopy		N1		
74329	X-ray for pancreas endoscopy		N1		
74330	X-ray bile/panc endoscopy		N1		
74340	X-ray guide for gi tube		N1		

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74355	X-ray guide, intestinal tube		N1		
74360	X-ray guide, gi dilation		N1		
74363	X-ray, bile duct dilation		N1		
74400	Contrst x-ray, urinary tract		Z3	1.5445	$64.29
74410	Contrst x-ray, urinary tract		Z3	1.558	$64.85
74415	Contrst x-ray, urinary tract		Z3	1.9527	$81.28
74420	Contrst x-ray, urinary tract		Z2	2.4676	$102.71
74425	Contrst x-ray, urinary tract		N1		
74430	Contrast x-ray, bladder		N1		
74440	X-ray, male genital tract		N1		
74445	X-ray exam of penis		N1		
74450	X-ray, urethra/bladder		N1		
74455	X-ray, urethra/bladder		N1		
74470	X-ray exam of kidney lesion		N1		
74475	X-ray control, cath insert		N1		
74480	X-ray control, cath insert		N1		
74485	X-ray guide, gu dilation		N1		
74710	X-ray measurement of pelvis		Z3	0.3947	$16.43
74740	X-ray, female genital tract		N1		
74742	X-ray, fallopian tube		N1		
74775	X-ray exam of perineum		Z2	2.4676	$102.71
75557	Cardiac mri for morph	CH	Z3	4.1571	$173.04
75559	Cardiac mri w/stress img		Z2	4.9998	$208.12
75561	Cardiac mri for morph w/dye	CH	Z3	5.8717	$244.41
75563	Card mri w/stress img & dye	CH	Z3	7.0758	$294.53
75600	Contrast x-ray exam of aorta		N1		
75605	Contrast x-ray exam of aorta		N1		
75625	Contrast x-ray exam of aorta		N1		
75630	X-ray aorta, leg arteries		N1		
75635	Ct angio abdominal arteries		N1		
75650	Artery x-rays, head & neck		N1		
75658	Artery x-rays, arm		N1		
75660	Artery x-rays, head & neck		N1		

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75662	Artery x-rays, head & neck		N1		
75665	Artery x-rays, head & neck		N1		
75671	Artery x-rays, head & neck		N1		
75676	Artery x-rays, neck		N1		
75680	Artery x-rays, neck		N1		
75685	Artery x-rays, spine		N1		
75705	Artery x-rays, spine		N1		
75710	Artery x-rays, arm/leg		N1		
75716	Artery x-rays, arms/legs		N1		
75722	Artery x-rays, kidney		N1		
75724	Artery x-rays, kidneys		N1		
75726	Artery x-rays, abdomen		N1		
75731	Artery x-rays, adrenal gland		N1		
75733	Artery x-rays, adrenals		N1		
75736	Artery x-rays, pelvis		N1		
75741	Artery x-rays, lung		N1		
75743	Artery x-rays, lungs		N1		
75746	Artery x-rays, lung		N1		
75756	Artery x-rays, chest		N1		
75774	Artery x-ray, each vessel		N1		
75790	Visualize a-v shunt		N1		
75801	Lymph vessel x-ray, arm/leg		N1		
75803	Lymph vessel x-ray,arms/legs		N1		
75805	Lymph vessel x-ray, trunk		N1		
75807	Lymph vessel x-ray, trunk		N1		
75809	Nonvascular shunt, x-ray		N1		
75810	Vein x-ray, spleen/liver		N1		
75820	Vein x-ray, arm/leg		N1		
75822	Vein x-ray, arms/legs		N1		
75825	Vein x-ray, trunk		N1		
75827	Vein x-ray, chest		N1		
75831	Vein x-ray, kidney		N1		
75833	Vein x-ray, kidneys		N1		

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75840	Vein x-ray, adrenal gland		N1		
75842	Vein x-ray, adrenal glands		N1		
75860	Vein x-ray, neck		N1		
75870	Vein x-ray, skull		N1		
75872	Vein x-ray, skull		N1		
75880	Vein x-ray, eye socket		N1		
75885	Vein x-ray, liver		N1		
75887	Vein x-ray, liver		N1		
75889	Vein x-ray, liver		N1		
75891	Vein x-ray, liver		N1		
75893	Venous sampling by catheter		N1		
75894	X-rays, transcath therapy		N1		
75896	X-rays, transcath therapy		N1		
75898	Follow-up angiography		N1		
75901	Remove cva device obstruct		N1		
75902	Remove cva lumen obstruct		N1		
75940	X-ray placement, vein filter		N1		
75945	Intravascular us		N1		
75946	Intravascular us add-on		N1		
75960	Transcath iv stent rs&i		N1		
75961	Retrieval, broken catheter		N1		
75962	Repair arterial blockage		N1		
75964	Repair artery blockage, each		N1		
75966	Repair arterial blockage		N1		
75968	Repair artery blockage, each		N1		
75970	Vascular biopsy		N1		
75978	Repair venous blockage		N1		
75980	Contrast xray exam bile duct		N1		
75982	Contrast xray exam bile duct		N1		
75984	Xray control catheter change		N1		
75989	Abscess drainage under x-ray		N1		
75992	Atherectomy, x-ray exam		N1		
75993	Atherectomy, x-ray exam		N1		

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75994	Atherectomy, x-ray exam		N1		
75995	Atherectomy, x-ray exam		N1		
75996	Atherectomy, x-ray exam		N1		
76000	Fluoroscope examination		N1		
76001	Fluoroscope exam, extensive		N1		
76010	X-ray, nose to rectum		Z3	0.3198	$13.31
76080	X-ray exam of fistula		N1		
76098	X-ray exam, breast specimen	CH	N1		
76100	X-ray exam of body section		Z2	1.0735	$44.68
76101	Complex body section x-ray		Z2	2.8627	$119.16
76102	Complex body section x-rays		Z2	2.8627	$119.16
76120	Cine/video x-rays	CH	Z3	1.0342	$43.05
76125	Cine/video x-rays add-on		N1		
76150	X-ray exam, dry process		Z3	0.381	$15.86
76350	Special x-ray contrast study		N1		
76376	3d render w/o postprocess		N1		
76377	3d rendering w/postprocess		N1		
76380	Cat scan follow-up study		Z2	1.5821	$65.85
76496	Fluoroscopic procedure		Z2	1.2074	$50.26
76497	Ct procedure		Z2	1.5821	$65.85
76498	Mri procedure		Z2	4.9998	$208.12
76499	Radiographic procedure		Z2	0.645	$26.85
76506	Echo exam of head		Z2	0.8973	$37.35
76510	Ophth us, b & quant a		Z3	1.9186	$79.86
76511	Ophth us, quant a only		Z3	1.1294	$47.01
76512	Ophth us, b w/non-quant a		Z3	0.9934	$41.35
76513	Echo exam of eye, water bath		Z3	1.1565	$48.14
76514	Echo exam of eye, thickness		Z3	0.1429	$5.95
76516	Echo exam of eye	CH	Z2	0.8973	$37.35
76519	Echo exam of eye		Z3	1.0477	$43.61
76529	Echo exam of eye	CH	Z2	0.8973	$37.35
76536	Us exam of head and neck		Z2	1.3961	$58.11
76604	Us exam, chest		Z2	0.8973	$37.35

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76645	Us exam, breast(s)		Z2	0.8973	$37.35
76700	Us exam, abdom, complete		Z2	1.3961	$58.11
76705	Echo exam of abdomen		Z2	1.3961	$58.11
76770	Us exam abdo back wall, comp		Z2	1.3961	$58.11
76775	Us exam abdo back wall, lim		Z2	1.3961	$58.11
76776	Us exam k transpl w/doppler		Z2	1.3961	$58.11
76800	Us exam, spinal canal		Z2	1.3961	$58.11
76801	Ob us < 14 wks, single fetus		Z2	1.3961	$58.11
76802	Ob us < 14 wks, add'l fetus		Z3	0.6328	$26.34
76805	Ob us >/= 14 wks, sngl fetus		Z2	1.3961	$58.11
76810	Ob us >/= 14 wks, addl fetus		Z3	1.0547	$43.90
76811	Ob us, detailed, sngl fetus	CH	Z3	2.0002	$83.26
76812	Ob us, detailed, addl fetus		Z2	0.8973	$37.35
76813	Ob us nuchal meas, 1 gest		Z2	0.8973	$37.35
76814	Ob us nuchal meas, add-on		Z3	0.7825	$32.57
76815	Ob us, limited, fetus(s)		Z2	0.8973	$37.35
76816	Ob us, follow-up, per fetus		Z2	0.8973	$37.35
76817	Transvaginal us, obstetric		Z2	0.8973	$37.35
76818	Fetal biophys profile w/nst		Z2	1.3961	$58.11
76819	Fetal biophys profil w/o nst		Z3	1.0273	$42.76
76820	Umbilical artery echo		Z3	0.381	$15.86
76821	Middle cerebral artery echo		Z2	0.8973	$37.35
76825	Echo exam of fetal heart		Z3	2.7214	$113.28
76826	Echo exam of fetal heart		Z3	1.7146	$71.37
76827	Echo exam of fetal heart	CH	Z3	0.6871	$28.60
76828	Echo exam of fetal heart		Z3	0.4286	$17.84
76830	Transvaginal us, non-ob		Z2	1.3961	$58.11
76831	Echo exam, uterus		Z3	1.7009	$70.80
76856	Us exam, pelvic, complete		Z2	1.3961	$58.11
76857	Us exam, pelvic, limited		Z2	0.8973	$37.35
76870	Us exam, scrotum		Z2	1.3961	$58.11
76872	Us, transrectal		Z2	1.3961	$58.11
76873	Echograp trans r, pros study		Z2	1.3961	$58.11

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76880	Us exam, extremity		Z2	1.3961	$58.11
76885	Us exam infant hips, dynamic		Z2	0.8973	$37.35
76886	Us exam infant hips, static		Z2	0.8973	$37.35
76930	Echo guide, cardiocentesis		N1		
76932	Echo guide for heart biopsy		N1		
76936	Echo guide for artery repair		Z2	1.5671	$65.23
76937	Us guide, vascular access		N1		
76940	Us guide, tissue ablation		N1		
76941	Echo guide for transfusion		N1		
76942	Echo guide for biopsy		N1		
76945	Echo guide, villus sampling		N1		
76946	Echo guide for amniocentesis		N1		
76948	Echo guide, ova aspiration		N1		
76950	Echo guidance radiotherapy		N1		
76965	Echo guidance radiotherapy		N1		
76970	Ultrasound exam follow-up		Z2	0.8973	$37.35
76975	Gi endoscopic ultrasound		N1		
76977	Us bone density measure		Z3	0.0817	$3.40
76998	Us guide, intraop		N1		
76999	Echo examination procedure		Z2	0.8973	$37.35
77001	Fluoroguide for vein device		N1		
77002	Needle localization by xray		N1		
77003	Fluoroguide for spine inject		N1		
77011	Ct scan for localization		N1		
77012	Ct scan for needle biopsy		N1		
77013	Ct guide for tissue ablation		N1		
77014	Ct scan for therapy guide		N1		
77021	Mr guidance for needle place		N1		
77022	Mri for tissue ablation		N1		
77031	Stereotact guide for brst bx		N1		
77032	Guidance for needle, breast		N1		
77053	X-ray of mammary duct		N1		
77054	X-ray of mammary ducts		N1		

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77071	X-ray stress view		Z3	0.592	$24.64
77072	X-rays for bone age		Z3	0.2585	$10.76
77073	X-rays, bone length studies		Z3	0.4762	$19.82
77074	X-rays, bone survey, limited		Z3	0.8641	$35.97
77075	X-rays, bone survey complete		Z2	1.0735	$44.68
77076	X-rays, bone survey, infant		Z2	1.0735	$44.68
77077	Joint survey, single view		Z3	0.4762	$19.82
77078	Ct bone density, axial		Z2	1.0307	$42.90
77079	Ct bone density, peripheral		Z3	0.5444	$22.66
77080	Dxa bone density, axial	CH	Z3	0.7075	$29.45
77081	Dxa bone density/peripheral		Z3	0.3198	$13.31
77082	Dxa bone density, vert fx		Z3	0.3539	$14.73
77083	Radiographic absorptiometry		Z3	0.2789	$11.61
77084	Magnetic image, bone marrow		Z2	4.9998	$208.12
77280	Set radiation therapy field		Z2	1.65	$68.68
77285	Set radiation therapy field		Z2	3.7548	$156.29
77290	Set radiation therapy field		Z2	3.7548	$156.29
77295	Set radiation therapy field		Z3	4.7082	$195.98
77299	Radiation therapy planning		Z2	1.65	$68.68
77300	Radiation therapy dose plan		Z3	0.7416	$30.87
77301	Radiotherapy dose plan, imrt		Z2	12.9961	$540.96
77305	Teletx isodose plan simple		Z3	0.5783	$24.07
77310	Teletx isodose plan intermed		Z3	0:8096	$33.70
77315	Teletx isodose plan complex		Z3	1.3403	$55.79
77321	Special teletx port plan		Z3	0.9593	$39.93
77326	Brachytx isodose calc simp		Z2	1.65	$68.68
77327	Brachytx isodose calc interm		Z3	2.5175	$104.79
77328	Brachytx isodose plan compl	CH	Z3	3.2387	$134.81
77331	Special radiation dosimetry		Z3	0.5307	$22.09
77332	Radiation treatment aid(s)		Z3	0.9593	$39.93
77333	Radiation treatment aid(s)		Z3	0.3606	$15.01
77334	Radiation treatment aid(s)		Z3	1.7009	$70.80
77336	Radiation physics consult		Z3	0.6736	$28.04

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77370	Radiation physics consult		Z2	1.65	$68.68
77371	Srs, multisource		Z2	108.826	$4,529.88
77399	External radiation dosimetry		Z2	1.65	$68.68
77401	Radiation treatment delivery		Z3	0.2856	$11.89
77402	Radiation treatment delivery		Z2	1.312	$54.61
77403	Radiation treatment delivery		Z2	1.312	$54.61
77404	Radiation treatment delivery		Z2	1.312	$54.61
77406	Radiation treatment delivery	CH	Z3	2.0276	$84.40
77407	Radiation treatment delivery		Z2	1.312	$54.61
77408	Radiation treatment delivery		Z2	1.312	$54.61
77409	Radiation treatment delivery		Z2	1.312	$54.61
77411	Radiation treatment delivery		Z2	2.2078	$91.90
77412	Radiation treatment delivery		Z2	2.2078	$91.90
77413	Radiation treatment delivery		Z2	2.2078	$91.90
77414	Radiation treatment delivery		Z2	2.2078	$91.90
77416	Radiation treatment delivery		Z2	2.2078	$91.90
77417	Radiology port film(s)		N1		
77418	Radiation tx delivery, imrt	CH	Z3	5.4294	$226.00
77421	Stereoscopic x-ray guidance		N1		
77422	Neutron beam tx, simple		Z2	2.2078	$91.90
77423	Neutron beam tx, complex		Z2	2.2078	$91.90
77435	Sbrt management		N1		
77470	Special radiation treatment		Z3	1.2723	$52.96
77520	Proton trmt, simple w/o comp		Z2	10.0635	$418.89
77522	Proton trmt, simple w/comp		Z2	10.0635	$418.89
77523	Proton trmt, intermediate		Z2	13.1646	$547.98
77525	Proton treatment, complex		Z2	13.1646	$547.98
77600	Hyperthermia treatment		Z2	5.4263	$225.87
77605	Hyperthermia treatment		Z2	5.4263	$225.87
77610	Hyperthermia treatment		Z2	5.4263	$225.87
77615	Hyperthermia treatment		Z2	5.4263	$225.87
77620	Hyperthermia treatment		Z2	5.4263	$225.87
77750	Infuse radioactive materials	CH	Z2	2.2078	$91.90

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77761	Apply intrcav radiat simple		Z3	3.9733	$165.39
77762	Apply intrcav radiat interm	CH	Z2	4.1998	$174.82
77763	Apply intrcav radiat compl	CH	Z2	4.1998	$174.82
77776	Apply interstit radiat simpl	CH	Z2	4.1998	$174.82
77777	Apply interstit radiat inter	CH	Z2	4.1998	$174.82
77778	Apply interstit radiat compl		Z3	7.3751	$306.99
77785	Hdr brachytx, 1 channel		Z3	2.2383	$93.17
77786	Hdr brachytx, 2-12 channel		Z3	5.4294	$226.00
77787	Hdr brachytx over 12 chan	CH	Z3	9.913	$412.63
77789	Apply surface radiation		Z3	1.2656	$52.68
77790	Radiation handling		N1		
77799	Radium/radioisotope therapy		Z2	4.1998	$174.82
78000	Thyroid, single uptake		Z3	1.041	$43.33
78001	Thyroid, multiple uptakes	CH	Z3	1.3336	$55.51
78003	Thyroid suppress/stimul		Z3	1.1226	$46.73
78006	Thyroid imaging with uptake		Z2	3.1724	$132.05
78007	Thyroid image, mult uptakes		Z3	1.7554	$73.07
78010	Thyroid imaging		Z2	2.0545	$85.52
78011	Thyroid imaging with flow		Z2	2.0545	$85.52
78015	Thyroid met imaging		Z3	3.1092	$129.42
78016	Thyroid met imaging/studies		Z2	4.213	$175.37
78018	Thyroid met imaging, body		Z2	4.213	$175.37
78020	Thyroid met uptake		N1		
78070	Parathyroid nuclear imaging		Z3	1.9868	$82.70
78075	Adrenal nuclear imaging		Z3	6.5588	$273.01
78099	Endocrine nuclear procedure		Z2	2.0545	$85.52
78102	Bone marrow imaging, ltd		Z3	2.3745	$98.84
78103	Bone marrow imaging, mult	CH	Z3	3.1229	$129.99
78104	Bone marrow imaging, body	CH	Z3	3.5515	$147.83
78110	Plasma volume, single		Z3	1.279	$53.24
78111	Plasma volume, multiple		Z3	1.041	$43.33
78120	Red cell mass, single		Z3	1.1565	$48.14
78121	Red cell mass, multiple		Z3	0.9662	$40.22

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78122	Blood volume		Z3	1.1839	$49.28
78130	Red cell survival study		Z3	2.0819	$86.66
78135	Red cell survival kinetics	CH	Z3	5.3614	$223.17
78140	Red cell sequestration		Z3	1.6805	$69.95
78185	Spleen imaging	CH	Z3	3.1092	$129.42
78190	Platelet survival, kinetics		Z2	2.3549	$98.02
78191	Platelet survival	CH	Z3	2.0682	$86.09
78195	Lymph system imaging		Z2	3.6792	$153.15
78199	Blood/lymph nuclear exam		Z2	3.6792	$153.15
78201	Liver imaging		Z3	2.9187	$121.49
78202	Liver imaging with flow	CH	Z3	2.9665	$123.48
78205	Liver imaging (3d)	CH	Z3	3.0616	$127.44
78206	Liver image (3d) with flow		Z2	4.1951	$174.62
78215	Liver and spleen imaging		Z3	2.844	$118.38
78216	Liver & spleen image/flow		Z3	1.6192	$67.40
78220	Liver function study		Z3	1.7554	$73.07
78223	Hepatobiliary imaging		Z2	4.1951	$174.62
78230	Salivary gland imaging		Z3	2.4971	$103.94
78231	Serial salivary imaging		Z3	1.6601	$69.10
78232	Salivary gland function exam		Z3	1.2519	$52.11
78258	Esophageal motility study		Z2	3.5578	$148.09
78261	Gastric mucosa imaging		Z2	3.5578	$148.09
78262	Gastroesophageal reflux exam		Z2	3.5578	$148.09
78264	Gastric emptying study		Z2	3.5578	$148.09
78270	Vit b-12 absorption exam		Z3	1.1769	$48.99
78271	Vit b-12 absrp exam, int fac		Z3	1.3811	$57.49
78272	Vit b-12 absorp, combined		Z3	1.279	$53.24
78278	Acute gi blood loss imaging		Z2	3.5578	$148.09
78282	Gi protein loss exam		Z2	3.5578	$148.09
78290	Meckel's divert exam		Z2	3.5578	$148.09
78291	Leveen/shunt patency exam		Z2	3.5578	$148.09
78299	Gi nuclear procedure		Z2	3.5578	$148.09
78300	Bone imaging, limited area		Z3	2.5379	$105.64

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78305	Bone imaging, multiple areas	CH	Z3	3.3067	$137.64
78306	Bone imaging, whole body		Z2	3.5666	$148.46
78315	Bone imaging, 3 phase		Z2	3.5666	$148.46
78320	Bone imaging (3d)	CH	Z3	3.1025	$129.14
78399	Musculoskeletal nuclear exam		Z2	3.5666	$148.46
78414	Non-imaging heart function		Z2	4.445	$185.02
78428	Cardiac shunt imaging		Z3	2.7284	$113.57
78445	Vascular flow imaging	CH	Z3	2.5242	$105.07
78456	Acute venous thrombus image		Z2	2.7657	$115.12
78457	Venous thrombosis imaging		Z2	2.7657	$115.12
78458	Ven thrombosis images, bilat	CH	Z3	2.4697	$102.80
78459	Heart muscle imaging (pet)		Z2	20.1636	$839.31
78460	Heart muscle blood, single		Z3	2.7284	$113.57
78461	Heart muscle blood, multiple		Z3	2.2996	$95.72
78464	Heart image (3d), single		Z3	2.9869	$124.33
78465	Heart image (3d), multiple		Z3	5.8105	$241.86
78466	Heart infarct image		Z3	2.4562	$102.24
78468	Heart infarct image (ef)		Z3	2.9187	$121.49
78469	Heart infarct image (3d)	CH	Z3	3.4426	$143.30
78472	Gated heart, planar, single	CH	Z3	3.2658	$135.94
78473	Gated heart, multiple	CH	Z3	4.0959	$170.49
78478	Heart wall motion add-on		N1		
78480	Heart function add-on		N1		
78481	Heart first pass, single		Z3	2.5038	$104.22
78483	Heart first pass, multiple	CH	Z3	3.3067	$137.64
78491	Heart image (pet), single		Z2	20.1636	$839.31
78492	Heart image (pet), multiple		Z2	20.1636	$839.31
78494	Heart image, spect	CH	Z3	3.293	$137.07
78496	Heart first pass add-on		N1		
78499	Cardiovascular nuclear exam		Z2	4.445	$185.02
78580	Lung perfusion imaging		Z2	3.0195	$125.69
78584	Lung v/q image single breath		Z3	1.7554	$73.07
78585	Lung v/q imaging		Z2	4.6586	$193.91

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78586	Aerosol lung image, single	CH	Z3	2.4971	$103.94
78587	Aerosol lung image, multiple		Z2	3.0195	$125.69
78588	Perfusion lung image		Z2	4.6586	$193.91
78591	Vent image, 1 breath, 1 proj	CH	Z3	2.4971	$103.94
78593	Vent image, 1 proj, gas	CH	Z3	2.8507	$118.66
78594	Vent image, mult proj, gas		Z2	3.0195	$125.69
78596	Lung differential function		Z2	4.6586	$193.91
78599	Respiratory nuclear exam		Z2	3.0195	$125.69
78600	Brain image < 4 views	CH	Z3	2.6806	$111.58
78601	Brain image w/flow < 4 views	CH	Z3	3.1433	$130.84
78605	Brain image 4+ views		Z2	2.8705	$119.48
78606	Brain image w/flow 4 + views		Z3	5.232	$217.78
78607	Brain imaging (3d)		Z3	5.0213	$209.01
78608	Brain imaging (pet)		Z2	14.8282	$617.22
78610	Brain flow imaging only		Z3	2.565	$106.77
78630	Cerebrospinal fluid scan		Z3	5.164	$214.95
78635	Csf ventriculography		Z3	5.1777	$215.52
78645	Csf shunt evaluation		Z2	2.8705	$119.48
78647	Cerebrospinal fluid scan		Z3	4.0209	$167.37
78650	Csf leakage imaging		Z3	4.9939	$207.87
78660	Nuclear exam of tear flow	CH	Z3	2.6126	$108.75
78699	Nervous system nuclear exam		Z2	2.8705	$119.48
78700	Kidney imaging, morphol		Z3	2.5175	$104.79
78701	Kidney imaging with flow		Z3	3.1978	$133.11
78707	K flow/funct image w/o drug		Z3	3.1978	$133.11
78708	K flow/funct image w/drug		Z3	1.9527	$81.28
78709	K flow/funct image, multiple		Z2	4.6852	$195.02
78710	Kidney imaging (3d)		Z3	2.8577	$118.95
78725	Kidney function study		Z3	1.4832	$61.74
78730	Urinary bladder retention		Z3	1.0273	$42.76
78740	Ureteral reflux study		Z3	3.3883	$141.04
78761	Testicular imaging w/flow		Z3	3.0208	$125.74
78799	Genitourinary nuclear exam		Z2	4.6852	$195.02

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78800	Tumor imaging, limited area		Z3	2.7147	$113.00
78801	Tumor imaging, mult areas		Z3	3.6127	$150.38
78802	Tumor imaging, whole body		Z3	4.7217	$196.54
78803	Tumor imaging (3d)		Z3	4.8987	$203.91
78804	Tumor imaging, whole body		Z3	8.7157	$362.79
78805	Abscess imaging, ltd area		Z3	2.4834	$103.37
78806	Abscess imaging, whole body		Z3	4.8918	$203.62
78807	Nuclear localization/abscess	CH	Z2	4.213	$175.37
78808	Iv inj ra drug dx study		N1		
78811	Pet image, ltd area		Z2	14.8282	$617.22
78812	Pet image, skull-thigh		Z2	14.8282	$617.22
78813	Pet image, full body		Z2	14.8282	$617.22
78814	Pet image w/ct, lmtd		Z2	14.8282	$617.22
78815	Pet image w/ct, skull-thigh		Z2	14.8282	$617.22
78816	Pet image w/ct, full body		Z2	14.8282	$617.22
78999	Nuclear diagnostic exam		Z2	1.5658	$65.18
79005	Nuclear rx, oral admin		Z3	1.0955	$45.60
79101	Nuclear rx, iv admin		Z3	1.2519	$52.11
79200	Nuclear rx, intracav admin		Z3	1.4083	$58.62
79300	Nuclr rx, interstit colloid		Z2	3.0991	$129.00
79403	Hematopoietic nuclear tx		Z3	1.6533	$68.82
79440	Nuclear rx, intra-articular		Z3	1.1294	$47.01
79445	Nuclear rx, intra-arterial		Z2	3.0991	$129.00
79999	Nuclear medicine therapy		Z2	3.0991	$129.00
90371	Hep b ig, im		K2		$120.28
90375	Rabies ig, im/sc		K2		$144.49
90376	Rabies ig, heat treated		K2		$109.94
90378	Rsv ig, im, 50mg		K2		$833.15
90385	Rh ig, minidose, im		N1		
90393	Vaccina ig, im		N1		
90396	Varicella-zoster ig, im		K2		$151.03
90476	Adenovirus vaccine, type 4	CH	K2		$33.66
90477	Adenovirus vaccine, type 7		N1		

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90585	Bcg vaccine, percut		K2		$120.43
90632	Hep a vaccine, adult im		N1		
90633	Hep a vacc, ped/adol, 2 dose		N1		
90634	Hep a vacc, ped/adol, 3 dose		N1		
90636	Hep a/hep b vacc, adult im		N1		
90645	Hib vaccine, hboc, im		N1		
90646	Hib vaccine, prp-d, im		N1		
90647	Hib vaccine, prp-omp, im		N1		
90648	Hib vaccine, prp-t, im		N1		
90655	Flu vaccine no preserv 6-35m		L1		
90656	Flu vaccine no preserv 3 & >		L1		
90657	Flu vaccine, 3 yrs, im		L1		
90658	Flu vaccine, 3 yrs & >, im		L1		
90660	Flu vaccine, nasal		L1		
90665	Lyme disease vaccine, im		K2		$72.67
90669	Pneumococcal vacc, ped <5		L1		
90675	Rabies vaccine, im		K2		$165.72
90676	Rabies vaccine, id		K2		$112.29
90680	Rotovirus vacc 3 dose, oral	CH	K2		$66.86
90681	Rotavirus vacc 2 dose oral		K2		$106.60
90690	Typhoid vaccine, oral		N1		
90691	Typhoid vaccine, im		N1		
90692	Typhoid vaccine, h-p, sc/id		N1		
90696	Dtap-ipv vacc 4-6 yr im	CH	N1		
90698	Dtap-hib-ip vaccine, im		N1		
90700	Dtap vaccine, < 7 yrs, im		N1		
90701	Dtp vaccine, im		N1		
90702	Dt vaccine < 7, im		N1		
90703	Tetanus vaccine, im		N1		
90704	Mumps vaccine, sc		N1		
90705	Measles vaccine, sc		N1		
90706	Rubella vaccine, sc		N1		
90707	Mmr vaccine, sc		N1		

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90708	Measles-rubella vaccine, sc		N1		
90710	Mmrv vaccine, sc		N1		
90712	Oral poliovirus vaccine		N1		
90713	Poliovirus, ipv, sc/im		N1		
90714	Td vaccine no prsrv >/= 7 im		N1		
90715	Tdap vaccine >7 im		N1		
90717	Yellow fever vaccine, sc		N1		
90718	Td vaccine > 7, im		N1		
90719	Diphtheria vaccine, im		N1		
90720	Dtp/hib vaccine, im		N1		
90721	Dtap/hib vaccine, im		N1		
90725	Cholera vaccine, injectable	CH	K2		$138.35
90732	Pneumococcal vaccine		L1		
90733	Meningococcal vaccine, sc		K2		$96.66
90734	Meningococcal vaccine, im		K2		$96.67
90740	Hepb vacc, ill pat 3 dose im		F4		
90743	Hep b vacc, adol, 2 dose, im		F4		
90744	Hepb vacc ped/adol 3 dose im		F4		
90746	Hep b vaccine, adult, im		F4		
90747	Hepb vacc, ill pat 4 dose im		F4		
90749	Vaccine toxoid		N1		
A4218	Sterile saline or water		N1		
A4220	Infusion pump refill kit		N1		
A4248	Chlorhexidine antisept		N1		
A4262	Temporary tear duct plug		N1		
A4263	Permanent tear duct plug		N1		
A4270	Disposable endoscope sheath		N1		
A4300	Cath impl vasc access portal		N1		
A4301	Implantable access syst perc		N1		
A4305	Drug delivery system >=50 ML		N1		
A4306	Drug delivery system <=50 ml		N1		
A4641	Radiopharm dx agent noc		N1		
A4642	In111 satumomab		N1		

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A4648	Implantable tissue marker		N1		
A4650	Implant radiation dosimeter		N1		
A9500	Tc99m sestamibi		N1		
A9501	Technetium TC-99m teboroxime		N1		
A9502	Tc99m tetrofosmin		N1		
A9503	Tc99m medronate		N1		
A9504	Tc99m apcitide		N1		
A9505	TL201 thallium		N1		
A9507	In111 capromab		N1		
A9508	I131 iodobenguate, dx		N1		
A9509	Iodine I-123 sod iodide mil		N1		
A9510	Tc99m disofenin		N1		
A9512	Tc99m pertechnetate		N1		
A9516	Iodine I-123 sod iodide mic		N1		
A9521	Tc99m exametazime		N1		
A9524	I131 serum albumin, dx		N1		
A9526	Nitrogen N-13 ammonia		N1		
A9527	Iodine I-125 sodium iodide	CH	H2		$37.26
A9528	Iodine I-131 iodide cap, dx		N1		
A9529	I131 iodide sol, dx		N1		
A9531	I131 max 100uCi		N1		
A9532	I125 serum albumin, dx		N1		
A9535	Injection, methylene blue		N1		
A9536	Tc99m depreotide		N1		
A9537	Tc99m mebrofenin		N1		
A9538	Tc99m pyrophosphate		N1		
A9539	Tc99m pentetate		N1		
A9540	Tc99m MAA		N1		
A9541	Tc99m sulfur colloid		N1		
A9542	In111 ibritumomab, dx		N1		
A9544	I131 tositumomab, dx		N1		
A9546	Co57/58		N1		
A9547	In111 oxyquinoline		N1		

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A9548	In111 pentetate		N1		
A9550	Tc99m gluceptate		N1		
A9551	Tc99m succimer		N1		
A9552	F18 fdg		N1		
A9553	Cr51 chromate		N1		
A9554	1125 iothalamate, dx		N1		
A9555	Rb82 rubidium		N1		
A9556	Ga67 gallium		N1		
A9557	Tc99m bicisate		N1		
A9558	Xe133 xenon 10mci		N1		
A9559	Co57 cyano		N1		
A9560	Tc99m labeled rbc		N1		
A9561	Tc99m oxidronate		N1		
A9562	Tc99m mertiatide		N1		
A9566	Tc99m fanolesomab		N1		
A9567	Technetium TC-99m aerosol		N1		
A9568	Technetium tc99m arcitumomab		N1		
A9569	Technetium TC-99m auto WBC		N1		
A9570	Indium In-111 auto WBC		N1		
A9571	Indium IN-111 auto platelet		N1		
A9572	Indium In-111 pentetreotide		N1		
A9576	Inj prohance multipack		N1		
A9577	Inj multihance		N1		
A9578	Inj multihance multipack		N1		
A9579	Gad-base MR contrast NOS,1ml		N1		
A9580	Sodium fluoride F-18		N1		
A9698	Non-rad contrast materialNOC		N1		
C1713	Anchor/screw bn/bn,tis/bn		N1		
C1714	Cath, trans atherectomy, dir		N1		
C1715	Brachytherapy needle		N1		
C1716	Brachytx, non-str, Gold-198	CH	H2		$42.10
C1717	Brachytx, non-str,HDR Ir-192	CH	H2		$218.13
C1719	Brachytx, NS, Non-HDRIr-192	CH	H2		$35.17

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C1721	AICD, dual chamber		N1		
C1722	AICD, single chamber		N1		
C1724	Cath, trans atherec,rotation		N1		
C1725	Cath, translumin non-laser		N1		
C1726	Cath, bal dil, non-vascular		N1		
C1727	Cath, bal tis dis, non-vas		N1		
C1728	Cath, brachytx seed adm		N1		
C1729	Cath, drainage		N1		
C1730	Cath, EP, 19 or few elect		N1		
C1731	Cath, EP, 20 or more elec		N1		
C1732	Cath, EP, diag/abl, 3D/vect		N1		
C1733	Cath, EP, othr than cool-tip		N1		
C1750	Cath, hemodialysis,long-term		N1		
C1751	Cath, inf, per/cent/midline		N1		
C1752	Cath,hemodialysis,short-term		N1		
C1753	Cath, intravas ultrasound		N1		
C1754	Catheter, intradiscal		N1		
C1755	Catheter, intraspinal		N1		
C1756	Cath, pacing, transesoph		N1		
C1757	Cath, thrombectomy/embolect		N1		
C1758	Catheter, ureteral		N1		
C1759	Cath, intra echocardiography		N1		
C1760	Closure dev, vasc		N1		
C1762	Conn tiss, human(inc fascia)		N1		
C1763	Conn tiss, non-human		N1		
C1764	Event recorder, cardiac		N1		
C1765	Adhesion barrier		N1		
C1766	Intro/sheath,strble,non-peel		N1		
C1767	Generator, neuro non-recharg		N1		
C1768	Graft, vascular		N1		
C1769	Guide wire		N1		
C1770	Imaging coil, MR, insertable		N1		
C1771	Rep dev, urinary, w/sling		N1		

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C1772	Infusion pump, programmable		N1		
C1773	Ret dev, insertable		N1		
C1776	Joint device (implantable)		N1		
C1777	Lead, AICD, endo single coil		N1		
C1778	Lead, neurostimulator		N1		
C1779	Lead, pmkr, transvenous VDD		N1		
C1780	Lens, intraocular (new tech)		N1		
C1781	Mesh (implantable)		N1		
C1782	Morcellator		N1		
C1783	Ocular imp, aqueous drain de		N1		
C1784	Ocular dev, intraop, det ret		N1		
C1785	Pmkr, dual, rate-resp		N1		
C1786	Pmkr, single, rate-resp		N1		
C1787	Patient progr, neurostim		N1		
C1788	Port, indwelling, imp		N1		
C1789	Prosthesis, breast, imp		N1		
C1813	Prosthesis, penile, inflatab		N1		
C1814	Retinal tamp, silicone oil		N1		
C1815	Pros, urinary sph, imp		N1		
C1816	Receiver/transmitter, neuro		N1		
C1817	Septal defect imp sys		N1		
C1818	Integrated keratoprosthesis		N1		
C1819	Tissue localization-excision		N1		
C1820	Generator neuro rechg bat sy		N1		
C1821	Interspinous implant		N1		
C1874	Stent, coated/cov w/del sys		N1		
C1875	Stent, coated/cov w/o del sy		N1		
C1876	Stent, non-coa/non-cov w/del		N1		
C1877	Stent, non-coat/cov w/o del		N1		
C1878	Matrl for vocal cord		N1		
C1879	Tissue marker, implantable		N1		
C1880	Vena cava filter		N1		
C1881	Dialysis access system		N1		

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C1882	AICD, other than sing/dual		N1		
C1883	Adapt/ext, pacing/neuro lead		N1		
C1884	Embolization Protect syst		N1		
C1885	Cath, translumin angio laser		N1		
C1887	Catheter, guiding		N1		
C1888	Endovas non-cardiac abl cath		N1		
C1891	Infusion pump,non-prog, perm		N1		
C1892	Intro/sheath,fixed,peel-away		N1		
C1893	Intro/sheath, fixed,non-peel		N1		
C1894	Intro/sheath, non-laser		N1		
C1895	Lead, AICD, endo dual coil		N1		
C1896	Lead, AICD, non sing/dual		N1		
C1897	Lead, neurostim test kit		N1		
C1898	Lead, pmkr, other than trans		N1		
C1899	Lead, pmkr/AICD combination		N1		
C1900	Lead, coronary venous		N1		
C2614	Probe, perc lumb disc		N1		
C2615	Sealant, pulmonary, liquid		N1		
C2616	Brachytx, non-str,Yttrium-90	CH	H2		$15,466.29
C2617	Stent, non-cor, tem w/o del		N1		
C2618	Probe, cryoablation		N1		
C2619	Pmkr, dual, non rate-resp		N1		
C2620	Pmkr, single, non rate-resp		N1		
C2621	Pmkr, other than sing/dual		N1		
C2622	Prosthesis, penile, non-inf		N1		
C2625	Stent, non-cor, tem w/del sy		N1		
C2626	Infusion pump, non-prog,temp		N1		
C2627	Cath, suprapubic/cystoscopic		N1		
C2628	Catheter, occlusion		N1		
C2629	Intro/sheath, laser		N1		
C2630	Cath, EP, cool-tip		N1		
C2631	Rep dev, urinary, w/o sling		N1		
C2634	Brachytx, non-str, HA, I-125	CH	H2		$59.60

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C2635	Brachytx, non-str, HA, P-103	CH	H2		$28.09
C2636	Brachy linear, non-str,P-103	CH	H2		$19.02
C2638	Brachytx, stranded, I-125	CH	H2		$42.84
C2639	Brachytx, non-stranded,I-125	CH	H2		$35.30
C2640	Brachytx, stranded, P-103	CH	H2		$57.91
C2641	Brachytx, non-stranded,P-103	CH	H2		$57.38
C2642	Brachytx, stranded, C-131	CH	H2		$98.76
C2643	Brachytx, non-stranded,C-131	CH	H2		$65.23
C2698	Brachytx, stranded, NOS	CH	H2		$42.84
C2699	Brachytx, non-stranded, NOS	CH	H2		$28.09
C8900	MRA w/cont, abd		Z2	5.9987	$249.70
C8901	MRA w/o cont, abd		Z2	4.9998	$208.12
C8902	MRA w/o fol w/cont, abd		Z2	7.6082	$316.69
C8903	MRI w/cont, breast, uni		Z2	5.9987	$249.70
C8904	MRI w/o cont, breast, uni		Z2	4.9998	$208.12
C8905	MRI w/o fol w/cont, brst, un		Z2	7.6082	$316.69
C8906	MRI w/cont, breast, bi		Z2	5.9987	$249.70
C8907	MRI w/o cont, breast, bi		Z2	4.9998	$208.12
C8908	MRI w/o fol w/cont, breast,		Z2	7.6082	$316.69
C8909	MRA w/cont, chest		Z2	5.9987	$249.70
C8910	MRA w/o cont, chest		Z2	4.9998	$208.12
C8911	MRA w/o fol w/cont, chest		Z2	7.6082	$316.69
C8912	MRA w/cont, lwr ext		Z2	5.9987	$249.70
C8913	MRA w/o cont, lwr ext		Z2	4.9998	$208.12
C8914	MRA w/o fol w/cont, lwr ext		Z2	7.6082	$316.69
C8918	MRA w/cont, pelvis		Z2	5.9987	$249.70
C8919	MRA w/o cont, pelvis		Z2	4.9998	$208.12
C8920	MRA w/o fol w/cont, pelvis		Z2	7.6082	$316.69
C9113	Inj pantoprazole sodium, via		N1		
C9121	Injection, argatroban		K2		$20.99
C9245	Injection, romiplostim		K2		$44.83
C9246	Inj, gadoxetate disodium		K2		$13.78
C9247	Inj, iobenguane, I-123, dx		K2		$2,332.00

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C9248	Inj, clevidipine butyrate		K2		$4.58
C9249	Inj, certolizumab pegol		K2		$3.52
C9352	Neuragen nerve guide, per cm		N1		
C9353	Neurawrap nerve protector,cm		N1		
C9354	Veritas collagen matrix, cm2	CH	N1		
C9355	Neuromatrix nerve cuff, cm	CH	N1		
C9356	TenoGlide tendon prot, cm2		K2		$27.28
C9358	SurgiMend, 0.5cm2		K2		$10.72
C9359	Implant, bone void filler		K2		$58.15
C9399	Unclassified drugs or biolog		K7		
E0616	Cardiac event recorder		N1		
E0749	Elec osteogen stim implanted		N1		
E0782	Non-programble infusion pump		N1		
E0783	Programmable infusion pump		N1		
E0785	Replacement impl pump cathet		N1		
E0786	Implantable pump replacement		N1		
G0130	Single energy x-ray study		Z3	0.4219	$17.56
G0173	Linear acc stereo radsur com		Z2	49.4726	$2,059.30
G0251	Linear acc based stero radio		Z2	12.6187	$525.25
G0288	Recon, CTA for surg plan		N1		
G0339	Robot lin-radsurg com, first		Z2	49.4726	$2,059.30
G0340	Robt lin-radsurg fractx 2-5		Z2	35.3376	$1,470.93
J0120	Tetracyclin injection		N1		
J0129	Abatacept injection		K2		$18.79
J0130	Abciximab injection		K2		$430.59
J0132	Acetylcysteine injection		K2		$2.23
J0133	Acyclovir injection		N1		
J0135	Adalimumab injection		K2		$347.55
J0150	Injection adenosine 6 MG		K2		$9.89
J0152	Adenosine injection		K2		$69.02
J0170	Adrenalin epinephrin inject		N1		
J0180	Agalsidase beta injection		K2		$133.68
J0190	Inj biperiden lactate/5 mg		N1		

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J0200	Alatrofloxacin mesylate		N1		
J0205	Alglucerase injection		K2		$41.21
J0207	Amifostine		K2		$366.25
J0210	Methyldopate hcl injection		K2		$26.88
J0215	Alefacept		K2		$27.90
J0220	Alglucosidase alfa injection		K2		$124.68
J0256	Alpha 1 proteinase inhibitor		K2		$3.61
J0278	Amikacin sulfate injection		N1		
J0280	Aminophyllin 250 MG inj		N1		
J0282	Amiodarone HCl		N1		
J0285	Amphotericin B		N1		
J0287	Amphotericin b lipid complex		K2		$9.71
J0288	Ampho b cholesteryl sulfate		K2		$13.74
J0289	Amphotericin b liposome inj		K2		$14.04
J0290	Ampicillin 500 MG inj		N1		
J0295	Ampicillin sodium per 1.5 gm		N1		
J0300	Amobarbital 125 MG inj		N1		
J0330	Succinycholine chloride inj		N1		
J0348	Anidulafungin injection		K2		$1.30
J0360	Hydralazine hcl injection		N1		
J0364	Apomorphine hydrochloride		N1		
J0365	Aprotonin, 10,000 kiu		K2		$2.60
J0380	Inj metaraminol bitartrate		N1		
J0390	Chloroquine injection		N1		
J0400	Aripiprazole injection		N1		
J0456	Azithromycin		N1		
J0460	Atropine sulfate injection		N1		
J0470	Dimecaprol injection		K2		$26.49
J0475	Baclofen 10 MG injection		K2		$191.65
J0476	Baclofen intrathecal trial		K2		$71.22
J0480	Basiliximab		K2		$1,560.48
J0500	Dicyclomine injection		N1		
J0515	Inj benztropine mesylate		N1		

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J0520	Bethanechol chloride inject		N1		
J0530	Penicillin g benzathine inj		N1		
J0540	Penicillin g benzathine inj		N1		
J0550	Penicillin g benzathine inj	CH	N1		
J0560	Penicillin g benzathine inj		N1		
J0570	Penicillin g benzathine inj		N1		
J0580	Penicillin g benzathine inj		N1		
J0583	Bivalirudin		K2		$2.30
J0585	Botulinum toxin a per unit		K2		$5.41
J0587	Botulinum toxin type B		K2		$8.94
J0592	Buprenorphine hydrochloride		N1		
J0594	Busulfan injection		K2		$12.34
J0595	Butorphanol tartrate 1 mg		N1		
J0600	Edetate calcium disodium inj		K2		$73.04
J0610	Calcium gluconate injection		N1		
J0620	Calcium glycer & lact/10 ML		N1		
J0630	Calcitonin salmon injection		K2		$48.20
J0636	Inj calcitriol per 0.1 mcg		N1		
J0637	Caspofungin acetate		K2		$12.50
J0640	Leucovorin calcium injection		N1		
J0641	Levoleucovorin injection		K2		$1.28
J0670	Inj mepivacaine HCL/10 ml		N1		
J0690	Cefazolin sodium injection		N1		
J0692	Cefepime HCl for injection		N1		
J0694	Cefoxitin sodium injection		N1		
J0696	Ceftriaxone sodium injection		N1		
J0697	Sterile cefuroxime injection		N1		
J0698	Cefotaxime sodium injection		N1		
J0702	Betamethasone acet&sod phosp		N1		
J0704	Betamethasone sod phosp/4 MG		N1		
J0706	Caffeine citrate injection		N1		
J0710	Cephapirin sodium injection		N1		
J0713	Inj ceftazidime per 500 mg		N1		

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J0715	Ceftizoxime sodium / 500 MG		N1		
J0720	Chloramphenicol sodium injec		N1		
J0725	Chorionic gonadotropin/1000u		N1		
J0735	Clonidine hydrochloride		K2		$66.81
J0740	Cidofovir injection		K2		$746.87
J0743	Cilastatin sodium injection		N1		
J0744	Ciprofloxacin iv		N1		
J0745	Inj codeine phosphate /30 MG		N1		
J0760	Colchicine injection		N1		
J0770	Colistimethate sodium inj		N1		
J0780	Prochlorperazine injection		N1		
J0795	Corticorelin ovine triflutal		K2		$4.27
J0800	Corticotropin injection		K2		$2,395.39
J0835	Inj cosyntropin per 0.25 MG		K2		$93.48
J0850	Cytomegalovirus imm IV /vial		K2		$862.24
J0878	Daptomycin injection		K2		$0.39
J0881	Darbepoetin alfa, non-esrd		K2		$2.92
J0885	Epoetin alfa, non-esrd		K2		$9.26
J0894	Decitabine injection		K2		$27.50
J0895	Deferoxamine mesylate inj		N1		
J0900	Testosterone enanthate inj		N1		
J0945	Brompheniramine maleate inj	CH	K2		$9.42
J0970	Estradiol valerate injection		N1		
J1000	Depo-estradiol cypionate inj		N1		
J1020	Methylprednisolone 20 MG inj		N1		
J1030	Methylprednisolone 40 MG inj		N1		
J1040	Methylprednisolone 80 MG inj		N1		
J1051	Medroxyprogesterone inj		N1		
J1060	Testosterone cypionate 1 ML		N1		
J1070	Testosterone cypionat 100 MG		N1		
J1080	Testosterone cypionat 200 MG		N1		
J1094	Inj dexamethasone acetate		N1		
J1100	Dexamethasone sodium phos		N1		

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J1110	Inj dihydroergotamine mesylt		N1		
J1120	Acetazolamid sodium injectio		N1		
J1160	Digoxin injection		N1		
J1162	Digoxin immune fab (ovine)		K2		$473.85
J1165	Phenytoin sodium injection		N1		
J1170	Hydromorphone injection		N1		
J1180	Dyphylline injection		N1		
J1190	Dexrazoxane HCl injection		K2		$373.66
J1200	Diphenhydramine hcl injectio		N1		
J1205	Chlorothiazide sodium inj		K2		$275.07
J1212	Dimethyl sulfoxide 50% 50 ML		K2		$68.36
J1230	Methadone injection		N1		
J1240	Dimenhydrinate injection		N1		
J1245	Dipyridamole injection		N1		
J1250	Inj dobutamine HCL/250 mg		N1		
J1260	Dolasetron mesylate	CH	N1		
J1265	Dopamine injection		N1		
J1267	Doripenem injection		K2		$0.59
J1270	Injection, doxercalciferol		N1		
J1300	Eculizumab injection		K2		$178.24
J1320	Amitriptyline injection		N1		
J1324	Enfuvirtide injection	CH	K2		$0.53
J1325	Epoprostenol injection		N1		
J1327	Eptifibatide injection		K2		$17.36
J1330	Ergonovine maleate injection		N1		
J1335	Ertapenem injection		N1		
J1364	Erythro lactobionate /500 MG		N1		
J1380	Estradiol valerate 10 MG inj		N1		
J1390	Estradiol valerate 20 MG inj		N1		
J1410	Inj estrogen conjugate 25 MG		K2		$77.07
J1430	Ethanolamine oleate 100 mg		K2		$147.14
J1435	Injection estrone per 1 MG		N1		
J1436	Etidronate disodium inj		K2		$70.06

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J1438	Etanercept injection		K2		$177.37
J1440	Filgrastim 300 mcg injection		K2		$198.95
J1441	Filgrastim 480 mcg injection		K2		$306.33
J1450	Fluconazole		N1		
J1451	Fomepizole, 15 mg		K2		$9.91
J1453	Fosaprepitant injection		K2		$1.57
J1455	Foscarnet sodium injection	CH	N1		
J1457	Gallium nitrate injection		K2		$1.57
J1458	Galsulfase injection		K2		$334.07
J1459	Inj IVIG privigen 500 mg		K2		$35.19
J1460	Gamma globulin 1 CC inj		K2		$12.57
J1470	Gamma globulin 2 CC inj		K2		$25.15
J1480	Gamma globulin 3 CC inj		K2		$37.70
J1490	Gamma globulin 4 CC inj		K2		$50.29
J1500	Gamma globulin 5 CC inj		K2		$62.86
J1510	Gamma globulin 6 CC inj		K2		$75.51
J1520	Gamma globulin 7 CC inj		K2		$87.92
J1530	Gamma globulin 8 CC inj		K2		$100.58
J1540	Gamma globulin 9 CC inj		K2		$113.26
J1550	Gamma globulin 10 CC inj		K2		$125.72
J1560	Gamma globulin > 10 CC inj		K2		$125.72
J1561	Gamunex injection		K2		$35.52
J1562	Vivaglobin, inj		K2		$6.87
J1565	RSV-ivig		K2		$15.87
J1566	Immune globulin, powder		K2		$30.43
J1568	Octagam injection		K2		$36.09
J1569	Gammagard liquid injection		K2		$34.42
J1570	Ganciclovir sodium injection		N1		
J1571	Hepagam b im injection		K2		$44.02
J1572	Flebogamma injection		K2		$34.94
J1573	Hepagam b intravenous, inj		K2		$44.02
J1580	Garamycin gentamicin inj		N1		
J1590	Gatifloxacin injection		N1		

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J1595	Injection glatiramer acetate		K2		$69.06
J1600	Gold sodium thiomaleate inj		N1		
J1610	Glucagon hydrochloride/1 MG		K2		$69.37
J1620	Gonadorelin hydroch/ 100 mcg		K2		$176.89
J1626	Granisetron hcl injection	CH	N1		
J1630	Haloperidol injection		N1		
J1631	Haloperidol decanoate inj		N1		
J1640	Hemin, 1 mg		K2		$7.73
J1642	Inj heparin sodium per 10 u		N1		
J1644	Inj heparin sodium per 1000u		N1		
J1645	Dalteparin sodium		N1		
J1650	Inj enoxaparin sodium		N1		
J1652	Fondaparinux sodium		K2		$6.75
J1655	Tinzaparin sodium injection		N1		
J1670	Tetanus immune globulin inj		K2		$210.55
J1700	Hydrocortisone acetate inj		N1		
J1710	Hydrocortisone sodium ph inj		N1		
J1720	Hydrocortisone sodium succ i		N1		
J1730	Diazoxide injection		K2		$112.16
J1740	Ibandronate sodium injection		K2		$136.57
J1742	Ibutilide fumarate injection		K2		$383.94
J1743	Idursulfase injection		K2		$446.44
J1745	Infliximab injection		K2		$55.68
J1750	Inj iron dextran		K2		$11.62
J1756	Iron sucrose injection		K2		$0.40
J1785	Injection imiglucerase /unit		K2		$4.12
J1790	Droperidol injection		N1		
J1800	Propranolol injection		N1		
J1815	Insulin injection		N1		
J1817	Insulin for insulin pump use	CH	K2		$3.12
J1830	Interferon beta-1b / .25 MG		K2		$148.73
J1835	Itraconazole injection	CH	N1		
J1840	Kanamycin sulfate 500 MG inj		N1		

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J1850	Kanamycin sulfate 75 MG inj		N1		
J1885	Ketorolac tromethamine inj		N1		
J1890	Cephalothin sodium injection		N1		
J1930	Lanreotide injection		K2		$26.56
J1931	Laronidase injection		K2		$25.08
J1940	Furosemide injection		N1		
J1945	Lepirudin		K2		$174.70
J1950	Leuprolide acetate /3.75 MG		K2		$456.44
J1953	Levetiracetam injection		K2		$0.44
J1956	Levofloxacin injection		N1		
J1960	Levorphanol tartrate inj		N1		
J1980	Hyoscyamine sulfate inj		N1		
J1990	Chlordiazepoxide injection		N1		
J2001	Lidocaine injection		N1		
J2010	Lincomycin injection		N1		
J2020	Linezolid injection		K2		$29.66
J2060	Lorazepam injection		N1		
J2150	Mannitol injection		N1		
J2170	Mecasermin injection		N1		
J2175	Meperidine hydrochl /100 MG		N1		
J2180	Meperidine/promethazine inj		N1		
J2185	Meropenem		N1		
J2210	Methylergonovin maleate inj		N1		
J2248	Micafungin sodium injection		K2		$1.11
J2250	Inj midazolam hydrochloride		N1		
J2260	Inj milrinone lactate / 5 MG		N1		
J2270	Morphine sulfate injection		N1		
J2271	Morphine so4 injection 100mg		N1		
J2275	Morphine sulfate injection		N1		
J2278	Ziconotide injection		K2		$6.38
J2280	Inj, moxifloxacin 100 mg		N1		
J2300	Inj nalbuphine hydrochloride		N1		
J2310	Inj naloxone hydrochloride		N1		

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J2315	Naltrexone, depot form		K2		$1.85
J2320	Nandrolone decanoate 50 MG	CH	K2		$6.40
J2321	Nandrolone decanoate 100 MG	CH	K2		$77.64
J2322	Nandrolone decanoate 200 MG	CH	K2		$43.78
J2323	Natalizumab injection		K2		$7.76
J2325	Nesiritide injection		K2		$34.20
J2353	Octreotide injection, depot		K2		$104.21
J2354	Octreotide inj, non-depot		N1		
J2355	Oprelvekin injection		K2		$243.53
J2357	Omalizumab injection		K2		$18.20
J2360	Orphenadrine injection		N1		
J2370	Phenylephrine hcl injection		N1		
J2400	Chloroprocaine hcl injection		N1		
J2405	Ondansetron hcl injection	CH	N1		
J2410	Oxymorphone hcl injection		N1		
J2425	Palifermin injection		K2		$11.12
J2430	Pamidronate disodium /30 MG		K2		$29.01
J2440	Papaverin hcl injection		N1		
J2469	Palonosetron hcl		K2		$16.94
J2501	Paricalcitol		N1		
J2503	Pegaptanib sodium injection		K2		$1,014.62
J2504	Pegademase bovine, 25 iu		K2		$221.87
J2505	Injection, pegfilgrastim 6mg		K2		$2,117.44
J2510	Penicillin g procaine inj		N1		
J2513	Pentastarch 10% solution		K2		$158.77
J2515	Pentobarbital sodium inj	CH	N1		
J2540	Penicillin g potassium inj		N1		
J2543	Piperacillin/tazobactam		N1		
J2550	Promethazine hcl injection		N1		
J2560	Phenobarbital sodium inj		N1		
J2590	Oxytocin injection		N1		
J2597	Inj desmopressin acetate		N1		
J2650	Prednisolone acetate inj		N1		

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J2670	Totazoline hcl injection	CH	K2		$68.12
J2675	Inj progesterone per 50 MG		N1		
J2680	Fluphenazine decanoate 25 MG		N1		
J2690	Procainamide hcl injection		N1		
J2700	Oxacillin sodium injeciton		N1		
J2710	Neostigmine methylslfte inj		N1		
J2720	Inj protamine sulfate/10 MG		N1		
J2724	Protein c concentrate		K2		$12.06
J2725	Inj protirelin per 250 mcg		N1		
J2730	Pralidoxime chloride inj		K2		$90.17
J2760	Phentolaine mesylate inj		N1		
J2765	Metoclopramide hcl injection		N1		
J2770	Quinupristin/dalfopristin		K2		$143.94
J2778	Ranibizumab injection		K2		$399.51
J2780	Ranitidine hydrochloride inj		N1		
J2783	Rasburicase		K2		$162.77
J2785	Regadenoson injection		K2		$49.97
J2788	Rho d immune globulin 50 mcg		K2		$26.23
J2790	Rho d immune globulin inj		K2		$81.69
J2791	Rhophylac injection		K2		$5.14
J2792	Rho(D) immune globulin h, sd		K2		$16.52
J2794	Risperidone, long acting		K2		$4.88
J2795	Ropivacaine HCl injection		N1		
J2800	Methocarbamol injection		N1		
J2805	Sincalide injection	CH	N1		
J2810	Inj theophylline per 40 MG		N1		
J2820	Sargramostim injection		K2		$24.54
J2850	Inj secretin synthetic human		K2		$26.06
J2910	Aurothioglucose injeciton		N1		
J2916	Na ferric gluconate complex		N1		
J2920	Methylprednisolone injection		N1		
J2930	Methylprednisolone injection		N1		
J2940	Somatrem injection		K2		$43.99

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J2941	Somatropin injection		K2		$51.08
J2950	Promazine hcl injection		N1		
J2993	Reteplase injection		K2		$952.30
J2995	Inj streptokinase /250000 IU		K2		$78.00
J2997	Alteplase recombinant		K2		$33.20
J3000	Streptomycin injection		N1		
J3010	Fentanyl citrate injeciton		N1		
J3030	Sumatriptan succinate / 6 MG		K2		$82.90
J3070	Pentazocine injection		N1		
J3101	Tenecteplase injection		K2		$40.45
J3105	Terbutaline sulfate inj		N1		
J3120	Testosterone enanthate inj		N1		
J3130	Testosterone enanthate inj		N1		
J3140	Testosterone suspension inj		N1		
J3150	Testosteron propionate inj		N1		
J3230	Chlorpromazine hcl injection		N1		
J3240	Thyrotropin injection		K2		$947.71
J3243	Tigecycline injection		K2		$1.09
J3246	Tirofiban HCl		K2		$7.75
J3250	Trimethobenzamide hcl inj		N1		
J3260	Tobramycin sulfate injection		N1		
J3265	Injection torsemide 10 mg/ml		N1		
J3280	Thiethylperazine maleate inj		N1		
J3285	Treprostinil injection		K2		$55.95
J3300	Triamcinolone A inj PRS-free		K2		$3.17
J3301	Triamcinolone acet inj NOS		N1		
J3302	Triamcinolone diacetate inj		N1		
J3303	Triamcinolone hexacetonl inj		N1		
J3305	Inj trimetrexate glucoronate		K2		$124.80
J3310	Perphenazine injeciton		N1		
J3315	Triptorelin pamoate		K2		$160.86
J3320	Spectinomycn di-hcl inj	CH	K2		$29.46
J3350	Urea injection	CH	N1		

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J3355	Urofollitropin, 75 iu		K2		$56.24
J3360	Diazepam injection		N1		
J3364	Urokinase 5000 IU injection		N1		
J3365	Urokinase 250,000 IU inj		K2		$449.09
J3370	Vancomycin hcl injection		N1		
J3396	Verteporfin injection		K2		$9.21
J3400	Triflupromazine hcl inj	CH	N1		
J3410	Hydroxyzine hcl injection		N1		
J3411	Thiamine hcl 100 mg		N1		
J3415	Pyridoxine hcl 100 mg		N1		
J3420	Vitamin b12 injection		N1		
J3430	Vitamin k phytonadione inj		N1		
J3465	Injection, voriconazole		K2		$5.35
J3470	Hyaluronidase injection		N1		
J3471	Ovine, up to 999 USP units		N1		
J3472	Ovine, 1000 USP units	CH	N1		
J3473	Hyaluronidase recombinant	CH	N1		
J3475	Inj magnesium sulfate		N1		
J3480	Inj potassium chloride		N1		
J3485	Zidovudine		N1		
J3486	Ziprasidone mesylate		N1		
J3487	Zoledronic acid		K2		$212.66
J3488	Reclast injection		K2		$220.64
J3490	Drugs unclassified injection		N1		
J3530	Nasal vaccine inhalation		N1		
J3590	Unclassified biologics		N1		
J7030	Normal saline solution infus		N1		
J7040	Normal saline solution infus		N1		
J7042	5% dextrose/normal saline		N1		
J7050	Normal saline solution infus		N1		
J7060	5% dextrose/water		N1		
J7070	D5w infusion		N1		
J7100	Dextran 40 infusion		N1		

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J7110	Dextran 75 infusion		N1		
J7120	Ringers lactate infusion		N1		
J7130	Hypertonic saline solution		N1		
J7186	Antihemophilic viii/vwf comp		K2		$0.83
J7187	Humate-P, inj		K2		$0.87
J7189	Factor viia		K2		$1.24
J7190	Factor viii		K2		$0.84
J7191	Factor VIII (porcine)		K2		$1.95
J7192	Factor viii recombinant		K2		$1.06
J7193	Factor IX non-recombinant		K2		$0.89
J7194	Factor ix complex		K2		$0.80
J7195	Factor IX recombinant		K2		$1.06
J7197	Antithrombin iii injection	CH	K2		$2.24
J7198	Anti-inhibitor		K2		$1.45
J7308	Aminolevulinic acid hcl top		K2		$117.83
J7310	Ganciclovir long act implant		K2		$16,640.00
J7311	Fluocinolone acetonide implt		K2		$18,980.00
J7321	Hyalgan/supartz inj per dose		K2		$95.01
J7322	Synvisc inj per dose		K2		$182.83
J7323	Euflexxa inj per dose		K2		$111.39
J7324	Orthovisc inj per dose		K2		$178.26
J7500	Azathioprine oral 50mg		N1		
J7501	Azathioprine parenteral		K2		$89.43
J7502	Cyclosporine oral 100 mg	CH	N1		
J7504	Lymphocyte immune globulin		K2		$453.54
J7505	Monoclonal antibodies		K2		$1,055.24
J7506	Prednisone oral		N1		
J7507	Tacrolimus oral per 1 MG		K2		$3.97
J7509	Methylprednisolone oral		N1		
J7510	Prednisolone oral per 5 mg		N1		
J7511	Antithymocyte globuln rabbit		K2		$364.83
J7513	Daclizumab, parenteral		K2		$349.79
J7515	Cyclosporine oral 25 mg		N1		

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J7516	Cyclosporin parenteral 250mg		K2		$21.85
J7517	Mycophenolate mofetil oral		K2		$3.37
J7518	Mycophenolic acid	CH	N1		
J7520	Sirolimus, oral		K2		$8.66
J7525	Tacrolimus injection		K2		$136.85
J7599	Immunosuppressive drug noc		N1		
J7674	Methacholine chloride, neb		N1		
J7799	Non-inhalation drug for DME		N1		
J8501	Oral aprepitant		K2		$5.31
J8510	Oral busulfan	CH	N1		
J8520	Capecitabine, oral, 150 mg		K2		$5.18
J8521	Capecitabine, oral, 500 mg		K2		$17.18
J8530	Cyclophosphamide oral 25 MG		N1		
J8540	Oral dexamethasone		N1		
J8560	Etoposide oral 50 MG		K2		$29.13
J8597	Antiemetic drug oral NOS		N1		
J8600	Melphalan oral 2 MG		N1		
J8610	Methotrexate oral 2.5 MG		N1		
J8650	Nabilone oral	CH	N1		
J8700	Temozolomide		K2		$8.15
J8705	Topotecan oral		K2		$68.36
J9000	Doxorubicin hcl injection		N1		
J9001	Doxorubicin hcl liposome inj		K2		$431.98
J9010	Alemtuzumab injection		K2		$559.97
J9015	Aldesleukin injection		K2		$796.41
J9017	Arsenic trioxide injection		K2		$35.82
J9020	Asparaginase injection		K2		$56.93
J9025	Azacitidine injection		K2		$4.67
J9027	Clofarabine injection		K2		$114.39
J9031	Bcg live intravesical vac		K2		$116.18
J9033	Bendamustine injection		K2		$18.65
J9035	Bevacizumab injection		K2		$56.32
J9040	Bleomycin sulfate injection		N1		

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J9041	Bortezomib injection		K2		$35.59
J9045	Carboplatin injection		N1		
J9050	Carmustine injection		K2		$173.02
J9055	Cetuximab injection		K2		$48.79
J9060	Cisplatin 10 MG injection		N1		
J9062	Cisplatin 50 MG injection		N1		
J9065	Inj cladribine per 1 MG		K2		$29.57
J9070	Cyclophosphamide 100 MG inj		N1		
J9080	Cyclophosphamide 200 MG inj		N1		
J9090	Cyclophosphamide 500 MG inj		N1		
J9091	Cyclophosphamide 1.0 grm inj		N1		
J9092	Cyclophosphamide 2.0 grm inj		N1		
J9093	Cyclophosphamide lyophilized		N1		
J9094	Cyclophosphamide lyophilized		N1		
J9095	Cyclophosphamide lyophilized		N1		
J9096	Cyclophosphamide lyophilized		N1		
J9097	Cyclophosphamide lyophilized		N1		
J9098	Cytarabine liposome inj		K2		$439.60
J9100	Cytarabine hcl 100 MG inj		N1		
J9110	Cytarabine hcl 500 MG inj		N1		
J9120	Dactinomycin injection		K2		$532.63
J9130	Dacarbazine 100 mg inj		N1		
J9140	Dacarbazine 200 MG inj		N1		
J9150	Daunorubicin injection		K2		$15.83
J9151	Daunorubicin citrate inj		K2		$55.04
J9160	Denileukin diftitox inj		K2		$1,395.09
J9165	Diethylstilbestrol injection		K2		$78.08
J9170	Docetaxel injection		K2		$334.54
J9175	Elliotts b solution per ml		N1		
J9178	Inj, epirubicin hcl, 2 mg		K2		$7.52
J9181	Etoposide injection		N1		
J9185	Fludarabine phosphate inj		K2		$144.55
J9190	Fluorouracil injection		N1		

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J9200	Floxuridine injection		K2		$56.99
J9201	Gemcitabine hcl injection		K2		$135.39
J9202	Goserelin acetate implant		K2		$185.13
J9206	Irinotecan injection		K2		$17.95
J9207	Ixabepilone injection		K2		$63.74
J9208	Ifosfomide injection		K2		$31.63
J9209	Mesna injection		K2		$6.12
J9211	Idarubicin hcl injection		K2		$126.99
J9212	Interferon alfacon-1 inj	CH	K2		$6.75
J9213	Interferon alfa-2a inj		K2		$39.76
J9214	Interferon alfa-2b inj		K2		$14.65
J9215	Interferon alfa-n3 inj		K2		$17.89
J9216	Interferon gamma 1-b inj		K2		$358.41
J9217	Leuprolide acetate suspnsion		K2		$199.59
J9218	Leuprolide acetate injeciton		K2		$6.41
J9219	Leuprolide acetate implant		K2		$4,728.88
J9225	Vantas implant		K2		$1,568.13
J9226	Supprelin LA implant		K2		$14,817.10
J9230	Mechlorethamine hcl inj		K2		$144.41
J9245	Inj melphalan hydrochl 50 MG		K2		$1,593.95
J9250	Methotrexate sodium inj		N1		
J9260	Methotrexate sodium inj		N1		
J9261	Nelarabine injection		K2		$100.11
J9263	Oxaliplatin		K2		$9.36
J9264	Paclitaxel protein bound		K2		$8.94
J9265	Paclitaxel injection	CH	N1		
J9266	Pegaspargase injection		K2		$2,569.01
J9268	Pentostatin injection		K2		$1,420.37
J9270	Plicamycin (mithramycin) inj	CH	N1		
J9280	Mitomycin 5 MG inj		K2		$15.39
J9290	Mitomycin 20 MG inj		K2		$61.56
J9291	Mitomycin 40 MG inj		K2		$123.13
J9293	Mitoxantrone hydrochl / 5 MG		K2		$79.65

NOTES:

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Proposed payment indicators for radiology services (Z2 and Z3) are based on a comparison of the proposed rates according to the ASC standard ratesetting methodology and the MPFS proposed rates. Under current law, the MPFS payment rates will have a negative update for CY 2010. For a discussion of those rates, we refer readers to the June 2009 CY 2010 MPFS proposed rule.

ADDENDUM BB.--PROPOSED ASC COVERED ANCILLARY SERVICES INTEGRAL TO COVERED SURGICAL PROCEDURES FOR CY 2010 ((INCLUDING ANCILLARY SERVICES FOR WHICH PAYMENT IS PACKAGED)

HCPCS Code	Short Descriptor	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
J9300	Gemtuzumab ozogamicin inj		K2		$2,509.93
J9303	Panitumumab injection		K2		$82.70
J9305	Pemetrexed injection		K2		$47.25
J9310	Rituximab injection		K2		$538.74
J9320	Streptozocin injection		K2		$277.66
J9330	Temsirolimus injection		K2		$47.90
J9340	Thiotepa injection		K2		$90.34
J9350	Topotecan injection		K2		$938.98
J9355	Trastuzumab injection		K2		$61.88
J9357	Valrubicin injection		K2		$384.38
J9360	Vinblastine sulfate inj		N1		
J9370	Vincristine sulfate 1 MG inj		N1		
J9375	Vincristine sulfate 2 MG inj		N1		
J9380	Vincristine sulfate 5 MG inj		N1		
J9390	Vinorelbine tartrate inj	CH	N1		
J9395	Injection, Fulvestrant		K2		$79.81
J9600	Porfimer sodium injection		K2		$2,660.78
J9999	Chemotherapy drug		N1		
L8600	Implant breast silicone/eq		N1		
L8603	Collagen imp urinary 2.5 ml		N1		
L8604	Dextranomer/hyaluronic acid		N1		
L8606	Synthetic implnt urinary 1ml		N1		
L8609	Artificial cornea		N1		
L8610	Ocular implant		N1		
L8612	Aqueous shunt prosthesis		N1		
L8613	Ossicular implant		N1		
L8614	Cochlear device		N1		
L8630	Metacarpophalangeal implant		N1		
L8631	MCP joint repl 2 pc or more		N1		
L8641	Metatarsal joint implant		N1		
L8642	Hallux implant		N1		
L8658	Interphalangeal joint spacer		N1		
L8659	Interphalangeal joint repl		N1		

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HCPCS Code	Short Descriptor	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
L8670	Vascular graft, synthetic		N1		
L8682	Implt neurostim radiofq rec		N1		
L8690	Aud osseo dev, int/ext comp		N1		
L8699	Prosthetic implant NOS		N1		
P9041	Albumin (human),5%, 50ml		K2		$16.36
P9045	Albumin (human), 5%, 250 ml		K2		$61.35
P9046	Albumin (human), 25%, 20 ml		K2		$24.35
P9047	Albumin (human), 25%, 50ml		K2		$61.47
Q0163	Diphenhydramine HCl 50mg		N1		
Q0164	Prochlorperazine maleate 5mg		N1		
Q0166	Granisetron hcl 1 mg oral	CH	N1		
Q0167	Dronabinol 2.5mg oral		N1		
Q0169	Promethazine HCl 12.5mg oral		N1		
Q0171	Chlorpromazine HCl 10mg oral		N1		
Q0173	Trimethobenzamide HCl 250mg		N1		
Q0174	Thiethylperazine maleate10mg		N1		
Q0175	Perphenazine 4mg oral		N1		
Q0177	Hydroxyzine pamoate 25mg		N1		
Q0179	Ondansetron hcl 8 mg oral	CH	N1		
Q0180	Dolasetron mesylate oral	CH	N1		
Q0515	Sermorelin acetate injection		K2		$1.77
Q1003	Ntiol category 3		L6		$50.00
Q2004	Bladder calculi irrig sol		N1		
Q2009	Fosphenytoin, 50 mg		N1		
Q2017	Teniposide, 50 mg		K2		$319.52
Q3025	IM inj interferon beta 1-a		K2		$164.48
Q4100	Skin substitute, NOS		N1		
Q4101	Apligraf skin sub		K2		$30.70
Q4102	Oasis wound matrix skin sub		K2		$4.24
Q4103	Oasis burn matrix skin sub		K2		$4.24
Q4104	Integra BMWD skin sub		K2		$11.83
Q4105	Integra DRT skin sub		K2		$11.83
Q4106	Dermagraft skin sub		K2		$37.76

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ADDENDUM BB.--PROPOSED ASC COVERED ANCILLARY SERVICES INTEGRAL TO COVERED SURGICAL PROCEDURES FOR CY 2010 ((INCLUDING ANCILLARY SERVICES FOR WHICH PAYMENT IS PACKAGED)

HCPCS Code	Short Descriptor	Comment Indicator	Payment Indicator	CY 2010 Third Year Transition Payment Weight	CY 2010 Third Year Transition Payment
Q4107	Graftjacket skin sub		K2		$86.68
Q4108	Integra matrix skin sub		K2		$18.24
Q4109	Tissuemend skin sub		N1		
Q4110	Primatrix skin sub		K2		$35.57
Q4111	Gammagraft skin sub		K2		$7.18
Q4112	Cymetra allograft		K2		$303.36
Q4113	Graftjacket express allograf		K2		$303.36
Q4114	Integra flowable wound matri		K2		$900.29
Q9951	LOCM >= 400 mg/ml iodine,1ml		N1		
Q9953	Inj Fe-based MR contrast,1ml		N1		
Q9954	Oral MR contrast, 100 ml		N1		
Q9955	Inj perflexane lip micros,ml		N1		
Q9956	Inj octafluoropropane mic,ml		N1		
Q9957	Inj perflutren lip micros,ml		N1		
Q9958	HOCM <=149 mg/ml iodine, 1ml		N1		
Q9959	HOCM 150-199mg/ml iodine,1ml		N1		
Q9960	HOCM 200-249mg/ml iodine,1ml		N1		
Q9961	HOCM 250-299mg/ml iodine,1ml		N1		
Q9962	HOCM 300-349mg/ml iodine,1ml		N1		
Q9963	HOCM 350-399mg/ml iodine,1ml		N1		
Q9964	HOCM>= 400mg/ml iodine, 1ml		N1		
Q9965	LOCM 100-199mg/ml iodine,1ml		N1		
Q9966	LOCM 200-299mg/ml iodine,1ml		N1		
Q9967	LOCM 300-399mg/ml iodine,1ml		N1		
V2630	Anter chamber intraocul lens		N1		
V2631	Iris support intraoclr lens		N1		
V2632	Post chmbr intraocular lens		N1		
V2785	Corneal tissue processing		F4		
V2790	Amniotic membrane		N1		

NOTES:

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ADDENDUM D1.--PROPOSED OPPS PAYMENT STATUS INDICATORS FOR CY 2010

Indicator	Item/Code/Service	OPPS Payment Status
A	Services furnished to a hospital outpatient that are paid under a fee schedule or payment system other than OPPS, for example:	Not paid under OPPS. Paid by fiscal intermediaries/MACs under a fee schedule or payment system other than OPPS.
	• Ambulance Services • Clinical Diagnostic Laboratory Services • Non-Implantable Prosthetic and Orthotic Devices • EPO for ESRD Patients • Physical, Occupational, and Speech Therapy	Not subject to deductible or coinsurance.
	• Routine Dialysis Services for ESRD Patients Provided in a Certified Dialysis Unit of a Hospital • Diagnostic Mammography • Screening Mammography	Not subject to deductible.
B	Codes that are not recognized by OPPS when submitted on an outpatient hospital Part B bill type (12x and 13x).	Not paid under OPPS. • May be paid by fiscal intermediaries/MACs when submitted on a different bill type, for example, 75x (CORF), but not paid under OPPS. • An alternate code that is recognized by OPPS when submitted on an outpatient hospital Part B bill type (12x and 13x) may be available.
C	Inpatient Procedures	Not paid under OPPS. Admit patient. Bill as inpatient.

ADDENDUM D1.--PROPOSED OPPS PAYMENT STATUS INDICATORS FOR CY 2010

Indicator	Item/Code/Service	OPPS Payment Status
D	Discontinued Codes	Not paid under OPPS or any other Medicare payment system.
E	Items, Codes, and Services: • That are not covered by any Medicare outpatient benefit based on statutory exclusion. • That are not covered by any Medicare outpatient benefit for reasons other than statutory exclusion. • That are not recognized by Medicare for outpatient claims but for which an alternate code for the same item or service may be available. • For which separate payment is not provided on outpatient claims.	Not paid by Medicare when submitted on outpatient claims (any outpatient bill type).
F	Corneal Tissue Acquisition; Certain CRNA Services and Hepatitis B Vaccines	Not paid under OPPS. Paid at reasonable cost.
G	Pass-Through Drugs and Biologicals	Paid under OPPS; separate APC payment.
H	Pass-Through Device Categories	Separate cost-based pass-through payment; not subject to copayment.
K	Nonpass-Through Drugs and Nonimplantable Biologicals, Including Therapeutic Radiopharmaceuticals	Paid under OPPS; separate APC payment.
L	Influenza Vaccine; Pneumococcal Pneumonia Vaccine	Not paid under OPPS. Paid at reasonable cost; not subject to deductible or coinsurance.
M	Items and Services Not Billable to the Fiscal Intermediary/MAC	Not paid under OPPS.
N	Items and Services Packaged into APC Rates	Paid under OPPS; payment is packaged into payment for other services. Therefore, there is no separate APC payment.

ADDENDUM D1.--PROPOSED OPPS PAYMENT STATUS INDICATORS FOR CY 2010

Indicator	Item/Code/Service	OPPS Payment Status
P	Partial Hospitalization	Paid under OPPS; per diem APC payment.
Q1	STVX-Packaged Codes	Paid under OPPS; Addendum B displays APC assignments when services are separately payable. (1) Packaged APC payment if billed on the same date of service as a HCPCS code assigned status indicator "S," "T," "V," or "X." (2) In all other circumstances, payment is made through a separate APC payment.
Q2	T-Packaged Codes	Paid under OPPS; Addendum B displays APC assignments when services are separately payable. (1) Packaged APC payment if billed on the same date of service as a HCPCS code assigned status indicator "T." (2) In all other circumstances, payment is made through a separate APC payment.
Q3	Codes That May Be Paid Through a Composite APC	Paid under OPPS; Addendum B displays APC assignments when services are separately payable. Addendum M displays composite APC assignments when codes are paid through a composite APC. (1) Composite APC payment based on OPPS composite-specific payment criteria. Payment is packaged into a single payment for specific combinations of service. (2) In all other circumstances, payment is made through a separate APC payment or packaged into payment for other services.
R	Blood and Blood Products	Paid under OPPS; separate APC payment.

ADDENDUM D1.--PROPOSED OPPS PAYMENT STATUS INDICATORS FOR CY 2010

Indicator	Item/Code/Service	OPPS Payment Status
S	Significant Procedure, Not Discounted When Multiple	Paid under OPPS; separate APC payment.
T	Significant Procedure, Multiple Reduction Applies	Paid under OPPS; separate APC payment.
U	Brachytherapy Sources	Paid under OPPS; separate APC payment.
V	Clinic or Emergency Department Visit	Paid under OPPS; separate APC payment.
X	Ancillary Services	Paid under OPPS; separate APC payment.
Y	Non-Implantable Durable Medical Equipment	Not paid under OPPS. All institutional providers other than home health agencies bill to DMERC.

ADDENDUM DD1.--PROPOSED ASC PAYMENT INDICATORS FOR CY 2010

ADDENDUM DD1.--PROPOSED ASC PAYMENT INDICATORS FOR CY 2010

Indicator	Payment Indicator Definition
A2	Surgical procedure on ASC list in CY 2007; payment based on OPPS relative payment weight.
D5	Deleted/discontinued code; no payment made.
F4	Corneal tissue acquisition, hepatitis B vaccine; paid at reasonable cost.
G2	Non office-based surgical procedure added in CY 2008 or later; payment based on OPPS relative payment weight.
H2	Brachytherapy source paid separately when provided integral to a surgical procedure on ASC list; payment based on OPPS rate.
H8	Device-intensive procedure on ASC list in CY 2007; paid at adjusted rate.
J7	OPPS pass-through device paid separately when provided integral to a surgical procedure on ASC list; payment contractor-priced.
J8	Device-intensive procedure added to ASC list in CY 2008 or later; paid at adjusted rate.
K2	Drugs and biologicals paid separately when provided integral to a surgical procedure on ASC list; payment based on OPPS rate.

ADDENDUM DD1.--PROPOSED ASC PAYMENT INDICATORS FOR CY 2010

Indicator	Payment Indicator Definition
K7	Unclassified drugs and biologicals; payment contractor-priced.
L1	Influenza vaccine; pneumococcal vaccine. Packaged item/service; no separate payment made.
L6	New Technology Intraocular Lens (NTIOL); special payment.
N1	Packaged service/item; no separate payment made.
P2	Office-based surgical procedure added to ASC list in CY 2008 or later with MPFS nonfacility PE RVUs; payment based on OPPS relative payment weight.
P3	Office-based surgical procedure added to ASC list in CY 2008 or later with MPFS nonfacility PE RVUs; payment based on MPFS nonfacility PE RVUs.
R2	Office-based surgical procedure added to ASC list in CY 2008 or later without MPFS nonfacility PE RVUs; payment based on OPPS relative payment weight.
Z2	Radiology service paid separately when provided integral to a surgical procedure on ASC list; payment based on OPPS relative payment weight.
Z3	Radiology service paid separately when provided integral to a surgical procedure on ASC list; payment based on MPFS nonfacility PE RVUs.

ADDENDUM D2.--PROPOSED OPPS COMMENT INDICATORS FOR CY 2010

Comment Indicator	Descriptor
NI	New code, interim APC assignment; comments will be accepted on the interim APC assignment for the new code.
CH	Active HCPCS code in current year and next calendar year, status indicator and/or APC assignment has changed; or active HCPCS code that will be discontinued at the end of the current calendar year.

ADDENDUM DD2.--PROPOSED ASC COMMENT INDICATORS FOR CY 2010

CI	Comment Indicator Meanings
CH	Active HCPCS code in current year and next calendar year, payment indicator assignment has changed; or active HCPCS code that is newly recognized as payable in ASC; or active HCPCS code that is discontinued at the end of the current calendar year.
NI	New code, interim payment indicator assignment; comments will be accepted on the interim payment assignment for the new code.

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010

HCPCS Code	Short Descriptor	SI	CI
00176	Anesth, pharyngeal surgery	C	
00192	Anesth, facial bone surgery	C	
00211	Anesth, cran surg, hemotoma	C	
00214	Anesth, skull drainage	C	
00215	Anesth, skull repair/fract	C	
00452	Anesth, surgery of shoulder	C	
00474	Anesth, surgery of rib(s)	C	
00524	Anesth, chest drainage	C	
00540	Anesth, chest surgery	C	
00542	Anesth, release of lung	C	
00546	Anesth, lung,chest wall surg	C	
00560	Anesth, heart surg w/o pump	C	
00561	Anesth, heart surg < age 1	C	
00562	Anesth hrt surg w/pmp age 1+	C	
00567	Anesth, cabg w/pump	C	
00580	Anesth, heart/lung transplnt	C	
00604	Anesth, sitting procedure	C	
00622	Anesth, removal of nerves	C	
00632	Anesth, removal of nerves	C	
00670	Anesth, spine, cord surgery	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
00792	Anesth, hemorr/excise liver	C	
00794	Anesth, pancreas removal	C	
00796	Anesth, for liver transplant	C	
00802	Anesth, fat layer removal	C	
00844	Anesth, pelvis surgery	C	
00846	Anesth, hysterectomy	C	
00848	Anesth, pelvic organ surg	C	
00864	Anesth, removal of bladder	C	
00865	Anesth, removal of prostate	C	
00866	Anesth, removal of adrenal	C	
00868	Anesth, kidney transplant	C	
00882	Anesth, major vein ligation	C	
00904	Anesth, perineal surgery	C	
00908	Anesth, removal of prostate	C	
00932	Anesth, amputation of penis	C	
00934	Anesth, penis, nodes removal	C	
00936	Anesth, penis, nodes removal	C	
00944	Anesth, vaginal hysterectomy	C	
01140	Anesth, amputation at pelvis	C	
01150	Anesth, pelvic tumor surgery	C	
01212	Anesth, hip disarticulation	C	
01214	Anesth, hip arthroplasty	C	
01232	Anesth, amputation of femur	C	
01234	Anesth, radical femur surg	C	
01272	Anesth, femoral artery surg	C	
01274	Anesth, femoral embolectomy	C	
01402	Anesth, knee arthroplasty	C	
01404	Anesth, amputation at knee	C	
01442	Anesth, knee artery surg	C	
01444	Anesth, knee artery repair	C	
01486	Anesth, ankle replacement	C	
01502	Anesth, lwr leg embolectomy	C	
01632	Anesth, surgery of shoulder	C	
01634	Anesth, shoulder joint amput	C	
01636	Anesth, forequarter amput	C	
01638	Anesth, shoulder replacement	C	
01652	Anesth, shoulder vessel surg	C	
01654	Anesth, shoulder vessel surg	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
01656	Anesth, arm-leg vessel surg	C	
01756	Anesth, radical humerus surg	C	
01990	Support for organ donor	C	
11004	Debride genitalia & perineum	C	
11005	Debride abdom wall	C	
11006	Debride genit/per/abdom wall	C	
11008	Remove mesh from abd wall	C	
15756	Free myo/skin flap microvasc	C	
15757	Free skin flap, microvasc	C	
15758	Free fascial flap, microvasc	C	
16036	Escharotomy; add'l incision	C	
19271	Revision of chest wall	C	
19272	Extensive chest wall surgery	C	
19305	Mast, radical	C	
19306	Mast, rad, urban type	C	
19361	Breast reconstr w/lat flap	C	
19364	Breast reconstruction	C	
19367	Breast reconstruction	C	
19368	Breast reconstruction	C	
19369	Breast reconstruction	C	
20661	Application of head brace	C	
20664	Halo brace application	C	
20802	Replantation, arm, complete	C	
20805	Replant forearm, complete	C	
20808	Replantation hand, complete	C	
20816	Replantation digit, complete	C	
20824	Replantation thumb, complete	C	
20827	Replantation thumb, complete	C	
20838	Replantation foot, complete	C	
20930	Sp bone algrft morsel add-on	C	
20931	Sp bone algrft struct add-on	C	
20936	Sp bone agrft local add-on	C	
20937	Sp bone agrft morsel add-on	C	
20938	Sp bone agrft struct add-on	C	
20955	Fibula bone graft, microvasc	C	
20956	Iliac bone graft, microvasc	C	
20957	Mt bone graft, microvasc	C	
20962	Other bone graft, microvasc	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
20969	Bone/skin graft, microvasc	C	
20970	Bone/skin graft, iliac crest	C	
21045	Extensive jaw surgery	C	
21141	Reconstruct midface, lefort	C	
21142	Reconstruct midface, lefort	C	
21143	Reconstruct midface, lefort	C	
21145	Reconstruct midface, lefort	C	
21146	Reconstruct midface, lefort	C	
21147	Reconstruct midface, lefort	C	
21151	Reconstruct midface, lefort	C	
21154	Reconstruct midface, lefort	C	
21155	Reconstruct midface, lefort	C	
21159	Reconstruct midface, lefort	C	
21160	Reconstruct midface, lefort	C	
21179	Reconstruct entire forehead	C	
21180	Reconstruct entire forehead	C	
21182	Reconstruct cranial bone	C	
21183	Reconstruct cranial bone	C	
21184	Reconstruct cranial bone	C	
21188	Reconstruction of midface	C	
21193	Reconst lwr jaw w/o graft	C	
21194	Reconst lwr jaw w/graft	C	
21196	Reconst lwr jaw w/fixation	C	
21247	Reconstruct lower jaw bone	C	
21255	Reconstruct lower jaw bone	C	
21268	Revise eye sockets	C	
21343	Treatment of sinus fracture	C	
21344	Treatment of sinus fracture	C	
21346	Treat nose/jaw fracture	C	
21347	Treat nose/jaw fracture	C	
21348	Treat nose/jaw fracture	C	
21366	Treat cheek bone fracture	C	
21395	Treat eye socket fracture	C	
21422	Treat mouth roof fracture	C	
21423	Treat mouth roof fracture	C	
21431	Treat craniofacial fracture	C	
21432	Treat craniofacial fracture	C	
21433	Treat craniofacial fracture	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
21435	Treat craniofacial fracture	C	
21436	Treat craniofacial fracture	C	
21510	Drainage of bone lesion	C	
21615	Removal of rib	C	
21616	Removal of rib and nerves	C	
21620	Partial removal of sternum	C	
21627	Sternal debridement	C	
21630	Extensive sternum surgery	C	
21632	Extensive sternum surgery	C	
21705	Revision of neck muscle/rib	C	
21740	Reconstruction of sternum	C	
21750	Repair of sternum separation	C	
21810	Treatment of rib fracture(s)	C	
21825	Treat sternum fracture	C	
22010	I&d, p-spine, c/t/cerv-thor	C	
22015	I&d, p-spine, l/s/ls	C	
22110	Remove part of neck vertebra	C	
22112	Remove part, thorax vertebra	C	
22114	Remove part, lumbar vertebra	C	
22116	Remove extra spine segment	C	
22206	Cut spine 3 col, thor	C	
22207	Cut spine 3 col, lumb	C	
22208	Cut spine 3 col, addl seg	C	
22210	Revision of neck spine	C	
22212	Revision of thorax spine	C	
22214	Revision of lumbar spine	C	
22216	Revise, extra spine segment	C	
22220	Revision of neck spine	C	
22224	Revision of lumbar spine	C	
22226	Revise, extra spine segment	C	
22318	Treat odontoid fx w/o graft	C	
22319	Treat odontoid fx w/graft	C	
22325	Treat spine fracture	C	
22326	Treat neck spine fracture	C	
22327	Treat thorax spine fracture	C	
22328	Treat each add spine fx	C	
22532	Lat thorax spine fusion	C	
22533	Lat lumbar spine fusion	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
22534	Lat thor/lumb, add'l seg	C	
22548	Neck spine fusion	C	
22554	Neck spine fusion	C	
22556	Thorax spine fusion	C	
22558	Lumbar spine fusion	C	
22585	Additional spinal fusion	C	
22590	Spine & skull spinal fusion	C	
22595	Neck spinal fusion	C	
22600	Neck spine fusion	C	
22610	Thorax spine fusion	C	
22630	Lumbar spine fusion	C	
22632	Spine fusion, extra segment	C	
22800	Fusion of spine	C	
22802	Fusion of spine	C	
22804	Fusion of spine	C	
22808	Fusion of spine	C	
22810	Fusion of spine	C	
22812	Fusion of spine	C	
22818	Kyphectomy, 1-2 segments	C	
22819	Kyphectomy, 3 or more	C	
22830	Exploration of spinal fusion	C	
22840	Insert spine fixation device	C	
22841	Insert spine fixation device	C	
22842	Insert spine fixation device	C	
22843	Insert spine fixation device	C	
22844	Insert spine fixation device	C	
22845	Insert spine fixation device	C	
22846	Insert spine fixation device	C	
22847	Insert spine fixation device	C	
22848	Insert pelv fixation device	C	
22849	Reinsert spinal fixation	C	
22850	Remove spine fixation device	C	
22852	Remove spine fixation device	C	
22855	Remove spine fixation device	C	
22856	Cerv artific diskectomy	C	
22857	Lumbar artif diskectomy	C	
22861	Revise cerv artific disc	C	
22862	Revise lumbar artif disc	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
22864	Remove cerv artif disc	C	
22865	Remove lumb artif disc	C	
23200	Removal of collar bone	C	
23210	Removal of shoulder blade	C	
23220	Partial removal of humerus	C	
23221	Partial removal of humerus	C	
23222	Partial removal of humerus	C	
23332	Remove shoulder foreign body	C	
23472	Reconstruct shoulder joint	C	
23900	Amputation of arm & girdle	C	
23920	Amputation at shoulder joint	C	
24900	Amputation of upper arm	C	
24920	Amputation of upper arm	C	
24930	Amputation follow-up surgery	C	
24931	Amputate upper arm & implant	C	
24940	Revision of upper arm	C	
25900	Amputation of forearm	C	
25905	Amputation of forearm	C	
25909	Amputation follow-up surgery	C	
25915	Amputation of forearm	C	
25920	Amputate hand at wrist	C	
25924	Amputation follow-up surgery	C	
25927	Amputation of hand	C	
26551	Great toe-hand transfer	C	
26553	Single transfer, toe-hand	C	
26554	Double transfer, toe-hand	C	
26556	Toe joint transfer	C	
26992	Drainage of bone lesion	C	
27005	Incision of hip tendon	C	
27025	Incision of hip/thigh fascia	C	
27030	Drainage of hip joint	C	
27036	Excision of hip joint/muscle	C	
27054	Removal of hip joint lining	C	
27070	Partial removal of hip bone	C	
27071	Partial removal of hip bone	C	
27075	Extensive hip surgery	C	
27076	Extensive hip surgery	C	
27077	Extensive hip surgery	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
27078	Extensive hip surgery	C	
27079	Extensive hip surgery	C	
27090	Removal of hip prosthesis	C	
27091	Removal of hip prosthesis	C	
27120	Reconstruction of hip socket	C	
27122	Reconstruction of hip socket	C	
27125	Partial hip replacement	C	
27130	Total hip arthroplasty	C	
27132	Total hip arthroplasty	C	
27134	Revise hip joint replacement	C	
27137	Revise hip joint replacement	C	
27138	Revise hip joint replacement	C	
27140	Transplant femur ridge	C	
27146	Incision of hip bone	C	
27147	Revision of hip bone	C	
27151	Incision of hip bones	C	
27156	Revision of hip bones	C	
27158	Revision of pelvis	C	
27161	Incision of neck of femur	C	
27165	Incision/fixation of femur	C	
27170	Repair/graft femur head/neck	C	
27175	Treat slipped epiphysis	C	
27176	Treat slipped epiphysis	C	
27177	Treat slipped epiphysis	C	
27178	Treat slipped epiphysis	C	
27181	Treat slipped epiphysis	C	
27185	Revision of femur epiphysis	C	
27187	Reinforce hip bones	C	
27222	Treat hip socket fracture	C	
27226	Treat hip wall fracture	C	
27227	Treat hip fracture(s)	C	
27228	Treat hip fracture(s)	C	
27232	Treat thigh fracture	C	
27236	Treat thigh fracture	C	
27240	Treat thigh fracture	C	
27244	Treat thigh fracture	C	
27245	Treat thigh fracture	C	
27248	Treat thigh fracture	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
27253	Treat hip dislocation	C	
27254	Treat hip dislocation	C	
27258	Treat hip dislocation	C	
27259	Treat hip dislocation	C	
27268	Cltx thigh fx w/mnpj	C	
27269	Optx thigh fx	C	
27280	Fusion of sacroiliac joint	C	
27282	Fusion of pubic bones	C	
27284	Fusion of hip joint	C	
27286	Fusion of hip joint	C	
27290	Amputation of leg at hip	C	
27295	Amputation of leg at hip	C	
27303	Drainage of bone lesion	C	
27365	Extensive leg surgery	C	
27445	Revision of knee joint	C	
27447	Total knee arthroplasty	C	
27448	Incision of thigh	C	
27450	Incision of thigh	C	
27454	Realignment of thigh bone	C	
27455	Realignment of knee	C	
27457	Realignment of knee	C	
27465	Shortening of thigh bone	C	
27466	Lengthening of thigh bone	C	
27468	Shorten/lengthen thighs	C	
27470	Repair of thigh	C	
27472	Repair/graft of thigh	C	
27477	Surgery to stop leg growth	C	
27485	Surgery to stop leg growth	C	
27486	Revise/replace knee joint	C	
27487	Revise/replace knee joint	C	
27488	Removal of knee prosthesis	C	
27495	Reinforce thigh	C	
27506	Treatment of thigh fracture	C	
27507	Treatment of thigh fracture	C	
27511	Treatment of thigh fracture	C	
27513	Treatment of thigh fracture	C	
27514	Treatment of thigh fracture	C	
27519	Treat thigh fx growth plate	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
27535	Treat knee fracture	C	
27536	Treat knee fracture	C	
27540	Treat knee fracture	C	
27556	Treat knee dislocation	C	
27557	Treat knee dislocation	C	
27558	Treat knee dislocation	C	
27580	Fusion of knee	C	
27590	Amputate leg at thigh	C	
27591	Amputate leg at thigh	C	
27592	Amputate leg at thigh	C	
27596	Amputation follow-up surgery	C	
27598	Amputate lower leg at knee	C	
27645	Extensive lower leg surgery	C	
27646	Extensive lower leg surgery	C	
27702	Reconstruct ankle joint	C	
27703	Reconstruction, ankle joint	C	
27712	Realignment of lower leg	C	
27715	Revision of lower leg	C	
27724	Repair/graft of tibia	C	
27725	Repair of lower leg	C	
27727	Repair of lower leg	C	
27880	Amputation of lower leg	C	
27881	Amputation of lower leg	C	
27882	Amputation of lower leg	C	
27886	Amputation follow-up surgery	C	
27888	Amputation of foot at ankle	C	
28800	Amputation of midfoot	C	
28805	Amputation thru metatarsal	C	
31225	Removal of upper jaw	C	
31230	Removal of upper jaw	C	
31290	Nasal/sinus endoscopy, surg	C	
31291	Nasal/sinus endoscopy, surg	C	
31360	Removal of larynx	C	
31365	Removal of larynx	C	
31367	Partial removal of larynx	C	
31368	Partial removal of larynx	C	
31370	Partial removal of larynx	C	
31375	Partial removal of larynx	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
31380	Partial removal of larynx	C	
31382	Partial removal of larynx	C	
31390	Removal of larynx & pharynx	C	
31395	Reconstruct larynx & pharynx	C	
31584	Treat larynx fracture	C	
31587	Revision of larynx	C	
31725	Clearance of airways	C	
31760	Repair of windpipe	C	
31766	Reconstruction of windpipe	C	
31770	Repair/graft of bronchus	C	
31775	Reconstruct bronchus	C	
31780	Reconstruct windpipe	C	
31781	Reconstruct windpipe	C	
31786	Remove windpipe lesion	C	
31800	Repair of windpipe injury	C	
31805	Repair of windpipe injury	C	
32035	Exploration of chest	C	
32036	Exploration of chest	C	
32095	Biopsy through chest wall	C	
32100	Exploration/biopsy of chest	C	
32110	Explore/repair chest	C	
32120	Re-exploration of chest	C	
32124	Explore chest free adhesions	C	
32140	Removal of lung lesion(s)	C	
32141	Remove/treat lung lesions	C	
32150	Removal of lung lesion(s)	C	
32151	Remove lung foreign body	C	
32160	Open chest heart massage	C	
32200	Drain, open, lung lesion	C	
32215	Treat chest lining	C	
32220	Release of lung	C	
32225	Partial release of lung	C	
32310	Removal of chest lining	C	
32320	Free/remove chest lining	C	
32402	Open biopsy chest lining	C	
32440	Removal of lung	C	
32442	Sleeve pneumonectomy	C	
32445	Removal of lung	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
32480	Partial removal of lung	C	
32482	Bilobectomy	C	
32484	Segmentectomy	C	
32486	Sleeve lobectomy	C	
32488	Completion pneumonectomy	C	
32491	Lung volume reduction	C	
32500	Partial removal of lung	C	
32501	Repair bronchus add-on	C	
32503	Resect apical lung tumor	C	
32504	Resect apical lung tum/chest	C	
32540	Removal of lung lesion	C	
32650	Thoracoscopy, surgical	C	
32651	Thoracoscopy, surgical	C	
32652	Thoracoscopy, surgical	C	
32653	Thoracoscopy, surgical	C	
32654	Thoracoscopy, surgical	C	
32655	Thoracoscopy, surgical	C	
32656	Thoracoscopy, surgical	C	
32657	Thoracoscopy, surgical	C	
32658	Thoracoscopy, surgical	C	
32659	Thoracoscopy, surgical	C	
32660	Thoracoscopy, surgical	C	
32661	Thoracoscopy, surgical	C	
32662	Thoracoscopy, surgical	C	
32663	Thoracoscopy, surgical	C	
32664	Thoracoscopy, surgical	C	
32665	Thoracoscopy, surgical	C	
32800	Repair lung hernia	C	
32810	Close chest after drainage	C	
32815	Close bronchial fistula	C	
32820	Reconstruct injured chest	C	
32850	Donor pneumonectomy	C	
32851	Lung transplant, single	C	
32852	Lung transplant with bypass	C	
32853	Lung transplant, double	C	
32854	Lung transplant with bypass	C	
32855	Prepare donor lung, single	C	
32856	Prepare donor lung, double	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
32900	Removal of rib(s)	C	
32905	Revise & repair chest wall	C	
32906	Revise & repair chest wall	C	
32940	Revision of lung	C	
32997	Total lung lavage	C	
33015	Incision of heart sac	C	
33020	Incision of heart sac	C	
33025	Incision of heart sac	C	
33030	Partial removal of heart sac	C	
33031	Partial removal of heart sac	C	
33050	Removal of heart sac lesion	C	
33120	Removal of heart lesion	C	
33130	Removal of heart lesion	C	
33140	Heart revascularize (tmr)	C	
33141	Heart tmr w/other procedure	C	
33202	Insert epicard eltrd, open	C	
33203	Insert epicard eltrd, endo	C	
33236	Remove electrode/thoracotomy	C	
33237	Remove electrode/thoracotomy	C	
33238	Remove electrode/thoracotomy	C	
33243	Remove eltrd/thoracotomy	C	
33250	Ablate heart dysrhythm focus	C	
33251	Ablate heart dysrhythm focus	C	
33254	Ablate atria, lmtd	C	
33255	Ablate atria w/o bypass, ext	C	
33256	Ablate atria w/bypass, exten	C	
33257	Ablate atria, lmtd, add-on	C	
33258	Ablate atria, x10sv, add-on	C	
33259	Ablate atria w/bypass add-on	C	
33261	Ablate heart dysrhythm focus	C	
33265	Ablate atria, lmtd, endo	C	
33266	Ablate atria, x10sv, endo	C	
33300	Repair of heart wound	C	
33305	Repair of heart wound	C	
33310	Exploratory heart surgery	C	
33315	Exploratory heart surgery	C	
33320	Repair major blood vessel(s)	C	
33321	Repair major vessel	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
33322	Repair major blood vessel(s)	C	
33330	Insert major vessel graft	C	
33332	Insert major vessel graft	C	
33335	Insert major vessel graft	C	
33400	Repair of aortic valve	C	
33401	Valvuloplasty, open	C	
33403	Valvuloplasty, w/cp bypass	C	
33404	Prepare heart-aorta conduit	C	
33405	Replacement of aortic valve	C	
33406	Replacement of aortic valve	C	
33410	Replacement of aortic valve	C	
33411	Replacement of aortic valve	C	
33412	Replacement of aortic valve	C	
33413	Replacement of aortic valve	C	
33414	Repair of aortic valve	C	
33415	Revision, subvalvular tissue	C	
33416	Revise ventricle muscle	C	
33417	Repair of aortic valve	C	
33420	Revision of mitral valve	C	
33422	Revision of mitral valve	C	
33425	Repair of mitral valve	C	
33426	Repair of mitral valve	C	
33427	Repair of mitral valve	C	
33430	Replacement of mitral valve	C	
33460	Revision of tricuspid valve	C	
33463	Valvuloplasty, tricuspid	C	
33464	Valvuloplasty, tricuspid	C	
33465	Replace tricuspid valve	C	
33468	Revision of tricuspid valve	C	
33470	Revision of pulmonary valve	C	
33471	Valvotomy, pulmonary valve	C	
33472	Revision of pulmonary valve	C	
33474	Revision of pulmonary valve	C	
33475	Replacement, pulmonary valve	C	
33476	Revision of heart chamber	C	
33478	Revision of heart chamber	C	
33496	Repair, prosth valve clot	C	
33500	Repair heart vessel fistula	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
33501	Repair heart vessel fistula	C	
33502	Coronary artery correction	C	
33503	Coronary artery graft	C	
33504	Coronary artery graft	C	
33505	Repair artery w/tunnel	C	
33506	Repair artery, translocation	C	
33507	Repair art, intramural	C	
33510	CABG, vein, single	C	
33511	CABG, vein, two	C	
33512	CABG, vein, three	C	
33513	CABG, vein, four	C	
33514	CABG, vein, five	C	
33516	Cabg, vein, six or more	C	
33517	CABG, artery-vein, single	C	
33518	CABG, artery-vein, two	C	
33519	CABG, artery-vein, three	C	
33521	CABG, artery-vein, four	C	
33522	CABG, artery-vein, five	C	
33523	Cabg, art-vein, six or more	C	
33530	Coronary artery, bypass/reop	C	
33533	CABG, arterial, single	C	
33534	CABG, arterial, two	C	
33535	CABG, arterial, three	C	
33536	Cabg, arterial, four or more	C	
33542	Removal of heart lesion	C	
33545	Repair of heart damage	C	
33548	Restore/remodel, ventricle	C	
33572	Open coronary endarterectomy	C	
33600	Closure of valve	C	
33602	Closure of valve	C	
33606	Anastomosis/artery-aorta	C	
33608	Repair anomaly w/conduit	C	
33610	Repair by enlargement	C	
33611	Repair double ventricle	C	
33612	Repair double ventricle	C	
33615	Repair, modified fontan	C	
33617	Repair single ventricle	C	
33619	Repair single ventricle	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
33641	Repair heart septum defect	C	
33645	Revision of heart veins	C	
33647	Repair heart septum defects	C	
33660	Repair of heart defects	C	
33665	Repair of heart defects	C	
33670	Repair of heart chambers	C	
33675	Close mult vsd	C	
33676	Close mult vsd w/resection	C	
33677	Cl mult vsd w/rem pul band	C	
33681	Repair heart septum defect	C	
33684	Repair heart septum defect	C	
33688	Repair heart septum defect	C	
33690	Reinforce pulmonary artery	C	
33692	Repair of heart defects	C	
33694	Repair of heart defects	C	
33697	Repair of heart defects	C	
33702	Repair of heart defects	C	
33710	Repair of heart defects	C	
33720	Repair of heart defect	C	
33722	Repair of heart defect	C	
33724	Repair venous anomaly	C	
33726	Repair pul venous stenosis	C	
33730	Repair heart-vein defect(s)	C	
33732	Repair heart-vein defect	C	
33735	Revision of heart chamber	C	
33736	Revision of heart chamber	C	
33737	Revision of heart chamber	C	
33750	Major vessel shunt	C	
33755	Major vessel shunt	C	
33762	Major vessel shunt	C	
33764	Major vessel shunt & graft	C	
33766	Major vessel shunt	C	
33767	Major vessel shunt	C	
33768	Cavopulmonary shunting	C	
33770	Repair great vessels defect	C	
33771	Repair great vessels defect	C	
33774	Repair great vessels defect	C	
33775	Repair great vessels defect	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
33776	Repair great vessels defect	C	
33777	Repair great vessels defect	C	
33778	Repair great vessels defect	C	
33779	Repair great vessels defect	C	
33780	Repair great vessels defect	C	
33781	Repair great vessels defect	C	
33786	Repair arterial trunk	C	
33788	Revision of pulmonary artery	C	
33800	Aortic suspension	C	
33802	Repair vessel defect	C	
33803	Repair vessel defect	C	
33813	Repair septal defect	C	
33814	Repair septal defect	C	
33820	Revise major vessel	C	
33822	Revise major vessel	C	
33824	Revise major vessel	C	
33840	Remove aorta constriction	C	
33845	Remove aorta constriction	C	
33851	Remove aorta constriction	C	
33852	Repair septal defect	C	
33853	Repair septal defect	C	
33860	Ascending aortic graft	C	
33861	Ascending aortic graft	C	
33863	Ascending aortic graft	C	
33864	Ascending aortic graft	C	
33870	Transverse aortic arch graft	C	
33875	Thoracic aortic graft	C	
33877	Thoracoabdominal graft	C	
33880	Endovasc taa repr incl subcl	C	
33881	Endovasc taa repr w/o subcl	C	
33883	Insert endovasc prosth, taa	C	
33884	Endovasc prosth, taa, add-on	C	
33886	Endovasc prosth, delayed	C	
33889	Artery transpose/endovas taa	C	
33891	Car-car bp grft/endovas taa	C	
33910	Remove lung artery emboli	C	
33915	Remove lung artery emboli	C	
33916	Surgery of great vessel	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
33917	Repair pulmonary artery	C	
33920	Repair pulmonary atresia	C	
33922	Transect pulmonary artery	C	
33924	Remove pulmonary shunt	C	
33925	Rpr pul art unifocal w/o cpb	C	
33926	Repr pul art, unifocal w/cpb	C	
33930	Removal of donor heart/lung	C	
33933	Prepare donor heart/lung	C	
33935	Transplantation, heart/lung	C	
33940	Removal of donor heart	C	
33944	Prepare donor heart	C	
33945	Transplantation of heart	C	
33960	External circulation assist	C	
33961	External circulation assist	C	
33967	Insert ia percut device	C	
33968	Remove aortic assist device	C	
33970	Aortic circulation assist	C	
33971	Aortic circulation assist	C	
33973	Insert balloon device	C	
33974	Remove intra-aortic balloon	C	
33975	Implant ventricular device	C	
33976	Implant ventricular device	C	
33977	Remove ventricular device	C	
33978	Remove ventricular device	C	
33979	Insert intracorporeal device	C	
33980	Remove intracorporeal device	C	
34001	Removal of artery clot	C	
34051	Removal of artery clot	C	
34151	Removal of artery clot	C	
34401	Removal of vein clot	C	
34451	Removal of vein clot	C	
34502	Reconstruct vena cava	C	
34800	Endovas aaa repr w/sm tube	C	
34802	Endovas aaa repr w/2-p part	C	
34803	Endovas aaa repr w/3-p part	C	
34804	Endovas aaa repr w/1-p part	C	
34805	Endovas aaa repr w/long tube	C	
34806	Aneurysm press sensor add-on	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
34808	Endovas iliac a device addon	C	
34812	Xpose for endoprosth, femorl	C	
34813	Femoral endovas graft add-on	C	
34820	Xpose for endoprosth, iliac	C	
34825	Endovasc extend prosth, init	C	
34826	Endovasc exten prosth, add'l	C	
34830	Open aortic tube prosth repr	C	
34831	Open aortoiliac prosth repr	C	
34832	Open aortofemor prosth repr	C	
34833	Xpose for endoprosth, iliac	C	
34834	Xpose, endoprosth, brachial	C	
34900	Endovasc iliac repr w/graft	C	
35001	Repair defect of artery	C	
35002	Repair artery rupture, neck	C	
35005	Repair defect of artery	C	
35013	Repair artery rupture, arm	C	
35021	Repair defect of artery	C	
35022	Repair artery rupture, chest	C	
35045	Repair defect of arm artery	C	
35081	Repair defect of artery	C	
35082	Repair artery rupture, aorta	C	
35091	Repair defect of artery	C	
35092	Repair artery rupture, aorta	C	
35102	Repair defect of artery	C	
35103	Repair artery rupture, groin	C	
35111	Repair defect of artery	C	
35112	Repair artery rupture,spleen	C	
35121	Repair defect of artery	C	
35122	Repair artery rupture, belly	C	
35131	Repair defect of artery	C	
35132	Repair artery rupture, groin	C	
35141	Repair defect of artery	C	
35142	Repair artery rupture, thigh	C	
35151	Repair defect of artery	C	
35152	Repair artery rupture, knee	C	
35182	Repair blood vessel lesion	C	
35189	Repair blood vessel lesion	C	
35211	Repair blood vessel lesion	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
35216	Repair blood vessel lesion	C	
35221	Repair blood vessel lesion	C	
35241	Repair blood vessel lesion	C	
35246	Repair blood vessel lesion	C	
35251	Repair blood vessel lesion	C	
35271	Repair blood vessel lesion	C	
35276	Repair blood vessel lesion	C	
35281	Repair blood vessel lesion	C	
35301	Rechanneling of artery	C	
35302	Rechanneling of artery	C	
35303	Rechanneling of artery	C	
35304	Rechanneling of artery	C	
35305	Rechanneling of artery	C	
35306	Rechanneling of artery	C	
35311	Rechanneling of artery	C	
35331	Rechanneling of artery	C	
35341	Rechanneling of artery	C	
35351	Rechanneling of artery	C	
35355	Rechanneling of artery	C	
35361	Rechanneling of artery	C	
35363	Rechanneling of artery	C	
35371	Rechanneling of artery	C	
35372	Rechanneling of artery	C	
35390	Reoperation, carotid add-on	C	
35400	Angioscopy	C	
35450	Repair arterial blockage	C	
35452	Repair arterial blockage	C	
35454	Repair arterial blockage	C	
35456	Repair arterial blockage	C	
35480	Atherectomy, open	C	
35481	Atherectomy, open	C	
35482	Atherectomy, open	C	
35483	Atherectomy, open	C	
35501	Artery bypass graft	C	
35506	Artery bypass graft	C	
35508	Artery bypass graft	C	
35509	Artery bypass graft	C	
35510	Artery bypass graft	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
35511	Artery bypass graft	C	
35512	Artery bypass graft	C	
35515	Artery bypass graft	C	
35516	Artery bypass graft	C	
35518	Artery bypass graft	C	
35521	Artery bypass graft	C	
35522	Artery bypass graft	C	
35523	Artery bypass graft	C	
35525	Artery bypass graft	C	
35526	Artery bypass graft	C	
35531	Artery bypass graft	C	
35533	Artery bypass graft	C	
35535	Artery bypass graft	C	
35536	Artery bypass graft	C	
35537	Artery bypass graft	C	
35538	Artery bypass graft	C	
35539	Artery bypass graft	C	
35540	Artery bypass graft	C	
35548	Artery bypass graft	C	
35549	Artery bypass graft	C	
35551	Artery bypass graft	C	
35556	Artery bypass graft	C	
35558	Artery bypass graft	C	
35560	Artery bypass graft	C	
35563	Artery bypass graft	C	
35565	Artery bypass graft	C	
35566	Artery bypass graft	C	
35570	Artery bypass graft	C	
35571	Artery bypass graft	C	
35583	Vein bypass graft	C	
35585	Vein bypass graft	C	
35587	Vein bypass graft	C	
35600	Harvest art for cabg add-on	C	
35601	Artery bypass graft	C	
35606	Artery bypass graft	C	
35612	Artery bypass graft	C	
35616	Artery bypass graft	C	
35621	Artery bypass graft	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
35623	Bypass graft, not vein	C	
35626	Artery bypass graft	C	
35631	Artery bypass graft	C	
35632	Artery bypass graft	C	
35633	Artery bypass graft	C	
35634	Artery bypass graft	C	
35636	Artery bypass graft	C	
35637	Artery bypass graft	C	
35638	Artery bypass graft	C	
35642	Artery bypass graft	C	
35645	Artery bypass graft	C	
35646	Artery bypass graft	C	
35647	Artery bypass graft	C	
35650	Artery bypass graft	C	
35651	Artery bypass graft	C	
35654	Artery bypass graft	C	
35656	Artery bypass graft	C	
35661	Artery bypass graft	C	
35663	Artery bypass graft	C	
35665	Artery bypass graft	C	
35666	Artery bypass graft	C	
35671	Artery bypass graft	C	
35681	Composite bypass graft	C	
35682	Composite bypass graft	C	
35683	Composite bypass graft	C	
35691	Arterial transposition	C	
35693	Arterial transposition	C	
35694	Arterial transposition	C	
35695	Arterial transposition	C	
35697	Reimplant artery each	C	
35700	Reoperation, bypass graft	C	
35701	Exploration, carotid artery	C	
35721	Exploration, femoral artery	C	
35741	Exploration popliteal artery	C	
35800	Explore neck vessels	C	
35820	Explore chest vessels	C	
35840	Explore abdominal vessels	C	
35870	Repair vessel graft defect	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
35901	Excision, graft, neck	C	
35905	Excision, graft, thorax	C	
35907	Excision, graft, abdomen	C	
36660	Insertion catheter, artery	C	
36822	Insertion of cannula(s)	C	
36823	Insertion of cannula(s)	C	
37140	Revision of circulation	C	
37145	Revision of circulation	C	
37160	Revision of circulation	C	
37180	Revision of circulation	C	
37181	Splice spleen/kidney veins	C	
37182	Insert hepatic shunt (tips)	C	
37215	Transcath stent, cca w/eps	C	
37616	Ligation of chest artery	C	
37617	Ligation of abdomen artery	C	
37618	Ligation of extremity artery	C	
37660	Revision of major vein	C	
37788	Revascularization, penis	C	
38100	Removal of spleen, total	C	
38101	Removal of spleen, partial	C	
38102	Removal of spleen, total	C	
38115	Repair of ruptured spleen	C	
38240	Bone marrow/stem transplant	C	CH
38242	Lymphocyte infuse transplant	C	CH
38380	Thoracic duct procedure	C	
38381	Thoracic duct procedure	C	
38382	Thoracic duct procedure	C	
38562	Removal, pelvic lymph nodes	C	
38564	Removal, abdomen lymph nodes	C	
38724	Removal of lymph nodes, neck	C	
38746	Remove thoracic lymph nodes	C	
38747	Remove abdominal lymph nodes	C	
38765	Remove groin lymph nodes	C	
38770	Remove pelvis lymph nodes	C	
38780	Remove abdomen lymph nodes	C	
39000	Exploration of chest	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
39010	Exploration of chest	C	
39200	Removal chest lesion	C	
39220	Removal chest lesion	C	
39499	Chest procedure	C	
39501	Repair diaphragm laceration	C	
39502	Repair paraesophageal hernia	C	
39503	Repair of diaphragm hernia	C	
39520	Repair of diaphragm hernia	C	
39530	Repair of diaphragm hernia	C	
39531	Repair of diaphragm hernia	C	
39540	Repair of diaphragm hernia	C	
39541	Repair of diaphragm hernia	C	
39545	Revision of diaphragm	C	
39560	Resect diaphragm, simple	C	
39561	Resect diaphragm, complex	C	
39599	Diaphragm surgery procedure	C	
41130	Partial removal of tongue	C	
41135	Tongue and neck surgery	C	
41140	Removal of tongue	C	
41145	Tongue removal, neck surgery	C	
41150	Tongue, mouth, jaw surgery	C	
41153	Tongue, mouth, neck surgery	C	
41155	Tongue, jaw, & neck surgery	C	
42426	Excise parotid gland/lesion	C	
42845	Extensive surgery of throat	C	
42894	Revision of pharyngeal walls	C	
42953	Repair throat, esophagus	C	
42961	Control throat bleeding	C	
42971	Control nose/throat bleeding	C	
43045	Incision of esophagus	C	
43100	Excision of esophagus lesion	C	
43101	Excision of esophagus lesion	C	
43107	Removal of esophagus	C	
43108	Removal of esophagus	C	
43112	Removal of esophagus	C	
43113	Removal of esophagus	C	
43116	Partial removal of esophagus	C	
43117	Partial removal of esophagus	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
43118	Partial removal of esophagus	C	
43121	Partial removal of esophagus	C	
43122	Partial removal of esophagus	C	
43123	Partial removal of esophagus	C	
43124	Removal of esophagus	C	
43135	Removal of esophagus pouch	C	
43279	Lap myotomy, heller	C	
43300	Repair of esophagus	C	
43305	Repair esophagus and fistula	C	
43310	Repair of esophagus	C	
43312	Repair esophagus and fistula	C	
43313	Esophagoplasty congenital	C	
43314	Tracheo-esophagoplasty cong	C	
43320	Fuse esophagus & stomach	C	
43324	Revise esophagus & stomach	C	
43325	Revise esophagus & stomach	C	
43326	Revise esophagus & stomach	C	
43330	Repair of esophagus	C	
43331	Repair of esophagus	C	
43340	Fuse esophagus & intestine	C	
43341	Fuse esophagus & intestine	C	
43350	Surgical opening, esophagus	C	
43351	Surgical opening, esophagus	C	
43352	Surgical opening, esophagus	C	
43360	Gastrointestinal repair	C	
43361	Gastrointestinal repair	C	
43400	Ligate esophagus veins	C	
43401	Esophagus surgery for veins	C	
43405	Ligate/staple esophagus	C	
43410	Repair esophagus wound	C	
43415	Repair esophagus wound	C	
43425	Repair esophagus opening	C	
43460	Pressure treatment esophagus	C	
43496	Free jejunum flap, microvasc	C	
43500	Surgical opening of stomach	C	
43501	Surgical repair of stomach	C	
43502	Surgical repair of stomach	C	
43520	Incision of pyloric muscle	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
43605	Biopsy of stomach	C	
43610	Excision of stomach lesion	C	
43611	Excision of stomach lesion	C	
43620	Removal of stomach	C	
43621	Removal of stomach	C	
43622	Removal of stomach	C	
43631	Removal of stomach, partial	C	
43632	Removal of stomach, partial	C	
43633	Removal of stomach, partial	C	
43634	Removal of stomach, partial	C	
43635	Removal of stomach, partial	C	
43640	Vagotomy & pylorus repair	C	
43641	Vagotomy & pylorus repair	C	
43644	Lap gastric bypass/roux-en-y	C	
43645	Lap gastr bypass incl smll i	C	
43770	Lap place gastr adj device	C	
43771	Lap revise gastr adj device	C	
43772	Lap rmvl gastr adj device	C	
43773	Lap replace gastr adj device	C	
43774	Lap rmvl gastr adj all parts	C	
43800	Reconstruction of pylorus	C	
43810	Fusion of stomach and bowel	C	
43820	Fusion of stomach and bowel	C	
43825	Fusion of stomach and bowel	C	
43832	Place gastrostomy tube	C	
43840	Repair of stomach lesion	C	
43843	Gastroplasty w/o v-band	C	
43845	Gastroplasty duodenal switch	C	
43846	Gastric bypass for obesity	C	
43847	Gastric bypass incl small i	C	
43848	Revision gastroplasty	C	
43850	Revise stomach-bowel fusion	C	
43855	Revise stomach-bowel fusion	C	
43860	Revise stomach-bowel fusion	C	
43865	Revise stomach-bowel fusion	C	
43880	Repair stomach-bowel fistula	C	
43881	Impl/redo electrd, antrum	C	
43882	Revise/remove electrd antrum	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
44005	Freeing of bowel adhesion	C	
44010	Incision of small bowel	C	
44015	Insert needle cath bowel	C	
44020	Explore small intestine	C	
44021	Decompress small bowel	C	
44025	Incision of large bowel	C	
44050	Reduce bowel obstruction	C	
44055	Correct malrotation of bowel	C	
44110	Excise intestine lesion(s)	C	
44111	Excision of bowel lesion(s)	C	
44120	Removal of small intestine	C	
44121	Removal of small intestine	C	
44125	Removal of small intestine	C	
44126	Enterectomy w/o taper, cong	C	
44127	Enterectomy w/taper, cong	C	
44128	Enterectomy cong, add-on	C	
44130	Bowel to bowel fusion	C	
44132	Enterectomy, cadaver donor	C	
44133	Enterectomy, live donor	C	
44135	Intestine transplnt, cadaver	C	
44136	Intestine transplant, live	C	
44137	Remove intestinal allograft	C	
44139	Mobilization of colon	C	
44140	Partial removal of colon	C	
44141	Partial removal of colon	C	
44143	Partial removal of colon	C	
44144	Partial removal of colon	C	
44145	Partial removal of colon	C	
44146	Partial removal of colon	C	
44147	Partial removal of colon	C	
44150	Removal of colon	C	
44151	Removal of colon/ileostomy	C	
44155	Removal of colon/ileostomy	C	
44156	Removal of colon/ileostomy	C	
44157	Colectomy w/ileoanal anast	C	
44158	Colectomy w/neo-rectum pouch	C	
44160	Removal of colon	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
44187	Lap, ileo/jejuno-stomy	C	
44188	Lap, colostomy	C	
44202	Lap, enterectomy	C	
44203	Lap resect s/intestine, addl	C	
44204	Laparo partial colectomy	C	
44205	Lap colectomy part w/ileum	C	
44210	Laparo total proctocolectomy	C	
44211	Lap colectomy w/proctectomy	C	
44212	Laparo total proctocolectomy	C	
44227	Lap, close enterostomy	C	
44300	Open bowel to skin	C	
44310	Ileostomy/jejunostomy	C	
44314	Revision of ileostomy	C	
44316	Devise bowel pouch	C	
44320	Colostomy	C	
44322	Colostomy with biopsies	C	
44345	Revision of colostomy	C	
44346	Revision of colostomy	C	
44602	Suture, small intestine	C	
44603	Suture, small intestine	C	
44604	Suture, large intestine	C	
44605	Repair of bowel lesion	C	
44615	Intestinal stricturoplasty	C	
44620	Repair bowel opening	C	
44625	Repair bowel opening	C	
44626	Repair bowel opening	C	
44640	Repair bowel-skin fistula	C	
44650	Repair bowel fistula	C	
44660	Repair bowel-bladder fistula	C	
44661	Repair bowel-bladder fistula	C	
44680	Surgical revision, intestine	C	
44700	Suspend bowel w/prosthesis	C	
44715	Prepare donor intestine	C	
44720	Prep donor intestine/venous	C	
44721	Prep donor intestine/artery	C	
44800	Excision of bowel pouch	C	
44820	Excision of mesentery lesion	C	
44850	Repair of mesentery	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
44899	Bowel surgery procedure	C	
44900	Drain app abscess, open	C	
44950	Appendectomy	C	
44955	Appendectomy add-on	C	
44960	Appendectomy	C	
45110	Removal of rectum	C	
45111	Partial removal of rectum	C	
45112	Removal of rectum	C	
45113	Partial proctectomy	C	
45114	Partial removal of rectum	C	
45116	Partial removal of rectum	C	
45119	Remove rectum w/reservoir	C	
45120	Removal of rectum	C	
45121	Removal of rectum and colon	C	
45123	Partial proctectomy	C	
45126	Pelvic exenteration	C	
45130	Excision of rectal prolapse	C	
45135	Excision of rectal prolapse	C	
45136	Excise ileoanal reservior	C	
45395	Lap, removal of rectum	C	
45397	Lap, remove rectum w/pouch	C	
45400	Laparoscopic proc	C	
45402	Lap proctopexy w/sig resect	C	
45540	Correct rectal prolapse	C	
45550	Repair rectum/remove sigmoid	C	
45562	Exploration/repair of rectum	C	
45563	Exploration/repair of rectum	C	
45800	Repair rect/bladder fistula	C	
45805	Repair fistula w/colostomy	C	
45820	Repair rectourethral fistula	C	
45825	Repair fistula w/colostomy	C	
46705	Repair of anal stricture	C	
46710	Repr per/vag pouch sngl proc	C	
46712	Repr per/vag pouch dbl proc	C	
46715	Rep perf anoper fistu	C	
46716	Rep perf anoper/vestib fistu	C	
46730	Construction of absent anus	C	
46735	Construction of absent anus	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
46740	Construction of absent anus	C	
46742	Repair of imperforated anus	C	
46744	Repair of cloacal anomaly	C	
46746	Repair of cloacal anomaly	C	
46748	Repair of cloacal anomaly	C	
46751	Repair of anal sphincter	C	
47010	Open drainage, liver lesion	C	
47015	Inject/aspirate liver cyst	C	
47100	Wedge biopsy of liver	C	
47120	Partial removal of liver	C	
47122	Extensive removal of liver	C	
47125	Partial removal of liver	C	
47130	Partial removal of liver	C	
47133	Removal of donor liver	C	
47135	Transplantation of liver	C	
47136	Transplantation of liver	C	
47140	Partial removal, donor liver	C	
47141	Partial removal, donor liver	C	
47142	Partial removal, donor liver	C	
47143	Prep donor liver, whole	C	
47144	Prep donor liver, 3-segment	C	
47145	Prep donor liver, lobe split	C	
47146	Prep donor liver/venous	C	
47147	Prep donor liver/arterial	C	
47300	Surgery for liver lesion	C	
47350	Repair liver wound	C	
47360	Repair liver wound	C	
47361	Repair liver wound	C	
47362	Repair liver wound	C	
47380	Open ablate liver tumor rf	C	
47381	Open ablate liver tumor cryo	C	
47400	Incision of liver duct	C	
47420	Incision of bile duct	C	
47425	Incision of bile duct	C	
47460	Incise bile duct sphincter	C	
47480	Incision of gallbladder	C	
47550	Bile duct endoscopy add-on	C	
47570	Laparo cholecystoenterostomy	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
47600	Removal of gallbladder	C	
47605	Removal of gallbladder	C	
47610	Removal of gallbladder	C	
47612	Removal of gallbladder	C	
47620	Removal of gallbladder	C	
47700	Exploration of bile ducts	C	
47701	Bile duct revision	C	
47711	Excision of bile duct tumor	C	
47712	Excision of bile duct tumor	C	
47715	Excision of bile duct cyst	C	
47720	Fuse gallbladder & bowel	C	
47721	Fuse upper gi structures	C	
47740	Fuse gallbladder & bowel	C	
47741	Fuse gallbladder & bowel	C	
47760	Fuse bile ducts and bowel	C	
47765	Fuse liver ducts & bowel	C	
47780	Fuse bile ducts and bowel	C	
47785	Fuse bile ducts and bowel	C	
47800	Reconstruction of bile ducts	C	
47801	Placement, bile duct support	C	
47802	Fuse liver duct & intestine	C	
47900	Suture bile duct injury	C	
48000	Drainage of abdomen	C	
48001	Placement of drain, pancreas	C	
48020	Removal of pancreatic stone	C	
48100	Biopsy of pancreas, open	C	
48105	Resect/debride pancreas	C	
48120	Removal of pancreas lesion	C	
48140	Partial removal of pancreas	C	
48145	Partial removal of pancreas	C	
48146	Pancreatectomy	C	
48148	Removal of pancreatic duct	C	
48150	Partial removal of pancreas	C	
48152	Pancreatectomy	C	
48153	Pancreatectomy	C	
48154	Pancreatectomy	C	
48155	Removal of pancreas	C	
48400	Injection, intraop add-on	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
48500	Surgery of pancreatic cyst	C	
48510	Drain pancreatic pseudocyst	C	
48520	Fuse pancreas cyst and bowel	C	
48540	Fuse pancreas cyst and bowel	C	
48545	Pancreatorrhaphy	C	
48547	Duodenal exclusion	C	
48548	Fuse pancreas and bowel	C	
48551	Prep donor pancreas	C	
48552	Prep donor pancreas/venous	C	
48554	Transpl allograft pancreas	C	
48556	Removal, allograft pancreas	C	
49000	Exploration of abdomen	C	
49002	Reopening of abdomen	C	
49010	Exploration behind abdomen	C	
49020	Drain abdominal abscess	C	
49040	Drain, open, abdom abscess	C	
49060	Drain, open, retrop abscess	C	
49062	Drain to peritoneal cavity	C	
49203	Exc abd tum 5 cm or less	C	
49204	Exc abd tum over 5 cm	C	
49205	Exc abd tum over 10 cm	C	
49215	Excise sacral spine tumor	C	
49220	Multiple surgery, abdomen	C	
49255	Removal of omentum	C	
49425	Insert abdomen-venous drain	C	
49428	Ligation of shunt	C	
49605	Repair umbilical lesion	C	
49606	Repair umbilical lesion	C	
49610	Repair umbilical lesion	C	
49611	Repair umbilical lesion	C	
49900	Repair of abdominal wall	C	
49904	Omental flap, extra-abdom	C	
49905	Omental flap, intra-abdom	C	
49906	Free omental flap, microvasc	C	
50010	Exploration of kidney	C	
50040	Drainage of kidney	C	
50045	Exploration of kidney	C	
50060	Removal of kidney stone	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
50065	Incision of kidney	C	
50070	Incision of kidney	C	
50075	Removal of kidney stone	C	
50100	Revise kidney blood vessels	C	
50120	Exploration of kidney	C	
50125	Explore and drain kidney	C	
50130	Removal of kidney stone	C	
50135	Exploration of kidney	C	
50205	Biopsy of kidney	C	
50220	Remove kidney, open	C	
50225	Removal kidney open, complex	C	
50230	Removal kidney open, radical	C	
50234	Removal of kidney & ureter	C	
50236	Removal of kidney & ureter	C	
50240	Partial removal of kidney	C	
50250	Cryoablate renal mass open	C	
50280	Removal of kidney lesion	C	
50290	Removal of kidney lesion	C	
50300	Remove cadaver donor kidney	C	
50320	Remove kidney, living donor	C	
50323	Prep cadaver renal allograft	C	
50325	Prep donor renal graft	C	
50327	Prep renal graft/venous	C	
50328	Prep renal graft/arterial	C	
50329	Prep renal graft/ureteral	C	
50340	Removal of kidney	C	
50360	Transplantation of kidney	C	
50365	Transplantation of kidney	C	
50370	Remove transplanted kidney	C	
50380	Reimplantation of kidney	C	
50400	Revision of kidney/ureter	C	
50405	Revision of kidney/ureter	C	
50500	Repair of kidney wound	C	
50520	Close kidney-skin fistula	C	
50525	Repair renal-abdomen fistula	C	
50526	Repair renal-abdomen fistula	C	
50540	Revision of horseshoe kidney	C	
50545	Laparo radical nephrectomy	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
50546	Laparoscopic nephrectomy	C	
50547	Laparo removal donor kidney	C	
50548	Laparo remove w/ureter	C	
50600	Exploration of ureter	C	
50605	Insert ureteral support	C	
50610	Removal of ureter stone	C	
50620	Removal of ureter stone	C	
50630	Removal of ureter stone	C	
50650	Removal of ureter	C	
50660	Removal of ureter	C	
50700	Revision of ureter	C	
50715	Release of ureter	C	
50722	Release of ureter	C	
50725	Release/revise ureter	C	
50728	Revise ureter	C	
50740	Fusion of ureter & kidney	C	
50750	Fusion of ureter & kidney	C	
50760	Fusion of ureters	C	
50770	Splicing of ureters	C	
50780	Reimplant ureter in bladder	C	
50782	Reimplant ureter in bladder	C	
50783	Reimplant ureter in bladder	C	
50785	Reimplant ureter in bladder	C	
50800	Implant ureter in bowel	C	
50810	Fusion of ureter & bowel	C	
50815	Urine shunt to intestine	C	
50820	Construct bowel bladder	C	
50825	Construct bowel bladder	C	
50830	Revise urine flow	C	
50840	Replace ureter by bowel	C	
50845	Appendico-vesicostomy	C	
50860	Transplant ureter to skin	C	
50900	Repair of ureter	C	
50920	Closure ureter/skin fistula	C	
50930	Closure ureter/bowel fistula	C	
50940	Release of ureter	C	
51525	Removal of bladder lesion	C	
51530	Removal of bladder lesion	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
51550	Partial removal of bladder	C	
51555	Partial removal of bladder	C	
51565	Revise bladder & ureter(s)	C	
51570	Removal of bladder	C	
51575	Removal of bladder & nodes	C	
51580	Remove bladder/revise tract	C	
51585	Removal of bladder & nodes	C	
51590	Remove bladder/revise tract	C	
51595	Remove bladder/revise tract	C	
51596	Remove bladder/create pouch	C	
51597	Removal of pelvic structures	C	
51800	Revision of bladder/urethra	C	
51820	Revision of urinary tract	C	
51840	Attach bladder/urethra	C	
51841	Attach bladder/urethra	C	
51865	Repair of bladder wound	C	
51900	Repair bladder/vagina lesion	C	
51920	Close bladder-uterus fistula	C	
51925	Hysterectomy/bladder repair	C	
51940	Correction of bladder defect	C	
51960	Revision of bladder & bowel	C	
51980	Construct bladder opening	C	
53415	Reconstruction of urethra	C	
53448	Remov/replc ur sphinctr comp	C	
54125	Removal of penis	C	
54130	Remove penis & nodes	C	
54135	Remove penis & nodes	C	
54390	Repair penis and bladder	C	
54411	Remov/replc penis pros, comp	C	
54417	Remv/replc penis pros, compl	C	
54430	Revision of penis	C	
54650	Orchiopexy (Fowler-Stephens)	C	
55605	Incise sperm duct pouch	C	
55650	Remove sperm duct pouch	C	
55801	Removal of prostate	C	
55810	Extensive prostate surgery	C	
55812	Extensive prostate surgery	C	
55815	Extensive prostate surgery	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
55821	Removal of prostate	C	
55831	Removal of prostate	C	
55840	Extensive prostate surgery	C	
55842	Extensive prostate surgery	C	
55845	Extensive prostate surgery	C	
55862	Extensive prostate surgery	C	
55865	Extensive prostate surgery	C	
55866	Laparo radical prostatectomy	C	
56630	Extensive vulva surgery	C	
56631	Extensive vulva surgery	C	
56632	Extensive vulva surgery	C	
56633	Extensive vulva surgery	C	
56634	Extensive vulva surgery	C	
56637	Extensive vulva surgery	C	
56640	Extensive vulva surgery	C	
57110	Remove vagina wall, complete	C	
57111	Remove vagina tissue, compl	C	
57112	Vaginectomy w/nodes, compl	C	
57270	Repair of bowel pouch	C	
57280	Suspension of vagina	C	
57296	Revise vag graft, open abd	C	
57305	Repair rectum-vagina fistula	C	
57307	Fistula repair & colostomy	C	
57308	Fistula repair, transperine	C	
57311	Repair urethrovaginal lesion	C	
57531	Removal of cervix, radical	C	
57540	Removal of residual cervix	C	
57545	Remove cervix/repair pelvis	C	
58140	Myomectomy abdom method	C	
58146	Myomectomy abdom complex	C	
58150	Total hysterectomy	C	
58152	Total hysterectomy	C	
58180	Partial hysterectomy	C	
58200	Extensive hysterectomy	C	
58210	Extensive hysterectomy	C	
58240	Removal of pelvis contents	C	
58267	Vag hyst w/urinary repair	C	
58275	Hysterectomy/revise vagina	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
58280	Hysterectomy/revise vagina	C	
58285	Extensive hysterectomy	C	
58293	Vag hyst w/uro repair, compl	C	
58400	Suspension of uterus	C	
58410	Suspension of uterus	C	
58520	Repair of ruptured uterus	C	
58540	Revision of uterus	C	
58548	Lap radical hyst	C	
58605	Division of fallopian tube	C	
58611	Ligate oviduct(s) add-on	C	
58700	Removal of fallopian tube	C	
58720	Removal of ovary/tube(s)	C	
58740	Adhesiolysis tube, ovary	C	
58750	Repair oviduct	C	
58752	Revise ovarian tube(s)	C	
58760	Fimbrioplasty	C	
58822	Drain ovary abscess, percut	C	
58825	Transposition, ovary(s)	C	
58940	Removal of ovary(s)	C	
58943	Removal of ovary(s)	C	
58950	Resect ovarian malignancy	C	
58951	Resect ovarian malignancy	C	
58952	Resect ovarian malignancy	C	
58953	Tah, rad dissect for debulk	C	
58954	Tah rad debulk/lymph remove	C	
58956	Bso, omentectomy w/tah	C	
58957	Resect recurrent gyn mal	C	
58958	Resect recur gyn mal w/lym	C	
58960	Exploration of abdomen	C	
59120	Treat ectopic pregnancy	C	
59121	Treat ectopic pregnancy	C	
59130	Treat ectopic pregnancy	C	
59135	Treat ectopic pregnancy	C	
59136	Treat ectopic pregnancy	C	
59140	Treat ectopic pregnancy	C	
59325	Revision of cervix	C	
59350	Repair of uterus	C	
59514	Cesarean delivery only	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
59525	Remove uterus after cesarean	C	
59620	Attempted vbac delivery only	C	
59830	Treat uterus infection	C	
59850	Abortion	C	
59851	Abortion	C	
59852	Abortion	C	
59855	Abortion	C	
59856	Abortion	C	
59857	Abortion	C	
60254	Extensive thyroid surgery	C	
60270	Removal of thyroid	C	
60505	Explore parathyroid glands	C	
60521	Removal of thymus gland	C	
60522	Removal of thymus gland	C	
60540	Explore adrenal gland	C	
60545	Explore adrenal gland	C	
60600	Remove carotid body lesion	C	
60605	Remove carotid body lesion	C	
60650	Laparoscopy adrenalectomy	C	
61105	Twist drill hole	C	
61107	Drill skull for implantation	C	
61108	Drill skull for drainage	C	
61120	Burr hole for puncture	C	
61140	Pierce skull for biopsy	C	
61150	Pierce skull for drainage	C	
61151	Pierce skull for drainage	C	
61154	Pierce skull & remove clot	C	
61156	Pierce skull for drainage	C	
61210	Pierce skull, implant device	C	
61250	Pierce skull & explore	C	
61253	Pierce skull & explore	C	
61304	Open skull for exploration	C	
61305	Open skull for exploration	C	
61312	Open skull for drainage	C	
61313	Open skull for drainage	C	
61314	Open skull for drainage	C	
61315	Open skull for drainage	C	
61316	Implt cran bone flap to abdo	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
61320	Open skull for drainage	C	
61321	Open skull for drainage	C	
61322	Decompressive craniotomy	C	
61323	Decompressive lobectomy	C	
61332	Explore/biopsy eye socket	C	
61333	Explore orbit/remove lesion	C	
61340	Subtemporal decompression	C	
61343	Incise skull (press relief)	C	
61345	Relieve cranial pressure	C	
61440	Incise skull for surgery	C	
61450	Incise skull for surgery	C	
61458	Incise skull for brain wound	C	
61460	Incise skull for surgery	C	
61470	Incise skull for surgery	C	
61480	Incise skull for surgery	C	
61490	Incise skull for surgery	C	
61500	Removal of skull lesion	C	
61501	Remove infected skull bone	C	
61510	Removal of brain lesion	C	
61512	Remove brain lining lesion	C	
61514	Removal of brain abscess	C	
61516	Removal of brain lesion	C	
61517	Implt brain chemotx add-on	C	
61518	Removal of brain lesion	C	
61519	Remove brain lining lesion	C	
61520	Removal of brain lesion	C	
61521	Removal of brain lesion	C	
61522	Removal of brain abscess	C	
61524	Removal of brain lesion	C	
61526	Removal of brain lesion	C	
61530	Removal of brain lesion	C	
61531	Implant brain electrodes	C	
61533	Implant brain electrodes	C	
61534	Removal of brain lesion	C	
61535	Remove brain electrodes	C	
61536	Removal of brain lesion	C	
61537	Removal of brain tissue	C	
61538	Removal of brain tissue	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
61539	Removal of brain tissue	C	
61540	Removal of brain tissue	C	
61541	Incision of brain tissue	C	
61542	Removal of brain tissue	C	
61543	Removal of brain tissue	C	
61544	Remove & treat brain lesion	C	
61545	Excision of brain tumor	C	
61546	Removal of pituitary gland	C	
61548	Removal of pituitary gland	C	
61550	Release of skull seams	C	
61552	Release of skull seams	C	
61556	Incise skull/sutures	C	
61557	Incise skull/sutures	C	
61558	Excision of skull/sutures	C	
61559	Excision of skull/sutures	C	
61563	Excision of skull tumor	C	
61564	Excision of skull tumor	C	
61566	Removal of brain tissue	C	
61567	Incision of brain tissue	C	
61570	Remove foreign body, brain	C	
61571	Incise skull for brain wound	C	
61575	Skull base/brainstem surgery	C	
61576	Skull base/brainstem surgery	C	
61580	Craniofacial approach, skull	C	
61581	Craniofacial approach, skull	C	
61582	Craniofacial approach, skull	C	
61583	Craniofacial approach, skull	C	
61584	Orbitocranial approach/skull	C	
61585	Orbitocranial approach/skull	C	
61586	Resect nasopharynx, skull	C	
61590	Infratemporal approach/skull	C	
61591	Infratemporal approach/skull	C	
61592	Orbitocranial approach/skull	C	
61595	Transtemporal approach/skull	C	
61596	Transcochlear approach/skull	C	
61597	Transcondylar approach/skull	C	
61598	Transpetrosal approach/skull	C	
61600	Resect/excise cranial lesion	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
61601	Resect/excise cranial lesion	C	
61605	Resect/excise cranial lesion	C	
61606	Resect/excise cranial lesion	C	
61607	Resect/excise cranial lesion	C	
61608	Resect/excise cranial lesion	C	
61609	Transect artery, sinus	C	
61610	Transect artery, sinus	C	
61611	Transect artery, sinus	C	
61612	Transect artery, sinus	C	
61613	Remove aneurysm, sinus	C	
61615	Resect/excise lesion, skull	C	
61616	Resect/excise lesion, skull	C	
61618	Repair dura	C	
61619	Repair dura	C	
61624	Transcath occlusion, cns	C	
61630	Intracranial angioplasty	C	
61635	Intracran angioplsty w/stent	C	
61680	Intracranial vessel surgery	C	
61682	Intracranial vessel surgery	C	
61684	Intracranial vessel surgery	C	
61686	Intracranial vessel surgery	C	
61690	Intracranial vessel surgery	C	
61692	Intracranial vessel surgery	C	
61697	Brain aneurysm repr, complx	C	
61698	Brain aneurysm repr, complx	C	
61700	Brain aneurysm repr, simple	C	
61702	Inner skull vessel surgery	C	
61703	Clamp neck artery	C	
61705	Revise circulation to head	C	
61708	Revise circulation to head	C	
61710	Revise circulation to head	C	
61711	Fusion of skull arteries	C	
61735	Incise skull/brain surgery	C	
61750	Incise skull/brain biopsy	C	
61751	Brain biopsy w/ct/mr guide	C	
61760	Implant brain electrodes	C	
61850	Implant neuroelectrodes	C	
61860	Implant neuroelectrodes	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
61863	Implant neuroelectrode	C	
61864	Implant neuroelectrde, addl	C	
61867	Implant neuroelectrode	C	
61868	Implant neuroelectrde, add'l	C	
61870	Implant neuroelectrodes	C	
61875	Implant neuroelectrodes	C	
62005	Treat skull fracture	C	
62010	Treatment of head injury	C	
62100	Repair brain fluid leakage	C	
62115	Reduction of skull defect	C	
62116	Reduction of skull defect	C	
62117	Reduction of skull defect	C	
62120	Repair skull cavity lesion	C	
62121	Incise skull repair	C	
62140	Repair of skull defect	C	
62141	Repair of skull defect	C	
62142	Remove skull plate/flap	C	
62143	Replace skull plate/flap	C	
62145	Repair of skull & brain	C	
62146	Repair of skull with graft	C	
62147	Repair of skull with graft	C	
62148	Retr bone flap to fix skull	C	
62161	Dissect brain w/scope	C	
62162	Remove colloid cyst w/scope	C	
62163	Neuroendoscopy w/fb removal	C	
62164	Remove brain tumor w/scope	C	
62165	Remove pituit tumor w/scope	C	
62180	Establish brain cavity shunt	C	
62190	Establish brain cavity shunt	C	
62192	Establish brain cavity shunt	C	
62200	Establish brain cavity shunt	C	
62201	Brain cavity shunt w/scope	C	
62220	Establish brain cavity shunt	C	
62223	Establish brain cavity shunt	C	
62256	Remove brain cavity shunt	C	
62258	Replace brain cavity shunt	C	
63043	Laminotomy, add'l cervical	C	
63044	Laminotomy, add'l lumbar	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
63050	Cervical laminoplasty	C	
63051	C-laminoplasty w/graft/plate	C	
63076	Neck spine disk surgery	C	
63077	Spine disk surgery, thorax	C	
63078	Spine disk surgery, thorax	C	
63081	Removal of vertebral body	C	
63082	Remove vertebral body add-on	C	
63085	Removal of vertebral body	C	
63086	Remove vertebral body add-on	C	
63087	Removal of vertebral body	C	
63088	Remove vertebral body add-on	C	
63090	Removal of vertebral body	C	
63091	Remove vertebral body add-on	C	
63101	Removal of vertebral body	C	
63102	Removal of vertebral body	C	
63103	Remove vertebral body add-on	C	
63170	Incise spinal cord tract(s)	C	
63172	Drainage of spinal cyst	C	
63173	Drainage of spinal cyst	C	
63180	Revise spinal cord ligaments	C	
63182	Revise spinal cord ligaments	C	
63185	Incise spinal column/nerves	C	
63190	Incise spinal column/nerves	C	
63191	Incise spinal column/nerves	C	
63194	Incise spinal column & cord	C	
63195	Incise spinal column & cord	C	
63196	Incise spinal column & cord	C	
63197	Incise spinal column & cord	C	
63198	Incise spinal column & cord	C	
63199	Incise spinal column & cord	C	
63200	Release of spinal cord	C	
63250	Revise spinal cord vessels	C	
63251	Revise spinal cord vessels	C	
63252	Revise spinal cord vessels	C	
63265	Excise intraspinal lesion	C	
63266	Excise intraspinal lesion	C	
63267	Excise intraspinal lesion	C	
63268	Excise intraspinal lesion	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
63270	Excise intraspinal lesion	C	
63271	Excise intraspinal lesion	C	
63272	Excise intraspinal lesion	C	
63273	Excise intraspinal lesion	C	
63275	Biopsy/excise spinal tumor	C	
63276	Biopsy/excise spinal tumor	C	
63277	Biopsy/excise spinal tumor	C	
63278	Biopsy/excise spinal tumor	C	
63280	Biopsy/excise spinal tumor	C	
63281	Biopsy/excise spinal tumor	C	
63282	Biopsy/excise spinal tumor	C	
63283	Biopsy/excise spinal tumor	C	
63285	Biopsy/excise spinal tumor	C	
63286	Biopsy/excise spinal tumor	C	
63287	Biopsy/excise spinal tumor	C	
63290	Biopsy/excise spinal tumor	C	
63295	Repair of laminectomy defect	C	
63300	Removal of vertebral body	C	
63301	Removal of vertebral body	C	
63302	Removal of vertebral body	C	
63303	Removal of vertebral body	C	
63304	Removal of vertebral body	C	
63305	Removal of vertebral body	C	
63306	Removal of vertebral body	C	
63307	Removal of vertebral body	C	
63308	Remove vertebral body add-on	C	
63700	Repair of spinal herniation	C	
63702	Repair of spinal herniation	C	
63704	Repair of spinal herniation	C	
63706	Repair of spinal herniation	C	
63707	Repair spinal fluid leakage	C	
63709	Repair spinal fluid leakage	C	
63710	Graft repair of spine defect	C	
63740	Install spinal shunt	C	
64752	Incision of vagus nerve	C	
64755	Incision of stomach nerves	C	
64760	Incision of vagus nerve	C	
64809	Remove sympathetic nerves	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010			
HCPCS Code	Short Descriptor	SI	CI
64818	Remove sympathetic nerves	C	
64866	Fusion of facial/other nerve	C	
64868	Fusion of facial/other nerve	C	
65273	Repair of eye wound	C	
69155	Extensive ear/neck surgery	C	
69535	Remove part of temporal bone	C	
69554	Remove ear lesion	C	
69950	Incise inner ear nerve	C	
75900	Intravascular cath exchange	C	
75952	Endovasc repair abdom aorta	C	
75953	Abdom aneurysm endovas rpr	C	
75954	Iliac aneurysm endovas rpr	C	
75956	Xray, endovasc thor ao repr	C	
75957	Xray, endovasc thor ao repr	C	
75958	Xray, place prox ext thor ao	C	
75959	Xray, place dist ext thor ao	C	
92970	Cardioassist, internal	C	
92971	Cardioassist, external	C	
92975	Dissolve clot, heart vessel	C	
92992	Revision of heart chamber	C	
92993	Revision of heart chamber	C	
99190	Special pump services	C	
99191	Special pump services	C	
99192	Special pump services	C	
99356	Prolonged service, inpatient	C	
99357	Prolonged service, inpatient	C	
99462	Sbsq nb em per day, hosp	C	
99468	Neonate crit care, initial	C	
99469	Neonate crit care, subsq	C	
99471	Ped critical care, initial	C	
99472	Ped critical care, subsq	C	
99475	Ped crit care age 2-5, init	C	
99476	Ped crit care age 2-5, subsq	C	
99477	Init day hosp neonate care	C	
99478	Ic, lbw inf < 1500 gm subsq	C	
99479	Ic lbw inf 1500-2500 g subsq	C	
99480	Ic inf pbw 2501-5000 g subsq	C	
0048T	Implant ventricular device	C	

ADDENDUM E.--PROPOSED HCPCS CODES THAT WOULD BE PAID ONLY AS INPATIENT PROCEDURES FOR CY 2010

HCPCS Code	Short Descriptor	SI	CI
0050T	Removal circulation assist	C	
0051T	Implant total heart system	C	
0052T	Replace component heart syst	C	
0053T	Replace component heart syst	C	
0075T	Perq stent/chest vert art	C	
0076T	S&i stent/chest vert art	C	
0077T	Cereb therm perfusion probe	C	
0078T	Endovasc aort repr w/device	C	
0079T	Endovasc visc extnsn repr	C	
0080T	Endovasc aort repr rad s&i	C	
0081T	Endovasc visc extnsn s&i	C	
0092T	Artific disc addl	C	
0095T	Artific diskectomy addl	C	
0098T	Rev artific disc addl	C	
0157T	Open impl gast curve electrd	C	
0158T	Open remv gast curve electrd	C	
0163T	Lumb artif diskectomy addl	C	
0164T	Remove lumb artif disc addl	C	
0165T	Revise lumb artif disc addl	C	
0166T	Tcath vsd close w/o bypass	C	
0167T	Tcath vsd close w bypass	C	
0169T	Place stereo cath brain	C	
0184T	Exc rectal tumor endoscopic	C	
0195T	Arthrod presac interbody	C	
0196T	Arthrod presac interbody eac	C	
G0341	Percutaneous islet celltrans	C	
G0342	Laparoscopy islet cell trans	C	
G0343	Laparotomy islet cell transp	C	
G0412	Open tx iliac spine uni/bil	C	
G0414	Pelvic ring fx treat int fix	C	
G0415	Open tx post pelvic fxcture	C	

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
010005	*	0.0296	MARSHALL	01470
010008		0.0174	CRENSHAW	01200
010010	*	0.0296	MARSHALL	01470
010012	*	0.0186	DE KALB	01240
010015		0.0046	CLARKE	01120
010021		0.0052	DALE	01220
010022	*	0.1128	CHEROKEE	01090
010025	*	0.039	CHAMBERS	01080
010027		0.0026	COFFEE	01150
010029	*	0.0289	LEE	01400
010032		0.0325	RANDOLPH	01550
010035	*	0.0254	CULLMAN	01210
010038		0.0047	CALHOUN	01070
010040		0.0061	ETOWAH	01270
010045		0.0222	FAYETTE	01280
010046		0.0061	ETOWAH	01270
010047		0.0127	BUTLER	01060
010049		0.0026	COFFEE	01150
010052	*	0.0246	TALLAPOOSA	01610
010059	*	0.0071	LAWRENCE	01390
010061	*	0.0542	JACKSON	01350
010065	*	0.0246	TALLAPOOSA	01610
010078		0.0047	CALHOUN	01070
010083	*	0.0134	BALDWIN	01010
010091		0.0046	CLARKE	01120
010100	*	0.0134	BALDWIN	01010
010101	*	0.0211	TALLADEGA	01600
010109		0.0405	PICKENS	01530
010110		0.0215	BULLOCK	01050
010125		0.0476	WINSTON	01660
010128		0.0046	CLARKE	01120
010129		0.0134	BALDWIN	01010
010138		0.0066	SUMTER	01590
010143	*	0.0254	CULLMAN	01210

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
010146		0.0047	CALHOUN	01070
010150		0.0127	BUTLER	01060
010158	*	0.0023	FRANKLIN	01290
010164	*	0.0211	TALLADEGA	01600
012011		0.0047	CALHOUN	01070
013027		0.0134	BALDWIN	01010
013032		0.0061	ETOWAH	01270
014006		0.0061	ETOWAH	01270
030067		0.0298	LAPAZ	03055
040014	*	0.0199	WHITE	04720
040019	*	0.0258	ST. FRANCIS	04610
040039	*	0.0172	GREENE	04270
040047		0.0117	RANDOLPH	04600
040067		0.0007	COLUMBIA	04130
040071	*	0.0149	JEFFERSON	04340
040076	*	0.1	HOT SPRING	04290
040081		0.0357	PIKE	04540
040149		0.0199	WHITE	04720
042007		0.0149	JEFFERSON	04340
042011		0.0199	WHITE	04720
043034		0.0036	CHICOT	04080
050002	*	0.001	ALAMEDA	05000
050007		0.0146	SAN MATEO	05510
050009	*	0.018	NAPA	05380
050013	*	0.018	NAPA	05380
050014	*	0.0139	AMADOR	05020
050016		0.0092	SAN LUIS OBISPO	05500
050042	*	0.0162	TEHAMA	05620
050043	*	0.001	ALAMEDA	05000
050069	*	0.0013	ORANGE	05400
050070		0.0146	SAN MATEO	05510
050073	*	0.0171	SOLANO	05580
050075	*	0.001	ALAMEDA	05000
050084	*	0.0132	SAN JOAQUIN	05490
050089	*	0.0011	SAN BERNARDINO	05460

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
050090	*	0.0058	SONOMA	05590
050099	*	0.0011	SAN BERNARDINO	05460
050101	*	0.0171	SOLANO	05580
050113		0.0146	SAN MATEO	05510
050118	*	0.0132	SAN JOAQUIN	05490
050122		0.0132	SAN JOAQUIN	05490
050129	*	0.0011	SAN BERNARDINO	05460
050133	*	0.0178	YUBA	05680
050136	*	0.0058	SONOMA	05590
050140	*	0.0011	SAN BERNARDINO	05460
050150	*	0.0342	NEVADA	05390
050167		0.0132	SAN JOAQUIN	05490
050168	*	0.0013	ORANGE	05400
050173	*	0.0013	ORANGE	05400
050174	*	0.0058	SONOMA	05590
050193	*	0.0013	ORANGE	05400
050195	*	0.001	ALAMEDA	05000
050197	*	0.0146	SAN MATEO	05510
050211	*	0.001	ALAMEDA	05000
050224	*	0.0013	ORANGE	05400
050226	*	0.0013	ORANGE	05400
050230	*	0.0013	ORANGE	05400
050232		0.0092	SAN LUIS OBISPO	05500
050245	*	0.0011	SAN BERNARDINO	05460
050264	*	0.001	ALAMEDA	05000
050272	*	0.0011	SAN BERNARDINO	05460
050279	*	0.0011	SAN BERNARDINO	05460
050283	*	0.001	ALAMEDA	05000
050289		0.0146	SAN MATEO	05510
050291	*	0.0058	SONOMA	05590
050298		0.0011	SAN BERNARDINO	05460
050300	*	0.0011	SAN BERNARDINO	05460
050305	*	0.001	ALAMEDA	05000
050313		0.0132	SAN JOAQUIN	05490
050320	*	0.001	ALAMEDA	05000

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
050325		0.0033	TUOLUMNE	05650
050327	*	0.0011	SAN BERNARDINO	05460
050335	*	0.0033	TUOLUMNE	05650
050336		0.0132	SAN JOAQUIN	05490
050348	*	0.0013	ORANGE	05400
050366		0.0015	CALAVERAS	05040
050367	*	0.0171	SOLANO	05580
050385	*	0.0058	SONOMA	05590
050426	*	0.0013	ORANGE	05400
050444		0.0233	MERCED	05340
050476	*	0.0278	LAKE	05160
050488	*	0.001	ALAMEDA	05000
050506		0.0092	SAN LUIS OBISPO	05500
050512	*	0.001	ALAMEDA	05000
050517	*	0.0011	SAN BERNARDINO	05460
050526	*	0.0013	ORANGE	05400
050528	*	0.0233	MERCED	05340
050541	*	0.0146	SAN MATEO	05510
050543	*	0.0013	ORANGE	05400
050547	*	0.0058	SONOMA	05590
050548	*	0.0013	ORANGE	05400
050551	*	0.0013	ORANGE	05400
050567	*	0.0013	ORANGE	05400
050570	*	0.0013	ORANGE	05400
050580	*	0.0013	ORANGE	05400
050586	*	0.0011	SAN BERNARDINO	05460
050589	*	0.0013	ORANGE	05400
050603	*	0.0013	ORANGE	05400
050609	*	0.0013	ORANGE	05400
050618	*	0.0011	SAN BERNARDINO	05460
050633		0.0092	SAN LUIS OBISPO	05500
050667	*	0.018	NAPA	05380
050678	*	0.0013	ORANGE	05400
050680	*	0.0171	SOLANO	05580
050690	*	0.0058	SONOMA	05590

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
050693	*	0.0013	ORANGE	05400
050720	*	0.0013	ORANGE	05400
050744	*	0.0013	ORANGE	05400
050745	*	0.0013	ORANGE	05400
050746	*	0.0013	ORANGE	05400
050747	*	0.0013	ORANGE	05400
050748		0.0132	SAN JOAQUIN	05490
050754		0.0146	SAN MATEO	05510
050758	*	0.0011	SAN BERNARDINO	05460
052034		0.001	ALAMEDA	05000
052035		0.0013	ORANGE	05400
052037		0.0011	SAN BERNARDINO	05460
052039		0.0013	ORANGE	05400
052040		0.0011	SAN BERNARDINO	05460
052053		0.0013	ORANGE	05400
053034		0.0013	ORANGE	05400
053037		0.0011	SAN BERNARDINO	05460
053301		0.001	ALAMEDA	05000
053304		0.0013	ORANGE	05400
053306		0.0013	ORANGE	05400
053308		0.0013	ORANGE	05400
054074		0.0171	SOLANO	05580
054093		0.0011	SAN BERNARDINO	05460
054110		0.001	ALAMEDA	05000
054111		0.0011	SAN BERNARDINO	05460
054122		0.018	NAPA	05380
054123		0.0132	SAN JOAQUIN	05490
054135		0.0013	ORANGE	05400
054141		0.0171	SOLANO	05580
060001	*	0.0042	WELD	06610
060003	*	0.0069	BOULDER	06060
060027	*	0.0069	BOULDER	06060
060103	*	0.0069	BOULDER	06060
060116	*	0.0069	BOULDER	06060
060121	*	0.0042	WELD	06610

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
063033		0.0042	WELD	06610
064007		0.0069	BOULDER	06060
070003	*	0.0037	WINDHAM	07070
070004	*	0.0075	LITCHFIELD	07020
070006	*	0.0045	FAIRFIELD	07000
070010	*	0.0045	FAIRFIELD	07000
070011	*	0.0075	LITCHFIELD	07020
070015	*	0.0075	LITCHFIELD	07020
070018	*	0.0045	FAIRFIELD	07000
070020		0.0045	MIDDLESEX	07030
070021	*	0.0037	WINDHAM	07070
070028	*	0.0045	FAIRFIELD	07000
070033	*	0.0045	FAIRFIELD	07000
070034	*	0.0045	FAIRFIELD	07000
073026		0.0037	WINDHAM	07070
074000		0.0045	FAIRFIELD	07000
074003		0.0045	MIDDLESEX	07030
074007		0.0045	MIDDLESEX	07030
074012		0.0045	FAIRFIELD	07000
074014		0.0045	FAIRFIELD	07000
080001	*	0.0044	NEW CASTLE	08010
080003	*	0.0044	NEW CASTLE	08010
082000		0.0044	NEW CASTLE	08010
083300		0.0044	NEW CASTLE	08010
084001		0.0044	NEW CASTLE	08010
084002		0.0044	NEW CASTLE	08010
084003		0.0044	NEW CASTLE	08010
090001		0.0033	THE DISTRICT	09000
090003		0.0033	THE DISTRICT	09000
090004	*	0.0033	THE DISTRICT	09000
090005		0.0033	THE DISTRICT	09000
090006		0.0033	THE DISTRICT	09000
090008		0.0033	THE DISTRICT	09000
090011	*	0.0033	THE DISTRICT	09000
092002		0.0033	THE DISTRICT	09000

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
092003		0.0033	THE DISTRICT	09000
093025		0.0033	THE DISTRICT	09000
093300		0.0033	THE DISTRICT	09000
094001		0.0033	THE DISTRICT	09000
094004		0.0033	THE DISTRICT	09000
100014	*	0.0047	VOLUSIA	10630
100017	*	0.0047	VOLUSIA	10630
100023	*	0.0031	CITRUS	10080
100045	*	0.0047	VOLUSIA	10630
100047	*	0.0028	CHARLOTTE	10070
100068	*	0.0047	VOLUSIA	10630
100072	*	0.0047	VOLUSIA	10630
100077	*	0.0028	CHARLOTTE	10070
100081	*	0.0022	WALTON	10650
100118	*	0.0177	FLAGLER	10170
100139	*	0.0006	LEVY	10370
100232	*	0.0054	PUTNAM	10530
100236	*	0.0028	CHARLOTTE	10070
100249	*	0.0031	CITRUS	10080
100252	*	0.0151	OKEECHOBEE	10460
100290		0.0338	SUMTER	10590
100292	*	0.0022	WALTON	10650
110023	*	0.0416	GORDON	11500
110029	*	0.0052	HALL	11550
110040	*	0.1455	JACKSON	11610
110041	*	0.0623	HABERSHAM	11540
110100		0.079	JEFFERSON	11620
110101		0.0067	COOK	11311
110142		0.0185	EVANS	11441
110146	*	0.0393	CAMDEN	11170
110150	*	0.0227	BALDWIN	11030
110187	*	0.0643	LUMPKIN	11701
110189	*	0.0066	FANNIN	11450
110190		0.0241	MACON	11710
110205		0.0507	GILMER	11471

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
114018		0.0227	BALDWIN	11030
130003	*	0.0235	NEZ PERCE	13340
130024		0.0675	BONNER	13080
130049	*	0.0319	KOOTENAI	13270
130066		0.0319	KOOTENAI	13270
130067	*	0.0725	BINGHAM	13050
132001		0.0319	KOOTENAI	13270
134010		0.0725	BINGHAM	13050
140001		0.0369	FULTON	14370
140026		0.0315	LA SALLE	14580
140043	*	0.0056	WHITESIDE	14988
140058	*	0.0126	MORGAN	14770
140110	*	0.0315	LA SALLE	14580
140116	*	0.0014	MC HENRY	14640
140160	*	0.0332	STEPHENSON	14970
140161	*	0.0168	LIVINGSTON	14610
140167	*	0.0632	IROQUOIS	14460
140176	*	0.0014	MC HENRY	14640
140234		0.0315	LA SALLE	14580
150022		0.0158	MONTGOMERY	15530
150030	*	0.0192	HENRY	15320
150072		0.0105	CASS	15080
150076	*	0.0215	MARSHALL	15490
150088	*	0.0111	MADISON	15470
150091	*	0.005	HUNTINGTON	15340
150102	*	0.0108	STARKE	15740
150113	*	0.0111	MADISON	15470
150133	*	0.0193	KOSCIUSKO	15420
150146	*	0.009	NOBLE	15560
153040		0.0215	MARSHALL	15490
154014		0.0193	KOSCIUSKO	15420
154035		0.0105	CASS	15080
154047		0.0215	MARSHALL	15490
160013		0.0179	MUSCATINE	16690
160030		0.0013	STORY	16840

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
160032		0.0235	JASPER	16490
160080	*	0.0066	CLINTON	16220
170040		0	WYANDOTTE	17986
170137	*	0.0421	DOUGLAS	17220
170146		0	WYANDOTTE	17986
170150		0.0166	COWLEY	17170
174010		0	WYANDOTTE	17986
180012	*	0.008	HARDIN	18460
180017	*	0.0035	BARREN	18040
180049	*	0.0488	MADISON	18750
180064		0.0314	MONTGOMERY	18860
180066	*	0.0439	LOGAN	18700
180070		0.024	GRAYSON	18420
180079		0.0259	HARRISON	18480
183028		0.008	HARDIN	18460
184012		0.008	HARDIN	18460
190003	*	0.0085	IBERIA	19220
190015	*	0.0243	TANGIPAHOA	19520
190017	*	0.0187	ST. LANDRY	19480
190034		0.0189	VERMILION	19560
190044		0.0261	ACADIA	19000
190050		0.0044	BEAUREGARD	19050
190053		0.0101	JEFFRSON DAVIS	19260
190054		0.0085	IBERIA	19220
190078		0.0187	ST. LANDRY	19480
190086	*	0.0061	LINCOLN	19300
190088	*	0.0387	WEBSTER	19590
190099		0.0189	AVOYELLES	19040
190106	*	0.0102	ALLEN	19010
190116		0.0085	MOREHOUSE	19330
190133		0.0102	ALLEN	19010
190140		0.0035	FRANKLIN	19200
190144	*	0.0387	WEBSTER	19590
190145		0.009	LA SALLE	19290
190184	*	0.0075	CALDWELL	19100

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
190190	*	0.0075	CALDWELL	19100
190191	*	0.0187	ST. LANDRY	19480
190246		0.0075	CALDWELL	19100
190257	*	0.0061	LINCOLN	19300
192022		0.0061	LINCOLN	19300
192026		0.0387	WEBSTER	19590
192034		0.0187	ST. LANDRY	19480
192036		0.0243	TANGIPAHOA	19520
192040		0.0243	TANGIPAHOA	19520
192050		0.0261	ACADIA	19000
193036		0.0187	ST. LANDRY	19480
193044		0.0243	TANGIPAHOA	19520
193047		0.0189	VERMILION	19560
193049		0.0189	VERMILION	19560
193055		0.0075	CALDWELL	19100
193058		0.0085	MOREHOUSE	19330
193063		0.0243	TANGIPAHOA	19520
193067		0.0101	JEFFRSON DAVIS	19260
193068		0.0243	TANGIPAHOA	19520
193069		0.0085	MOREHOUSE	19330
193073		0.0187	ST. LANDRY	19480
193079		0.0243	TANGIPAHOA	19520
193081		0.0261	ACADIA	19000
193088		0.0261	ACADIA	19000
193091		0.0085	IBERIA	19220
194047		0.0387	WEBSTER	19590
194065		0.0061	LINCOLN	19300
194075		0.0101	JEFFRSON DAVIS	19260
194077		0.0061	LINCOLN	19300
194081		0.0044	BEAUREGARD	19050
194082		0.0101	JEFFRSON DAVIS	19260
194083		0.0085	MOREHOUSE	19330
194085		0.0261	ACADIA	19000
194087		0.0061	LINCOLN	19300
194091		0.0243	TANGIPAHOA	19520

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
194092		0.0035	FRANKLIN	19200
200024	*	0.0094	ANDROSCOGGIN	20000
200032		0.0367	OXFORD	20080
200034	*	0.0094	ANDROSCOGGIN	20000
200050	*	0.0227	HANCOCK	20040
210001		0.0187	WASHINGTON	21210
210023		0.0079	ANNE ARUNDEL	21010
210028		0.0383	ST. MARYS	21180
210043		0.0079	ANNE ARUNDEL	21010
210061		0.0188	WORCESTER	21230
212002		0.0187	WASHINGTON	21210
214001		0.0079	ANNE ARUNDEL	21010
214003		0.0187	WASHINGTON	21210
214015		0.0188	WORCESTER	21230
220001	*	0.0072	WORCESTER	22170
220002	*	0.0271	MIDDLESEX	22090
220010	*	0.0355	ESSEX	22040
220011	*	0.0271	MIDDLESEX	22090
220019	*	0.0072	WORCESTER	22170
220025	*	0.0072	WORCESTER	22170
220029	*	0.0355	ESSEX	22040
220033	*	0.0355	ESSEX	22040
220035	*	0.0355	ESSEX	22040
220049	*	0.0271	MIDDLESEX	22090
220058	*	0.0072	WORCESTER	22170
220062	*	0.0072	WORCESTER	22170
220063	*	0.0271	MIDDLESEX	22090
220070	*	0.0271	MIDDLESEX	22090
220080	*	0.0355	ESSEX	22040
220082	*	0.0271	MIDDLESEX	22090
220084	*	0.0271	MIDDLESEX	22090
220090	*	0.0072	WORCESTER	22170
220095	*	0.0072	WORCESTER	22170
220098	*	0.0271	MIDDLESEX	22090
220101	*	0.0271	MIDDLESEX	22090

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
220105	*	0.0271	MIDDLESEX	22090
220163	*	0.0072	WORCESTER	22170
220171	*	0.0271	MIDDLESEX	22090
220174	*	0.0355	ESSEX	22040
220176	*	0.0072	WORCESTER	22170
222000		0.0271	MIDDLESEX	22090
222003		0.0271	MIDDLESEX	22090
222024		0.0271	MIDDLESEX	22090
222026		0.0355	ESSEX	22040
222044		0.0355	ESSEX	22040
222047		0.0355	ESSEX	22040
222048		0.0072	WORCESTER	22170
223026		0.0271	MIDDLESEX	22090
223028		0.0355	ESSEX	22040
223029		0.0072	WORCESTER	22170
223033		0.0072	WORCESTER	22170
224007		0.0271	MIDDLESEX	22090
224026		0.0072	WORCESTER	22170
224032		0.0072	WORCESTER	22170
224033		0.0355	ESSEX	22040
224038		0.0271	MIDDLESEX	22090
230002	*	0.0027	WAYNE	23810
230003	*	0.022	OTTAWA	23690
230005		0.0473	LENAWEE	23450
230013	*	0.0025	OAKLAND	23620
230015		0.0295	ST. JOSEPH	23740
230019	*	0.0025	OAKLAND	23620
230020	*	0.0027	WAYNE	23810
230021	*	0.0101	BERRIEN	23100
230022	*	0.0212	BRANCH	23110
230024	*	0.0027	WAYNE	23810
230029	*	0.0025	OAKLAND	23620
230035	*	0.0095	MONTCALM	23580
230037	*	0.021	HILLSDALE	23290
230041		0.0052	BAY	23080

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
230047	*	0.0021	MACOMB	23490
230053	*	0.0027	WAYNE	23810
230069	*	0.021	LIVINGSTON	23460
230071	*	0.0025	OAKLAND	23620
230072	*	0.022	OTTAWA	23690
230075		0.0047	CALHOUN	23120
230078	*	0.0101	BERRIEN	23100
230089	*	0.0027	WAYNE	23810
230092	*	0.0223	JACKSON	23370
230093		0.0058	MECOSTA	23530
230096	*	0.0295	ST. JOSEPH	23740
230099	*	0.0231	MONROE	23570
230104	*	0.0027	WAYNE	23810
230121	*	0.0678	SHIAWASSEE	23770
230130	*	0.0025	OAKLAND	23620
230135	*	0.0027	WAYNE	23810
230142	*	0.0027	WAYNE	23810
230146	*	0.0027	WAYNE	23810
230151	*	0.0025	OAKLAND	23620
230165	*	0.0027	WAYNE	23810
230174	*	0.022	OTTAWA	23690
230176	*	0.0027	WAYNE	23810
230195	*	0.0021	MACOMB	23490
230204	*	0.0021	MACOMB	23490
230207	*	0.0025	OAKLAND	23620
230208	*	0.0095	MONTCALM	23580
230217		0.0047	CALHOUN	23120
230222	*	0.0035	MIDLAND	23550
230227	*	0.0021	MACOMB	23490
230244	*	0.0027	WAYNE	23810
230254	*	0.0025	OAKLAND	23620
230257	*	0.0021	MACOMB	23490
230264	*	0.0021	MACOMB	23490
230269	*	0.0025	OAKLAND	23620
230270	*	0.0027	WAYNE	23810

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
230273	*	0.0027	WAYNE	23810
230277	*	0.0025	OAKLAND	23620
230279	*	0.021	LIVINGSTON	23460
230297	*	0.0027	WAYNE	23810
230301	*	0.0025	OAKLAND	23620
232019		0.0027	WAYNE	23810
232020		0.0052	BAY	23080
232023		0.0021	MACOMB	23490
232025		0.0101	BERRIEN	23100
232027		0.0027	WAYNE	23810
232028		0.0047	CALHOUN	23120
232030		0.0025	OAKLAND	23620
232031		0.0027	WAYNE	23810
232032		0.0027	WAYNE	23810
232034		0.0435	ALLEGAN	23020
232036		0.0223	JACKSON	23370
232038		0.0027	WAYNE	23810
233025		0.0047	CALHOUN	23120
233027		0.0027	WAYNE	23810
233028		0.0025	OAKLAND	23620
233300		0.0027	WAYNE	23810
234011		0.0025	OAKLAND	23620
234021		0.0021	MACOMB	23490
234023		0.0025	OAKLAND	23620
234025		0.0276	TUSCOLA	23780
234028		0.0027	WAYNE	23810
234034		0.0027	WAYNE	23810
234035		0.0027	WAYNE	23810
234038		0.0027	WAYNE	23810
234039		0.0021	MACOMB	23490
240018		0.0805	GOODHUE	24240
240044		0.0625	WINONA	24840
240064	*	0.0134	ITASCA	24300
240069	*	0.0267	STEELE	24730
240071	*	0.0385	RICE	24650

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
240117		0.0527	MOWER	24490
240211		0.0812	PINE	24570
250023	*	0.0541	PEARL RIVER	25540
250040	*	0.0021	JACKSON	25290
250117	*	0.0541	PEARL RIVER	25540
250128		0.0446	PANOLA	25530
250162		0.0014	HANCOCK	25220
252011		0.0446	PANOLA	25530
260059		0.0077	LACLEDE	26520
260064	*	0.0089	AUDRAIN	26030
260097		0.03	JOHNSON	26500
260116	*	0.0087	ST. FRANCOIS	26930
260160		0.0144	STODDARD	26985
260163		0.0087	ST. FRANCOIS	26930
264005		0.0087	ST. FRANCOIS	26930
264027		0.0087	CEDAR	26190
280077	*	0.008	DODGE	28260
290002	*	0.0277	LYON	29090
300011	*	0.0049	HILLSBOROUGH	30050
300012	*	0.0049	HILLSBOROUGH	30050
300017	*	0.0075	ROCKINGHAM	30070
300020	*	0.0049	HILLSBOROUGH	30050
300023	*	0.0075	ROCKINGHAM	30070
300029	*	0.0075	ROCKINGHAM	30070
300034	*	0.0049	HILLSBOROUGH	30050
303026		0.0075	ROCKINGHAM	30070
304001		0.0075	ROCKINGHAM	30070
310002	*	0.0268	ESSEX	31200
310009	*	0.0268	ESSEX	31200
310015	*	0.0199	MORRIS	31300
310017	*	0.0199	MORRIS	31300
310018	*	0.0268	ESSEX	31200
310038	*	0.0209	MIDDLESEX	31270
310039	*	0.0209	MIDDLESEX	31270
310050	*	0.0199	MORRIS	31300

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
310054	*	0.0268	ESSEX	31200
310070	*	0.0209	MIDDLESEX	31270
310076	*	0.0268	ESSEX	31200
310083	*	0.0268	ESSEX	31200
310093	*	0.0268	ESSEX	31200
310096	*	0.0268	ESSEX	31200
310108	*	0.0209	MIDDLESEX	31270
310119	*	0.0268	ESSEX	31200
312018		0.0209	MIDDLESEX	31270
312020		0.0199	MORRIS	31300
313025		0.0268	ESSEX	31200
313300		0.0209	MIDDLESEX	31270
314010		0.0268	ESSEX	31200
314011		0.0209	MIDDLESEX	31270
314016		0.0199	MORRIS	31300
314020		0.0268	ESSEX	31200
320003	*	0.048	SAN MIGUEL	32230
320011		0.0337	RIO ARRIBA	32190
320018		0.0024	DONA ANA	32060
320085		0.0024	DONA ANA	32060
320088		0.0024	DONA ANA	32060
323025		0.048	SAN MIGUEL	32230
323032		0.0024	DONA ANA	32060
324007		0.0024	DONA ANA	32060
324010		0.0024	DONA ANA	32060
324012		0.0024	DONA ANA	32060
330004	*	0.0633	ULSTER	33740
330008	*	0.0126	WYOMING	33900
330010		0.0067	MONTGOMERY	33380
330027	*	0.0123	NASSAU	33400
330033		0.0223	CHENANGO	33080
330047		0.0067	MONTGOMERY	33380
330073	*	0.0151	GENESEE	33290
330094	*	0.0503	COLUMBIA	33200
330103		0.0131	CATTARAUGUS	33040

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
330106		0.0123	NASSAU	33400
330126	*	0.0642	ORANGE	33540
330132		0.0131	CATTARAUGUS	33040
330135		0.0642	ORANGE	33540
330144		0.0056	STEUBEN	33690
330151		0.0056	STEUBEN	33690
330167	*	0.0123	NASSAU	33400
330175		0.026	CORTLAND	33210
330181	*	0.0123	NASSAU	33400
330182	*	0.0123	NASSAU	33400
330191	*	0.0017	WARREN	33750
330198	*	0.0123	NASSAU	33400
330205		0.0642	ORANGE	33540
330224	*	0.0633	ULSTER	33740
330225	*	0.0123	NASSAU	33400
330235	*	0.0306	CAYUGA	33050
330259	*	0.0123	NASSAU	33400
330264		0.0642	ORANGE	33540
330276		0.0036	FULTON	33280
330277	*	0.0056	STEUBEN	33690
330331	*	0.0123	NASSAU	33400
330332	*	0.0123	NASSAU	33400
330372	*	0.0123	NASSAU	33400
330386	*	0.0745	SULLIVAN	33710
334017		0.0642	ORANGE	33540
334061		0.0642	ORANGE	33540
340020		0.0156	LEE	34520
340021	*	0.0162	CLEVELAND	34220
340024		0.0177	SAMPSON	34810
340027	*	0.0128	LENOIR	34530
340037		0.0162	CLEVELAND	34220
340038		0.0253	BEAUFORT	34060
340039	*	0.0101	IREDELL	34480
340068	*	0.0087	COLUMBUS	34230
340069	*	0.0015	WAKE	34910

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
340070	*	0.0395	ALAMANCE	34000
340071	*	0.0226	HARNETT	34420
340073	*	0.0015	WAKE	34910
340085	*	0.025	DAVIDSON	34280
340096	*	0.025	DAVIDSON	34280
340104		0.0162	CLEVELAND	34220
340114	*	0.0015	WAKE	34910
340126	*	0.01	WILSON	34970
340129	*	0.0101	IREDELL	34480
340133		0.026	MARTIN	34580
340138	*	0.0015	WAKE	34910
340144	*	0.0101	IREDELL	34480
340145	*	0.0336	LINCOLN	34540
340151		0.0052	HALIFAX	34410
340173	*	0.0015	WAKE	34910
344011		0.0015	WAKE	34910
344014		0.0015	WAKE	34910
360002		0.0141	ASHLAND	36020
360010	*	0.0074	TUSCARAWAS	36800
360013	*	0.0135	SHELBY	36760
360025	*	0.0077	ERIE	36220
360036	*	0.0126	WAYNE	36860
360040		0.0387	KNOX	36430
360044		0.0127	DARKE	36190
360055	*	0.0015	TRUMBULL	36790
360065	*	0.0075	HURON	36400
360070		0.0005	STARK	36770
360071		0.0035	VAN WERT	36820
360084		0.0005	STARK	36770
360086	*	0.0186	CLARK	36110
360096	*	0.0071	COLUMBIANA	36140
360107		0.0119	SANDUSKY	36730
360125	*	0.0133	ASHTABULA	36030
360131		0.0005	STARK	36770
360151		0.0005	STARK	36770

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
360156		0.0119	SANDUSKY	36730
360161		0.0015	TRUMBULL	36790
360175	*	0.0183	CLINTON	36130
360185	*	0.0071	COLUMBIANA	36140
360187	*	0.0186	CLARK	36110
360245	*	0.0133	ASHTABULA	36030
362007		0.0119	SANDUSKY	36730
362016		0.0005	STARK	36770
362032		0.0005	STARK	36770
363026		0.0015	TRUMBULL	36790
364031		0.0005	STARK	36770
364040		0.0186	CLARK	36110
370014	*	0.0361	BRYAN	37060
370015	*	0.0366	MAYES	37480
370023		0.009	STEPHENS	37680
370065		0.0096	CRAIG	37170
370072		0.0258	LATIMER	37380
370083		0.0051	PUSHMATAHA	37630
370100		0.01	CHOCTAW	37110
370149	*	0.0302	POTTAWATOMIE	37620
370156		0.0121	GARVIN	37240
370169		0.0163	MCINTOSH	37450
370172		0.0258	LATIMER	37380
370214		0.0121	GARVIN	37240
372017		0.01	CHOCTAW	37110
372019		0.0302	POTTAWATOMIE	37620
373032		0.01	CHOCTAW	37110
380022	*	0.0067	LINN	38210
384011		0.0107	UMATILLA	38290
390008		0.006	LAWRENCE	39450
390016	*	0.006	LAWRENCE	39450
390030	*	0.0149	SCHUYLKILL	39650
390031	*	0.0149	SCHUYLKILL	39650
390039		0.0036	SOMERSET	39680
390044	*	0.0191	BERKS	39110

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
390052		0.0047	CLEARFIELD	39230
390056		0.0036	HUNTINGDON	39380
390065	*	0.0532	ADAMS	39000
390066	*	0.0372	LEBANON	39460
390079	*	0.0003	BRADFORD	39130
390086	*	0.0047	CLEARFIELD	39230
390096	*	0.0191	BERKS	39110
390110	*	0.0003	CAMBRIA	39160
390112		0.0036	SOMERSET	39680
390113	*	0.0053	CRAWFORD	39260
390117		0.0002	BEDFORD	39100
390122		0.0053	CRAWFORD	39260
390125		0.0022	WAYNE	39760
390130	*	0.0003	CAMBRIA	39160
390138	*	0.0218	FRANKLIN	39350
390146		0.0022	WARREN	39740
390150	*	0.0031	GREENE	39370
390151	*	0.0218	FRANKLIN	39350
390162	*	0.0217	NORTHAMPTON	39590
390173		0.0034	INDIANA	39390
390183	*	0.0149	SCHUYLKILL	39650
390201	*	0.117	MONROE	39550
390236		0.0003	BRADFORD	39130
390313	*	0.0149	SCHUYLKILL	39650
390316		0.0191	BERKS	39110
392030		0.0532	ADAMS	39000
392031		0.0003	CAMBRIA	39160
392034		0.0217	NORTHAMPTON	39590
393026		0.0191	BERKS	39110
393050		0.0217	NORTHAMPTON	39590
394014		0.0191	BERKS	39110
394016		0.0022	WARREN	39740
394020		0.0372	LEBANON	39460
420002		0.0001	YORK	42450
420007	*	0.0027	SPARTANBURG	42410

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
420019		0.0158	CHESTER	42110
420020	*	0.0008	GEORGETOWN	42210
420027	*	0.0108	ANDERSON	42030
420030	*	0.0069	COLLETON	42140
420036	*	0.0064	LANCASTER	42280
420039	*	0.011	UNION	42430
420043		0.0157	CHEROKEE	42100
420053		0.0035	NEWBERRY	42350
420054		0.0002	MARLBORO	42340
420062	*	0.0128	CHESTERFIELD	42120
420068	*	0.0027	ORANGEBURG	42370
420069	*	0.0052	CLARENDON	42130
420070	*	0.0051	SUMTER	42420
420082		0.0002	AIKEN	42010
420083	*	0.0027	SPARTANBURG	42410
420098	*	0.0008	GEORGETOWN	42210
422004		0.0027	SPARTANBURG	42410
423028		0.0001	YORK	42450
423029		0.0108	ANDERSON	42030
424011		0.0108	ANDERSON	42030
430008		0.0535	BROOKINGS	43050
430048		0.0129	LAWRENCE	43400
430094		0.0129	LAWRENCE	43400
440007		0.0219	COFFEE	44150
440008		0.0449	HENDERSON	44380
440012		0.0009	SULLIVAN	44810
440016		0.0144	CARROLL	44080
440017		0.0009	SULLIVAN	44810
440025	*	0.0009	GREENE	44290
440031		0.0019	ROANE	44720
440033		0.0027	CAMPBELL	44060
440035	*	0.0301	MONTGOMERY	44620
440047		0.0338	GIBSON	44260
440050		0.0009	GREENE	44290
440051		0.0082	MC NAIRY	44540

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
440057		0.0021	CLAIBORNE	44120
440060		0.0338	GIBSON	44260
440070		0.0109	DECATUR	44190
440081		0.0052	SEVIER	44770
440084		0.0025	MONROE	44610
440109		0.007	HARDIN	44350
440115		0.0338	GIBSON	44260
440137		0.0738	BEDFORD	44010
440144	*	0.0219	COFFEE	44150
440148	*	0.0296	DE KALB	44200
440174	*	0.0312	HAYWOOD	44370
440176		0.0009	SULLIVAN	44810
440180		0.0027	CAMPBELL	44060
440181		0.0365	HARDEMAN	44340
440182		0.0144	CARROLL	44080
440185	*	0.023	BRADLEY	44050
442016		0.0009	SULLIVAN	44810
443027		0.0009	SULLIVAN	44810
444008		0.0365	HARDEMAN	44340
450032	*	0.0254	HARRISON	45620
450039	*	0.0024	TARRANT	45910
450052	*	0.0276	BOSQUE	45160
450059		0.0075	COMAL	45320
450064	*	0.0024	TARRANT	45910
450087	*	0.0024	TARRANT	45910
450090		0.065	COOKE	45340
450099	*	0.0145	GRAY	45563
450135	*	0.0024	TARRANT	45910
450137	*	0.0024	TARRANT	45910
450144	*	0.0559	ANDREWS	45010
450163		0.0054	KLEBERG	45743
450192		0.0271	HILL	45651
450194		0.0213	CHEROKEE	45281
450210		0.0151	PANOLA	45842
450224	*	0.0195	WOOD	45974

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
450236		0.0389	HOPKINS	45654
450270		0.0271	HILL	45651
450283	*	0.0653	VAN ZANDT	45947
450347	*	0.037	WALKER	45949
450348	*	0.0059	FALLS	45500
450370	*	0.0235	COLORADO	45312
450389	*	0.0618	HENDERSON	45640
450395		0.0441	POLK	45850
450419	*	0.0024	TARRANT	45910
450438	*	0.0235	COLORADO	45312
450451		0.0536	SOMERVELL	45893
450460		0.0053	TYLER	45942
450497		0.0375	MONTAGUE	45800
450539		0.0067	HALE	45582
450547	*	0.0195	WOOD	45974
450563	*	0.0024	TARRANT	45910
450565	*	0.0509	PALO PINTO	45841
450573		0.0126	JASPER	45690
450596	*	0.0743	HOOD	45653
450615		0.0033	CASS	45260
450639	*	0.0024	TARRANT	45910
450641		0.0375	MONTAGUE	45800
450672	*	0.0024	TARRANT	45910
450675	*	0.0024	TARRANT	45910
450677	*	0.0024	TARRANT	45910
450698		0.0127	LAMB	45751
450747	*	0.0126	ANDERSON	45000
450755		0.0276	HOCKLEY	45652
450770	*	0.0182	MILAM	45795
450779	*	0.0024	TARRANT	45910
450813		0.0126	ANDERSON	45000
450838		0.0126	JASPER	45690
450872	*	0.0024	TARRANT	45910
450880	*	0.0024	TARRANT	45910
450884		0.0049	UPSHUR	45943

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
450886	*	0.0024	TARRANT	45910
450888		0.0024	TARRANT	45910
452018		0.0024	TARRANT	45910
452019		0.0024	TARRANT	45910
452028		0.0024	TARRANT	45910
452088		0.0024	TARRANT	45910
452099		0.0024	TARRANT	45910
452106		0.0075	COMAL	45320
453040		0.0024	TARRANT	45910
453041		0.0024	TARRANT	45910
453042		0.0024	TARRANT	45910
453089		0.0126	ANDERSON	45000
453094		0.0024	TARRANT	45910
453300		0.0024	TARRANT	45910
453303		0.0024	TARRANT	45910
454009		0.0213	CHEROKEE	45281
454012		0.0024	TARRANT	45910
454051		0.0024	TARRANT	45910
454052		0.0024	TARRANT	45910
454061		0.0024	TARRANT	45910
454072		0.0024	TARRANT	45910
454086		0.0024	TARRANT	45910
454101		0.0067	HALE	45582
460001		0.0001	UTAH	46240
460013		0.0001	UTAH	46240
460017		0.0383	BOX ELDER	46010
460023		0.0001	UTAH	46240
460039	*	0.0383	BOX ELDER	46010
460043		0.0001	UTAH	46240
460052		0.0001	UTAH	46240
462005		0.0001	UTAH	46240
490019	*	0.1088	CULPEPER	49230
490084		0.0187	ESSEX	49280
490110		0.0185	MONTGOMERY	49600
500003	*	0.0166	SKAGIT	50280

ADDENDUM L.--PROPOSED CY 2010 OPPS OUT-MIGRATION ADJUSTMENT

Provider Number	Reclassified for FY 2010	Out-Migration Adjustment	Qualifying County Name	County Code
500007	*	0.0166	SKAGIT	50280
500019		0.0131	LEWIS	50200
500039	*	0.0094	KITSAP	50170
500041	*	0.002	COWLITZ	50070
510012		0.0124	MASON	51260
510018	*	0.0188	JACKSON	51170
510047	*	0.0269	MARION	51240
520028	*	0.0286	GREEN	52220
520035		0.0076	SHEBOYGAN	52580
520044		0.0076	SHEBOYGAN	52580
520045		0.0022	WINNEBAGO	52690
520048		0.0022	WINNEBAGO	52690
520057		0.0193	SAUK	52550
520059	*	0.0195	RACINE	52500
520071	*	0.0161	JEFFERSON	52270
520076	*	0.0146	DODGE	52130
520095	*	0.0193	SAUK	52550
520096	*	0.0195	RACINE	52500
520102	*	0.0242	WALWORTH	52630
520116	*	0.0161	JEFFERSON	52270
520198		0.0022	WINNEBAGO	52690
522005		0.0195	RACINE	52500
523302		0.0022	WINNEBAGO	52690
524002		0.0022	WINNEBAGO	52690
670042		0.0024	TARRANT	45910
670046		0.0024	TARRANT	45910
673026		0.0075	COMAL	45320

ADDENDUM M.--PROPOSED HCPCS CODES FOR ASSIGNMENT TO OPPS COMPOSITE APCs FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	Single Code APC Assignment	Composite APC Assignment
90801	Psy dx interview		Q3	0323	0034
90802	Intac psy dx interview		Q3	0323	0034
90804	Psytx, office, 20-30 min		Q3	0322	0034
90805	Psytx, off, 20-30 min w/e&m		Q3	0322	0034
90806	Psytx, off, 45-50 min		Q3	0323	0034
90807	Psytx, off, 45-50 min w/e&m		Q3	0323	0034
90808	Psytx, office, 75-80 min		Q3	0323	0034
90809	Psytx, off, 75-80, w/e&m		Q3	0323	0034
90810	Intac psytx, off, 20-30 min		Q3	0322	0034
90811	Intac psytx, 20-30, w/e&m		Q3	0322	0034
90812	Intac psytx, off, 45-50 min		Q3	0323	0034
90813	Intac psytx, 45-50 min w/e&m		Q3	0323	0034
90814	Intac psytx, off, 75-80 min		Q3	0323	0034
90815	Intac psytx, 75-80 w/e&m		Q3	0323	0034
90845	Psychoanalysis		Q3	0323	0034
90846	Family psytx w/o patient		Q3	0324	0034
90847	Family psytx w/patient		Q3	0324	0034
90849	Multiple family group psytx		Q3	0325	0034
90853	Group psychotherapy		Q3	0325	0034
90857	Intac group psytx		Q3	0325	0034
90862	Medication management		Q3	0606	0034
90865	Narcosynthesis		Q3	0323	0034
90880	Hypnotherapy		Q3	0323	0034
90899	Psychiatric service/therapy		Q3	0322	0034
96101	Psycho testing by psych/phys		Q3	0382	0034
96102	Psycho testing by technician		Q3	0382	0034
96103	Psycho testing admin by comp		Q3	0373	0034
96110	Developmental test, lim		Q3	0373	0034
96111	Developmental test, extend		Q3	0373	0034
96116	Neurobehavioral status exam		Q3	0382	0034
96118	Neuropsych tst by psych/phys		Q3	0382	0034
96119	Neuropsych testing by tec		Q3	0382	0034
96120	Neuropsych tst admin w/comp	CH	Q3	0382	0034
96150	Assess hlth/behave, init		Q3	0432	0034
96151	Assess hlth/behave, subseq		Q3	0432	0034
96152	Intervene hlth/behave, indiv		Q3	0432	0034
96153	Intervene hlth/behave, group		Q3	0432	0034

ADDENDUM M.--PROPOSED HCPCS CODES FOR ASSIGNMENT TO OPPS COMPOSITE APCs FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	Single Code APC Assignment	Composite APC Assignment
96154	Interv hlth/behav, fam w/pt		Q3	0432	0034
M0064	Visit for drug monitoring	CH	Q3	0607	0034
93619	Electrophysiology evaluation		Q3	0085	8000
93620	Electrophysiology evaluation		Q3	0085	8000
93650	Ablate heart dysrhythm focus		Q3	0085	8000
93651	Ablate heart dysrhythm focus		Q3	0086	8000
93652	Ablate heart dysrhythm focus		Q3	0086	8000
55875	Transperi needle place, pros		Q3	0163	8001
77778	Apply interstit radiat compl		Q3	0651	8001
99205	Office/outpatient visit, new		Q3	0608	8002
99215	Office/outpatient visit, est		Q3	0607	8002
G0379	Direct refer hospital observ		Q3	0604	8002
99284	Emergency dept visit		Q3	0615	8003
99285	Emergency dept visit		Q3	0616	8003
99291	Critical care, first hour		Q3	0617	8003
G0384	Lev 5 hosp type B ED visit	CH	Q3	0630	8003
76604	Us exam, chest		Q3	0265	8004
76700	Us exam, abdom, complete		Q3	0266	8004
76705	Echo exam of abdomen		Q3	0266	8004
76770	Us exam abdo back wall, comp		Q3	0266	8004
76775	Us exam abdo back wall, lim		Q3	0266	8004
76776	Us exam k transpl w/doppler		Q3	0266	8004
76831	Echo exam, uterus		Q3	0267	8004
76856	Us exam, pelvic, complete		Q3	0266	8004
76857	Us exam, pelvic, limited		Q3	0265	8004
76870	Us exam, scrotum		Q3	0266	8004
70450	Ct head/brain w/o dye		Q3	0332	8005 or 8006
70480	Ct orbit/ear/fossa w/o dye		Q3	0332	8005 or 8006
70486	Ct maxillofacial w/o dye		Q3	0332	8005 or 8006
70490	Ct soft tissue neck w/o dye		Q3	0332	8005 or 8006
71250	Ct thorax w/o dye		Q3	0332	8005 or 8006
72125	Ct neck spine w/o dye		Q3	0332	8005 or 8006
72128	Ct chest spine w/o dye		Q3	0332	8005 or 8006
72131	Ct lumbar spine w/o dye		Q3	0332	8005 or 8006
72192	Ct pelvis w/o dye		Q3	0332	8005 or 8006
73200	Ct upper extremity w/o dye		Q3	0332	8005 or 8006
73700	Ct lower extremity w/o dye		Q3	0332	8005 or 8006
74150	Ct abdomen w/o dye		Q3	0332	8005 or 8006
0067T	Ct colonography;dx		Q3	0332	8005 or 8006
70460	Ct head/brain w/dye		Q3	0283	8006

ADDENDUM M.--PROPOSED HCPCS CODES FOR ASSIGNMENT TO OPPS COMPOSITE APCs FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	Single Code APC Assignment	Composite APC Assignment
70470	Ct head/brain w/o & w/dye		Q3	0333	8006
70481	Ct orbit/ear/fossa w/dye		Q3	0283	8006
70482	Ct orbit/ear/fossa w/o&w/dye		Q3	0333	8006
70487	Ct maxillofacial w/dye		Q3	0283	8006
70488	Ct maxillofacial w/o & w/dye		Q3	0333	8006
70491	Ct soft tissue neck w/dye		Q3	0283	8006
70492	Ct sft tsue nck w/o & w/dye		Q3	0333	8006
70496	Ct angiography, head		Q3	0662	8006
70498	Ct angiography, neck		Q3	0662	8006
71260	Ct thorax w/dye		Q3	0283	8006
71270	Ct thorax w/o & w/dye		Q3	0333	8006
71275	Ct angiography, chest		Q3	0662	8006
72126	Ct neck spine w/dye		Q3	0283	8006
72127	Ct neck spine w/o & w/dye		Q3	0333	8006
72129	Ct chest spine w/dye		Q3	0283	8006
72130	Ct chest spine w/o & w/dye		Q3	0333	8006
72132	Ct lumbar spine w/dye		Q3	0283	8006
72133	Ct lumbar spine w/o & w/dye		Q3	0333	8006
72191	Ct angiograph pelv w/o&w/dye		Q3	0662	8006
72193	Ct pelvis w/dye		Q3	0283	8006
72194	Ct pelvis w/o & w/dye		Q3	0333	8006
73201	Ct upper extremity w/dye		Q3	0283	8006
73202	Ct uppr extremity w/o&w/dye		Q3	0333	8006
73206	Ct angio upr extrm w/o&w/dye		Q3	0662	8006
73701	Ct lower extremity w/dye		Q3	0283	8006
73702	Ct lwr extremity w/o&w/dye		Q3	0333	8006
73706	Ct angio lwr extr w/o&w/dye		Q3	0662	8006
74160	Ct abdomen w/dye		Q3	0283	8006
74170	Ct abdomen w/o & w/dye		Q3	0333	8006
74175	Ct angio abdom w/o & w/dye		Q3	0662	8006
75635	Ct angio abdominal arteries		Q2	0662	8006
70336	Magnetic image, jaw joint		Q3	0336	8007 or 8008
70540	Mri orbit/face/neck w/o dye		Q3	0336	8007 or 8008
70544	Mr angiography head w/o dye		Q3	0336	8007 or 8008
70547	Mr angiography neck w/o dye		Q3	0336	8007 or 8008
70551	Mri brain w/o dye		Q3	0336	8007 or 8008
70554	Fmri brain by tech		Q3	0336	8007 or 8008
71550	Mri chest w/o dye		Q3	0336	8007 or 8008
72141	Mri neck spine w/o dye		Q3	0336	8007 or 8008
72146	Mri chest spine w/o dye		Q3	0336	8007 or 8008

ADDENDUM M.--PROPOSED HCPCS CODES FOR ASSIGNMENT TO OPPS COMPOSITE APCs FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	Single Code APC Assignment	Composite APC Assignment
72148	Mri lumbar spine w/o dye		Q3	0336	8007 or 8008
72195	Mri pelvis w/o dye		Q3	0336	8007 or 8008
73218	Mri upper extremity w/o dye		Q3	0336	8007 or 8008
73221	Mri joint upr extrem w/o dye		Q3	0336	8007 or 8008
73718	Mri lower extremity w/o dye		Q3	0336	8007 or 8008
73721	Mri jnt of lwr extre w/o dye		Q3	0336	8007 or 8008
74181	Mri abdomen w/o dye		Q3	0336	8007 or 8008
75557	Cardiac mri for morph		Q3	0336	8007 or 8008
75559	Cardiac mri w/stress img		Q3	0336	8007 or 8008
C8901	MRA w/o cont, abd		Q3	0336	8007 or 8008
C8904	MRI w/o cont, breast, uni		Q3	0336	8007 or 8008
C8907	MRI w/o cont, breast, bi		Q3	0336	8007 or 8008
C8910	MRA w/o cont, chest		Q3	0336	8007 or 8008
C8913	MRA w/o cont, lwr ext		Q3	0336	8007 or 8008
C8919	MRA w/o cont, pelvis		Q3	0336	8007 or 8008
70542	Mri orbit/face/neck w/dye		Q3	0284	8008
70543	Mri orbt/fac/nck w/o & w/dye		Q3	0337	8008
70545	Mr angiography head w/dye		Q3	0284	8008
70546	Mr angiograph head w/o&w/dye		Q3	0337	8008
70548	Mr angiography neck w/dye		Q3	0284	8008
70549	Mr angiograph neck w/o&w/dye		Q3	0337	8008
70552	Mri brain w/dye		Q3	0284	8008
70553	Mri brain w/o & w/dye		Q3	0337	8008
71551	Mri chest w/dye		Q3	0284	8008
71552	Mri chest w/o & w/dye		Q3	0337	8008
72142	Mri neck spine w/dye		Q3	0284	8008
72147	Mri chest spine w/dye		Q3	0284	8008
72149	Mri lumbar spine w/dye		Q3	0284	8008
72156	Mri neck spine w/o & w/dye		Q3	0337	8008
72157	Mri chest spine w/o & w/dye		Q3	0337	8008
72158	Mri lumbar spine w/o & w/dye		Q3	0337	8008
72196	Mri pelvis w/dye		Q3	0284	8008
72197	Mri pelvis w/o & w/dye		Q3	0337	8008
73219	Mri upper extremity w/dye		Q3	0284	8008
73220	Mri uppr extremity w/o&w/dye		Q3	0337	8008
73222	Mri joint upr extrem w/dye		Q3	0284	8008
73223	Mri joint upr extr w/o&w/dye		Q3	0337	8008
73719	Mri lower extremity w/dye		Q3	0284	8008
73720	Mri lwr extremity w/o&w/dye		Q3	0337	8008
73722	Mri joint of lwr extr w/dye		Q3	0284	8008

ADDENDUM M.--PROPOSED HCPCS CODES FOR ASSIGNMENT TO OPPS COMPOSITE APCs FOR CY 2010

HCPCS Code	Short Descriptor	CI	SI	Single Code APC Assignment	Composite APC Assignment
73723	Mri joint lwr extr w/o&w/dye		Q3	0337	8008
74182	Mri abdomen w/dye		Q3	0284	8008
74183	Mri abdomen w/o & w/dye		Q3	0337	8008
75561	Cardiac mri for morph w/dye		Q3	0337	8008
75563	Card mri w/stress img & dye		Q3	0337	8008
C8900	MRA w/cont, abd		Q3	0284	8008
C8902	MRA w/o fol w/cont, abd		Q3	0337	8008
C8903	MRI w/cont, breast, uni		Q3	0284	8008
C8905	MRI w/o fol w/cont, brst, un		Q3	0337	8008
C8906	MRI w/cont, breast, bi		Q3	0284	8008
C8908	MRI w/o fol w/cont, breast,		Q3	0337	8008
C8909	MRA w/cont, chest		Q3	0284	8008
C8911	MRA w/o fol w/cont, chest		Q3	0337	8008
C8912	MRA w/cont, lwr ext		Q3	0284	8008
C8914	MRA w/o fol w/cont, lwr ext		Q3	0337	8008
C8918	MRA w/cont, pelvis		Q3	0284	8008
C8920	MRA w/o fol w/cont, pelvis		Q3	0337	8008

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Federal Register

Monday,
July 20, 2009

Part III

Federal Deposit Insurance Corporation

12 CFR Parts 308 and 363
Annual Independent Audits and Reporting Requirements; Final Rule

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 308 and 363

RIN 3064–AD21

Annual Independent Audits and Reporting Requirements

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule; correction.

SUMMARY: The FDIC is amending part 363 of its regulations concerning annual independent audits and reporting requirements for certain insured depository institutions, which implements section 36 of the Federal Deposit Insurance Act (FDI Act), largely as proposed, but with certain modifications made in response to the comments received. The amendments are designed to further the objectives of section 36 by incorporating certain sound audit, reporting, and audit committee practices from the Sarbanes-Oxley Act of 2002 (SOX) into part 363 and they also reflect the FDIC's experience in administering part 363. The amendments will provide clearer and more complete guidance to institutions and independent public accountants concerning compliance with the requirements of section 36 and part 363. As required by section 36, the FDIC has consulted with the other Federal banking agencies. The FDIC is also making a technical amendment to its rules and procedures (part 308, subpart U) for the removal, suspension, or debarment of accountants and accounting firms.

The FDIC previously published this final rule in the **Federal Register** on July 7, 2009, however the document is being republished in its entirety in order to correct an error in the **DATES** section which caused the applicability date to be incorrect and to correct language relating to holding company depository institution subsidiaries.

DATES: *Effective Dates:* The final rule is effective August 6, 2009. Part 363 Annual Reports with a filing deadline on or after the effective date of these amendments should be prepared in accordance with the final rule.

The compliance date for the provision of the final rule that directs covered institutions' boards of directors to develop and adopt an approved set of written criteria for determining whether a director who is to serve on the audit committee is an outside director and is independent of management (guideline 27) is delayed until December 31, 2009. The provision of the final rule that requires the total assets of a holding company's insured depository institution subsidiaries to comprise 75 percent or more of the holding company's consolidated total assets in order for an institution to be eligible to comply with part 363 at the holding company level (§ 363.1(b)(1)(ii)) is effective for fiscal years ending on or after June 15, 2010.

FOR FURTHER INFORMATION CONTACT: Harrison E. Greene, Jr., Senior Policy Analyst (Bank Accounting), Division of Supervision and Consumer Protection, at *hgreene@fdic.gov* or (202) 898–8905; or Michelle Borzillo, Senior Counsel, Corporate and Legal Operations Section, Legal Division, at *mborzillo@fdic.gov* or (202) 898–7400.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

Section 36 of the Federal Deposit Insurance Act (FDI Act) and the FDIC's implementing regulations (part 363) are generally intended to facilitate early identification of problems in financial management at insured depository institutions with total assets above certain thresholds through annual independent audits, assessments of the effectiveness of internal control over financial reporting and compliance with laws and regulations pertaining to insider loans and dividend restrictions, the establishment of independent audit committees, and related reporting requirements. The asset-size threshold for an institution for internal control assessments is $1 billion and the threshold for the other requirements generally is $500 million. Given changes in the industry; certain sound audit, reporting, and audit committee practices incorporated in the Sarbanes-Oxley Act of 2002 (SOX); and the FDIC's experience in administering part 363, the FDIC is amending part 363 of its regulations. These amendments are designed to further the objectives of section 36 by incorporating these sound practices into part 363 and to provide clearer and more complete guidance to institutions and independent public accountants concerning compliance with the requirements of section 36 and part 363.

After making certain modifications to the proposed amendments to part 363 [1] in response to the comments received, the most significant revisions to existing part 363 that are included in the final rule will: (1) Extend the time period for a non-public institution to file its Part 363 Annual Report by 30 days and replace the 30-day extension of the filing deadline that may be granted if an institution (public or non-public) is confronted with extraordinary circumstances beyond its reasonable control with a late filing notification requirement that would have general applicability; (2) provide relief from the annual reporting requirements for institutions that are merged out of existence before the filing deadline; (3) provide relief from reporting on internal control over financial reporting for businesses acquired during the fiscal year; (4) require management's assessment of compliance with the laws and regulations pertaining to insider loans and dividend restrictions to state management's conclusion regarding compliance and disclose any noncompliance with such laws and regulations; (5) require an institution's management and the independent public accountant to identify the internal control framework used to evaluate internal control over financial reporting and disclose all identified material weaknesses that have not been remediated prior to the institution's most recent fiscal year-end; (6) clarify the independence standards with which independent public accountants must comply and enhance the enforceability of compliance with these standards; (7) specify that the duties of the audit committee include the appointment, compensation, and oversight of the independent public accountant, including ensuring that audit engagement letters do not contain unsafe and unsound limitation of liability provisions; (8) require certain communications by independent public accountants to audit committees; (9) establish retention requirements for audit working papers; (10) require boards of directors to adopt written criteria for evaluating an audit committee member's independence and provide expanded guidance for boards of directors to use in determining independence; (11) provide that ownership of 10 percent or more of any class of voting securities of an institution is not an automatic bar for considering an outside director to be independent of management; (12) require the total assets of a holding company's insured depository institution subsidiaries to comprise 75 percent or more of the holding company's consolidated total assets in order for an institution to be eligible to comply with part 363 at the holding company level; and (13) provide illustrative management reports to assist institutions in complying with the annual reporting requirements.

The FDIC is also amending its rules and procedures (part 308, subpart U) for

[1] 72 FR 62310, November 2, 2007.

the removal, suspension, or debarment of accountants and accounting firms from performing audit services required by section 36 of the FDI Act to specify where an accountant or accounting firm should file required notices of orders and actions with the FDIC.

II. Background

Section 112 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) added section 36, ''Early Identification of Needed Improvements in Financial Management,'' to the FDI Act (12 U.S.C. 1831m). Section 36 is generally intended to facilitate early identification of problems in financial management at insured depository institutions above a certain asset size threshold through annual independent audits, assessments of the effectiveness of internal control over financial reporting and compliance with designated laws and regulations, and related reporting requirements. Section 36 also includes requirements for audit committees at these insured depository institutions. Section 36 grants the FDIC discretion to set the asset size threshold for compliance with these statutory requirements, but it states that the threshold cannot be less than $150 million. Sections 36(d) and (f) also obligate the FDIC to consult with the other Federal banking agencies in implementing these sections of the FDI Act, and the FDIC has performed the required consultation.

Part 363 of the FDIC's regulations (12 CFR part 363), which implements section 36 of the FDI Act, was initially adopted by the FDIC's Board of Directors in 1993. At present, part 363 requires each insured depository institution with $500 million or more in total assets (covered institution) to submit to the FDIC and other appropriate Federal and State supervisory agencies an annual report (Part 363 Annual Report) comprised of audited financial statements, and a management report containing a statement of management's responsibilities and an assessment by management of compliance with laws and regulations pertaining to insider loans and dividend restrictions. The management report component of the annual report for an institution with $1 billion or more in total assets must also include an assessment by management of the effectiveness of internal control over financial reporting and an independent public accountant's attestation report on internal control over financial reporting. In addition, part 363 provides that each covered institution's board of directors must establish an independent audit committee comprised of outside directors. For an institution with between $500 million and $1 billion in total assets, part 363 requires a majority of the members of the audit committee to be independent of management of the institution. For a larger institution, all of the members of the audit committee must be independent of management. Part 363 also includes Guidelines and Interpretations (Appendix A to part 363), which are intended to assist institutions and independent public accountants in understanding and complying with section 36 and part 363.

III. Discussion of Proposed Amendments and Comments Received

On October 16, 2007, the FDIC's Board approved the publication of proposed amendments to part 363 and part 308, subpart U, of the FDIC's regulations, which were published in the **Federal Register** on November 2, 2007, for a 90-day comment period (72 FR 62310). The comment period closed on January 31, 2008.

Given the number and extent of changes to part 363 and its Guidelines and Interpretations and to enable readers to more easily understand the context of the changes, this notice includes the entire text of part 363 as amended, not just the amended text. Also, the following ''Table of Changes to Part 363 and Appendices'' is intended to assist readers in determining which sections of part 363 are affected by the final rule.

TABLE OF CHANGES TO PART 363 AND APPENDICES

	Unchanged	Revised	New	Reserved
Part 363—Annual Independent Audits and Reporting Requirements:				
Table of Contents		X		
OMB Control Number: § 363.0	X			
Scope and Definitions:				
§ 363.1(a)		X		
§ 363.1(b)(1)		X		
§ 363.1(b)(2)		X		
§ 363.1(b)(3)	X			
§ 363.1(c)			X	
§ 363.1(d)			X	
Annual Reporting Requirements:				
§ 363.2(a)		X		
§ 363.2(b)		X		
§ 363.2(b)(1)		X		
§ 363.2(b)(2)		X		
§ 363.2(b)(3)		X		
§ 363.2(c)			X	
Independent Public Accountant:				
§ 363.3(a)	X			
§ 363.3(b)		X		
§ 363.3(c)		X		
§ 363.3(d)			X	
§ 363.3(e)			X	
§ 363.3(f)			X	
§ 363.3(g)			X	
Filing and Notice Requirements:				
§ 363.4(a)		X		
§ 363.4(b)		X		
§ 363.4(c)		X		
§ 363.4(d)	X			
§ 363.4(e)			X	

TABLE OF CHANGES TO PART 363 AND APPENDICES—Continued

	Unchanged	Revised	New	Reserved
§ 363.4(f)			X	
Audit Committees:				
§ 363.5(a)		X		
§ 363.5(b)		X		
§ 363.5(c)			X	
Appendix A to Part 363—Guidelines and Interpretations:				
Table of Contents		X		
Introduction	X			
Scope (§ 363.1):				
Guideline 1	X			
Guideline 2	X			
Guideline 3		X		
Guideline 4		X		
Guideline 4A			X	
Annual Reporting Requirements (§ 363.2):				
Guideline 5		X		
Guideline 5A			X	
Guideline 6		X		
Guideline 7		X		
Guideline 7A			X	
Guideline 8		X		
Guideline 8A			X	
Guideline 8B			X	
Guideline 8C			X	
Guideline 9		X		
Guideline 10		X		
Guideline 11		X		
Guideline 12				X
Role of Independent Public Accountant (§ 363.3):				
Guideline 13		X		
Guideline 14				X
Guideline 15		X		
Guideline 16				X
Guideline 17	X			
Guideline 18		X		
Guideline 18A			X	
Guideline 19	X			
Guideline 20		X		
Guideline 21	X			
Filing and Notice Requirements (§ 363.4):				
Guideline 22				X
Guideline 23		X		
Guideline 24	X			
Guideline 25				X
Guideline 26		X		
Audit Committees (§ 363.5):				
Guideline 27		X		
Guideline 28		X		
Guideline 29				X
Guideline 30		X		
Guideline 31		X		
Guideline 32		X		
Guideline 33	X			
Guideline 34	X			
Guideline 35		X		
Other: Guideline 36		X		
Table 1 to Appendix A—Designated Federal Laws and Regulations		X		
Appendix B—Illustrative Management Reports			X	

In response to its request for comments, the FDIC received 23 comment letters that addressed the proposed amendments to part 363. These commenters represented 12 financial institutions; 3 bankers' trade organizations; 4 accounting firms; 1 accountants' trade organization; 1 State regulatory organization; and 2 law firms.

Regarding the technical amendment to part 308, Subpart U, the FDIC did not receive any comments on its proposal to specify the location where an accountant or accounting firm should file required notices of orders and actions regarding removal, suspension, or debarment.

With respect to the comments received on the proposed amendments to part 363, eight commenters expressed general support for the proposal, seven commenters were generally not supportive, and eight commenters did not express an overall view on the proposal. While comments were received on almost every aspect of the proposed amendments, no commenter specifically commented on each aspect.

However, eleven commenters expressed concerns regarding the regulatory burden associated with various aspects of the proposal. In addition, commenters expressed concerns about the following aspects of the proposed amendments:

- Disclosure of noncompliance with the designated laws and regulations,
- Insured depository institution percentage-of-consolidated-total-assets threshold for eligibility to comply with part 363 at a holding company level,
- Management's report on internal control over financial reporting,
- Independent public accountant's report on internal control over financial reporting,
- Independent public accountant's communications with audit committees,
- Time period for the retention of the independent public accountant's working papers,
- Independence standards applicable to independent public accountants,
- Filing requirement for and public availability of AICPA peer review reports and PCAOB inspection reports on independent public accountants,
- Filing requirement for and public availability of audit engagement letters, and
- Audit committee member independence.

The following sections discuss the proposed amendments and the comments and concerns raised by the commenters, including the responses received on two specific aspects of the proposed amendments for which the FDIC specifically requested comments: (1) Disclosure of noncompliance with the designated safety and soundness laws and regulations pertaining to insider loans and dividend restrictions, and (2) the 75 percent of total assets threshold for eligibility to comply with the requirements of part 363 at the holding company level.

A. Scope and Definitions (§ 363.1 and Guidelines 1–4A)

1. Applicability

The FDIC proposed to amend § 363.1(a) to more clearly state that part 363 applies to any insured depository institution that has consolidated total assets of $500 million or more at the beginning of its fiscal year.

One commenter that represents over 30 community banks recommended that the FDIC raise the asset size threshold from $500 million to $1 billion for requiring compliance with part 363. In November 2005, when the FDIC increased the asset size threshold for assessments of internal control over financial reporting from $500 million to $1 billion, it concluded that exempting all institutions below this higher size level from all of the requirements of part 363 would not be consistent with the objective of the underlying statute, *i.e.,* early identification of needed improvements in financial management. The Federal banking agencies rely upon financial information to evaluate the condition of insured depository institutions and to determine the adequacy of regulatory capital. Accurate and reliable measurement of an institution's loans, other assets, and earnings has a direct bearing on the determination of regulatory capital. The agencies are able to place greater reliance on measurements contained in financial statements that have been subject to an independent audit. Independent audits help to identify weaknesses in internal control over financial reporting and risk management at institutions and reinforce corrective measures, thus complementing supervisory efforts in contributing to the safety and soundness of insured depository institutions. Therefore, after considering this comment, the FDIC has determined that, except where a $1 billion or higher asset threshold already applies, the $500 million asset size threshold continues to be the appropriate level for requiring compliance with part 363.

2. Compliance by Subsidiaries of Holding Companies

At present, an insured depository institution that is a subsidiary of a holding company may use consolidated holding company financial statements to satisfy the audited financial statements requirement of part 363 regardless of whether the assets of the insured depository institution subsidiary or subsidiaries of the holding company represent substantially all or only a minor portion of the holding company's consolidated total assets. When the assets of insured depository institution subsidiaries do not comprise a substantial portion of a holding company's consolidated total assets, the FDIC staff has found that the holding company's consolidated financial statements, including the accompanying notes to the financial statements, do not tend to provide sufficient information that is indicative of the financial position and results of operations of these institutions. Also, when the insured depository institution subsidiaries do not contribute significantly to the holding company's financial position and results of operations, the extent of audit coverage given to these institutions in the audit of the consolidated holding company may be limited. Such limited audit coverage would not be consistent with the purpose and intent of section 36 of the FDI Act, which focuses on insured depository institutions rather than holding companies. In this situation, the assurance that would be provided by an independent audit performed substantially at the level of the insured depository institution subsidiaries is not otherwise available.

Therefore, given the differing characteristics of the holding companies that own insured depository institutions as well as the relationship of an insured depository institution's total assets to the consolidated total assets of its parent holding company, and in keeping with the intent and purpose of section 36 of the FDI Act, the FDIC proposed to amend §§ 363.1(b)(1) and (2) by revising the criteria for determining whether the audited financial statements requirement and the other requirements of part 363 may be satisfied at a holding company level. More specifically, in order for a covered institution to be eligible to comply with the requirements of part 363 at the top-tier or any other mid-tier holding company level, the FDIC proposed that the consolidated total assets of the insured depository institution (or the consolidated total assets of all of the holding company's insured depository institution subsidiaries, regardless of size, if the top-tier or mid-tier holding company owns or controls more than one insured depository institution) must comprise 75 percent or more of the consolidated total assets of the top-tier or mid-tier holding company. The FDIC believes that this percentage-of-assets threshold should ensure that the extent of independent audit work performed at the insured depository institution level is sufficient to satisfy the intent of section 36 of the FDI Act, that is, the early identification of needed improvements in financial management at insured institutions. The FDIC also believes that this threshold will continue to provide flexibility to the vast majority of covered institutions that are part of a holding company structure with respect to the level at which they may comply with part 363.

When determining an appropriate percentage-of-assets threshold for compliance with part 363 at a holding company level, the FDIC considered the range of percentage-of-assets ratios for covered institutions that are part of a holding company structure. The vast majority of insured institutions subject to part 363 that are in a holding company structure are subsidiaries of organizations where the assets of the insured depository institution

subsidiaries of the holding company comprise 90 percent or more of the holding company's consolidated total assets. Of the remaining institutions subject to part 363 that are in a holding company structure, most are subsidiaries of organizations where the assets of the insured institutions comprise either from 75 to 90 percent or less than 25 percent of the top-tier parent company's consolidated total assets. Smaller numbers of institutions are subsidiaries of organizations where the assets of the insured institutions comprise from 25 to 50 percent or from 50 to 75 percent of the top-tier parent company's consolidated total assets. However, in a number of cases where the insured institution subsidiaries comprise less than 75 percent of the top-tier holding company's consolidated total assets, the insured institution subsidiaries that are subject to part 363 currently comply with the regulation at a mid-tier holding company level where the assets of the insured institution subsidiaries comprise 90 percent or more of the mid-tier holding company's consolidated total assets. Thus, these institutions would not need to change how they comply with part 363 in response to the establishment of the proposed 75 percent threshold, provided they continue to comply at the same mid-tier holding company level and this holding company continues to meet the 75 percent threshold.

To assist it in considering the costs and benefits of a threshold, the FDIC specifically requested comment as to whether 75 percent or more of consolidated total assets is an appropriate threshold. Six commenters expressed views that the 75 percent threshold is reasonable, is in the public's best interest, and provides ease of application while obtaining appropriate audit coverage of the insured depository institutions.

Three commenters were opposed to the proposed 75 percent threshold. These commenters expressed the following concerns:

- The goal is reasonable but the proposed 75 percent threshold may not be appropriate. Instead, lower the threshold and require institutions that are below the threshold to consult with the FDIC prior to reporting at the holding company level.
- Compliance at the holding company level should not be dependent on the aggregate size of the subsidiary insured depository institutions relative to the holding company.
- Institutions should have until the end of their first full fiscal year after the FDIC promulgates the final rule to comply with the proposed change.
- The 75 percent threshold is arbitrary and may result in treating very similar institutions differently. An objectives-based approach should be used.

The FDIC continues to recognize that those institutions currently complying with part 363 at the holding company level that will not meet the proposed 75-percent-of-consolidated-total-assets threshold will incur additional costs from having to comply with the regulation at the institution level or at a suitable mid-tier holding company level. Requiring institutions that do meet the 75 percent threshold, or a lower percentage threshold, to consult with the FDIC prior to reporting at a holding company level would add a new element of regulatory burden and would not provide certainty nor contribute to the ease of application of the 75 percent threshold. The FDIC has concluded that the 75-percent-of-assets threshold strikes an appropriate balance between insured institution financial data and audit coverage and the cost of compliance with part 363.

The FDIC agrees with the comment that institutions that currently report at the holding company level, but do not meet the 75-percent-of-consolidated-total-assets threshold, should be afforded sufficient time to comply with this new requirement. Accordingly, the FDIC has decided to delay the effective date for implementing this threshold until fiscal years ending on or after June 15, 2010. Thus, for fiscal years ending on or before June 14, 2010, all insured depository institutions may continue to satisfy the audited financial statements requirement of part 363 at a holding company level whether or not the institution's consolidated total assets (or the consolidated total assets of all of its parent holding company's insured institutions) comprise 75 percent or more of the holding company's consolidated total assets at the beginning of the fiscal year.

Guideline 3 to part 363, *Compliance by Holding Company Subsidiaries,* states that when a holding company submits audited consolidated financial statements and other reports or notices required by part 363 on behalf of any subsidiary institution, an accompanying cover letter should identify all subsidiary institutions to which the statements, reports, or other notices pertain. Because many cover letters received by the FDIC have not sufficiently identified these subsidiary institutions, the FDIC proposed to amend guideline 3 to clarify what information should be included in the cover letter. No comments were received on this aspect of the proposal.

3. Financial Reporting

The FDIC proposed to add a new § 363.1(c) and a new guideline 4A, *Financial Reporting,* to specify that ''financial reporting'' includes both financial statements prepared in accordance with generally accepted accounting principles and those prepared for regulatory reporting purposes. Also, as proposed, guideline 4A clarifies that financial statements prepared for regulatory reporting purposes consist of the schedules equivalent to the basic financial statements that are included in an institution's appropriate regulatory report and that financial statements prepared for regulatory reporting purposes do not include regulatory reports prepared by a non-bank subsidiary of a holding company or an institution.

One commenter recommended that the FDIC further clarify the definition of financial reporting for purposes of part 363 to more clearly align it with current reporting practices. This commenter also stated that, when reporting at a holding company level, ''regulatory reporting'' would not extend to assertions about internal control over financial reporting at the subsidiary institution level. Another commenter, an accountants' trade organization, stated that the proposed amendment seems to imply that institutions' regulatory reports may not be prepared in conformity with generally accepted accounting principles (GAAP). This commenter recommended that the FDIC clarify the definition of financial reporting to state that both financial statements and the regulatory reports be prepared in accordance with GAAP to make it consistent with current practice.

While the FDIC believes that the proposed amendments are consistent with explanatory guidance it issued on this subject in December 1994,[2] the FDIC has decided to modify the proposed definition of financial reporting set forth in § 363.1(c) and guideline 4A, *Financial Reporting,* to state more clearly that, when reporting at a holding company level, it includes the financial statements and regulatory reports of an institution's holding company. The modified definition would also state that, for recognition and measurement purposes, regulatory reporting requirements shall conform to GAAP.

[2] *See* FDIC Financial Institution Letter (FIL) 86–94, dated December 23, 1994.

4. Definitions

The FDIC proposed to add § 363.1(d), *Definitions,* to define several common terms used in part 363 and the guidelines and received no comments on these definitions.

B. Annual Reporting Requirements (§ 363.2 and Guidelines 5–12)

1. Audited Financial Statements

Consistent with sound management practices and the objective of internal control over financial reporting, the FDIC proposed to amend § 363.2(a) to require that the annual financial statements reflect all material correcting adjustments identified by the independent public accountant. Financial statements issued by insured depository institutions that are public companies or by their parent holding companies that are public companies are already subject to such a requirement pursuant to section 401 of SOX. The FDIC believes this requirement should also apply to institutions subject to part 363 that are not public companies.

In response to a commenter's recommendation, the FDIC revised this proposed requirement to provide additional context regarding the phrase ''material correcting adjustments identified by the independent public accountant'' by explaining that these adjustments should be those that are necessary for the financial statements to conform with GAAP.

2. Part 363 Management Report Contents

The FDIC has noted differences in the content of the management reports included in Part 363 Annual Reports and the adequacy of the information in these management reports regarding the results of management's assessments of the effectiveness of internal control over financial reporting and compliance with the laws and regulations pertaining to insider loans and dividend restrictions. Identified material weaknesses in internal control over financial reporting and instances of noncompliance with insider lending requirements and dividend restrictions have not always been disclosed.

In addition, management's assessment of internal control over financial reporting has often failed to disclose the internal control framework used to perform the assessment of the effectiveness of these controls and to clearly state whether controls over the preparation of the regulatory financial statements have been included within the scope of management's assessment. The omission of this information from an institution's management report reduces the usefulness of the report as a means of identifying needed improvements in financial management, which is the objective of section 36 of the FDI Act. The regulations adopted by the Securities and Exchange Commission (SEC) in 2003 implementing the requirement in section 404 of SOX for a management report on internal control over financial reporting requires management to identify the internal control framework it used to evaluate the effectiveness of these controls and to disclose any identified material weakness.

To provide clearer guidance on the information that should be included in the management report, the FDIC proposed to expand § 363.2(b) to require management's assessment of compliance with the laws and regulations pertaining to insider loans and dividend restrictions to include a clear statement as to management's conclusion regarding compliance and to disclose any noncompliance with such laws and regulations. In addition, the proposed amendment to § 363.2(b) would require management's assessment of internal control over financial reporting to identify the internal control framework that management used to make its evaluation, include a statement that the evaluation included controls over the preparation of regulatory financial statements, include a clear statement as to management's conclusion regarding the effectiveness of internal control over financial reporting, disclose all material weaknesses identified by management, and preclude management from concluding that internal control over financial reporting is effective if there are any material weaknesses.

The FDIC specifically requested comment as to whether the disclosure in the management report of instances of noncompliance with the laws and regulations pertaining to insider loans and dividend restrictions should be made available for public inspection or be designated as privileged and confidential and not be made available to the public by the FDIC. Three commenters supported public availability only for disclosures of ''material'' noncompliance and twelve commenters were not supportive of public availability of disclosures of noncompliance. These commenters were concerned that minor errors may be mistaken for a systemic compliance failure and stated that noncompliance should be addressed through the examination process.

The FDIC has considered these comments and notes that all insured depository institutions, regardless of size, are required to comply with the designated safety and soundness laws and regulations that deal with insider loans and dividend restrictions. Moreover, these laws and regulations have not substantially changed since part 363 was first implemented in 1993. Thus, well before an insured depository institution reaches $500 million in total assets and becomes subject to part 363, it should already have appropriate policies, procedures, controls, and systems in place to monitor insider lending activities and assess its dividend-paying capacity and thereby ensure compliance with the safety and soundness laws and regulations in these two designated areas. Public availability of disclosures of instances of noncompliance with these designated laws and regulations should act as a further stimulus to management's efforts to ensure that its policies, procedures, controls, and systems are sound and operating effectively. Therefore, the FDIC has concluded that, to reinforce the importance of management's responsibility for complying with the laws and regulations pertaining to insider loans and dividend restrictions, instances of noncompliance with these laws and regulations should be disclosed in management's assessment (that is included in the management report) and made available to the public.

Nevertheless, based on the comments it received on this issue, the FDIC believes it would be useful to provide further guidance regarding disclosure of noncompliance with the designated safety and soundness laws and regulations. Accordingly, the FDIC is adding guideline 8C, *Management's Disclosure of Noncompliance with Designated Laws and Regulations,* to Appendix A to part 363. This guideline states that management is not required to specifically identify the individual or individuals (*e.g.,* officers or directors) who were responsible for or were the subject of any such noncompliance and provides general parameters for making the disclosure. For example, the disclosure should include appropriate qualitative and quantitative information to describe the nature, type, and severity of the noncompliance. Also, similar instances of noncompliance may be aggregated.

While the majority of commenters did not comment on the proposed revisions applicable to management's report on internal control over financial reporting, four commenters expressed concerns or made recommendations as follows:

- The report is not necessary, its costs exceed the benefits derived, and it is difficult for small community banks to

recruit personnel with the level of training and experience necessary to implement the accounting and reporting rules.

• Consider a ''delayed phase-in'' of the requirements for assessing internal control over financial reporting similar to the phase-in utilized by the SEC in its rules implementing section 404 of SOX.

• Raise the asset size threshold for this requirement from $1 billion to $3 billion to ease regulatory burden.

• The requirement to disclose all identified material weaknesses in internal control over financial reporting in management's report should be clarified as to whether the disclosure covers all identified material weaknesses, regardless of their status as of the institution's fiscal year-end, or only those in existence as of the end of the fiscal year that have not been remediated prior to that date.

Management has been required to assess and report on the effectiveness of an institution's internal control over financial reporting since part 363 was first implemented in 1993. In November 2005, when the FDIC increased the asset size threshold for internal control assessments from $500 million to $1 billion, it concluded, and continues to believe, that the $1 billion asset size threshold is appropriate for requiring assessments and reports on internal control over financial reporting. Therefore, the FDIC has decided to retain the $1 billion asset size threshold for requiring assessments and reports on internal control over financial reporting. Also, for the reasons previously stated, the FDIC does not believe that a ''delayed phase-in'' of the requirement for assessing and reporting on internal control over financial reporting is necessary or appropriate. Moreover, a phase-in of the requirement for management to assess and report on internal control over financial reporting in effect already exists because this requirement takes effect only when an institution's total assets exceed $1 billion, not when the institution first becomes subject to the other audit and reporting requirements of section 36 and part 363 when its assets reach $500 million.

With respect to management's reporting on the material weaknesses it has identified in the management report component of its Part 363 Annual Report, the FDIC notes that section 36 of the FDI Act requires management to perform an assessment of internal control over financial reporting as of year-end. Therefore, to clarify management's reporting responsibility, the FDIC has revised § 363.2(b)(3)(iii) to explain that management must disclose all material weaknesses in internal control over financial reporting that it has identified and that have not been remediated prior to the end of the institution's fiscal year.

Because part 363 and its guidelines provide only limited guidance concerning the contents of the management report and the related signature requirements for this report, institutions and auditors have expressed interest in examples of acceptable reports. Therefore, to assist managements of insured depository institutions in complying with the annual reporting requirements of § 363.2, the FDIC proposed to add *Appendix B to Part 363—Illustrative Management Reports.* Appendix B provides guidance regarding reporting scenarios that satisfy the annual reporting requirements of part 363, illustrative management reports, and an illustrative cover letter for use when an institution complies with the annual reporting requirements at the holding company level. The FDIC also states in Appendix B that the use of the illustrative management reports and cover letter is not required. The FDIC encourages the managements of insured depository institutions to tailor the wording of their management reports to fit their particular circumstances, especially when reporting on material weaknesses in internal control over financial reporting or noncompliance with designated laws and regulations.

Two commenters stated that the illustrative management reports are helpful and will mitigate regulatory burden. Another commenter suggested that the illustrative management reports would be better suited in an accounting and auditing guide that could be updated regularly to reflect changes in professional standards or other requirements that would affect these reports and that the accounting and auditing guide could illustrate the differences in reporting under AICPA and PCAOB standards. This commenter also stated that the illustrative management report on internal control over financial reporting at the holding company level is inconsistent with current practice and that it does not clearly and appropriately describe the scope of the internal control assessments by management or the independent public accountant. This commenter added that the language in the illustrative management report on internal control at the holding company level does not make it clear to a reader whether management has separately assessed the effectiveness of internal control over financial reporting at each subsidiary institution listed in the report.

The FDIC has considered this commenter's suggestion that the illustrative management reports would be better suited in an accounting and auditing guide. In this regard, the FDIC notes that auditing and attestation standards require auditors to evaluate the elements that management is required to present in its report on its assessment of internal control over financial reporting, but these standards do not fully address the requirements of part 363 for management reports on internal control nor do they provide guidance to management regarding the preparation of management reports for part 363 purposes. Given the varying degrees of familiarity of institution management with professional auditing and attestation standards as well as the lack of availability of illustrative management reports that satisfy the requirements of part 363, the FDIC has determined that the illustrative management reports should be provided in Appendix B to part 363. However, in response to this commenter's statements concerning the illustrative management reports on internal control over financial reporting at the holding company level, the FDIC has revised the text of these illustrative management reports, which are presented in sections 5(c) and (d) and 6(b) of Appendix B. More specifically, the sample text in these illustrative reports that identifies the subsidiary institutions that are subject to part 363 has been revised by removing the language stating that these institutions are included in the scope of management's assessment of internal control over financial reporting. The FDIC believes that the revised illustrative management reports on internal control over financial reporting at the holding company level are consistent with current practices and professional auditing and attestation standards.

Regarding management's responsibility for assessing compliance with the laws and regulations pertaining to insider loans and dividend restrictions, the FDIC proposed to revise and update Table 1 to Appendix A of part 363 to reflect changes in these laws and regulations that have occurred since this table was last revised in 1997. The FDIC received no comments on the revised and updated Table 1.

3. Management Report Signatures

Section 36(b)(2) of the FDI Act requires an institution's management report to be signed by the chief executive officer and the chief accounting officer or chief financial

officer. In its reviews of management reports, the FDIC has noted that these reports are often not signed by the officers at the appropriate corporate level when the audited financial statements requirement is satisfied at the holding company level or when one or more of the components of the management report is satisfied at the holding company level and the remaining components of the management report are satisfied at the insured depository institution level. Therefore, the FDIC proposed to add § 363.2(c) to specify which corporate officers must sign the management report and also the level of the corporate signers (*i.e.,* insured depository institution level or the holding company level). No comments were received on this aspect of the proposal.

4. Institutions Merged Out of Existence

To reduce regulatory burden and provide certainty for merging institutions, the FDIC proposed to add guideline 5A, *Institutions Merged Out of Existence,* to explicitly provide relief from filing a Part 363 Annual Report for an institution that is merged out of existence after the end of its fiscal year, but before the deadline for filing its Part 363 Annual Report. However, a covered institution that is acquired after the end of its fiscal year, but retains its separate corporate existence rather than being merged out of existence, would continue to be required to file a Part 363 Annual Report for that fiscal year. Three commenters commented in support of this aspect of the proposal, one of whom stated that the proposed amendment will reduce both regulatory burden and uncertainty.

5. Management's Assessment of the Effectiveness of Internal Control Over Financial Reporting

The FDIC has publicly advised institutions with $1 billion or more in total assets that are public companies or subsidiaries of public companies that they have considerable flexibility in determining how best to satisfy the SEC's requirements for management's assessment of internal control over financial reporting which implement section 404 of SOX, and the FDIC's requirements in part 363.[3] The reporting flexibility available to institutions subject to both the section 404 and the part 363 requirements was initially described in the preamble to the SEC's section 404 final rule release (68 FR 36642, June 18, 2003). This final rule release explained that the flexible reporting approach described in the preamble had been developed by the SEC staff in consultation with the staff of the Federal banking agencies. To codify this reporting flexibility in part 363, the FDIC proposed to add guideline 8A, *Management's Assessment of the Effectiveness of Internal Control Over Financial Reporting.* For an institution with $1 billion or more in total assets that is subject to both part 363 and the SEC's rules implementing section 404 of SOX (or whose parent holding company is subject to section 404 and the condition in § 363.1(b)(2) is met), the proposed guideline describes two options for complying with the filing requirements regarding management's report on internal control over financial reporting. These options are to prepare (1) two separate reports, one to satisfy the FDIC's part 363 requirements and another to satisfy the SEC's section 404 requirements, or (2) a single report that satisfies all of the FDIC's part 363 requirements and all of the SEC's section 404 requirements. No comments were received on proposed new guideline 8A.

6. Internal Control Reports for Acquired Businesses

Currently, under the reporting requirements of part 363, both management's and the independent public accountant's evaluation of an institution's internal control over financial reporting must include controls at an institution in its entirety, including all of its consolidated businesses, including businesses that were recently acquired. However, like the SEC staff, the FDIC recognizes that it may not always be possible for management to conduct an evaluation of the internal control over financial reporting of an acquired business in the period between the consummation date of the acquisition and the due date of management's internal control evaluation. The SEC staff has provided guidance to public companies stating that the staff would not object to the exclusion of the acquired business from management's evaluation of internal control over financial reporting, provided certain disclosures are made and other conditions are met.[4] The FDIC has received and granted several written requests from institutions subject to the internal control reporting requirements of part 363 to exclude recently acquired businesses from the scope of management's internal control evaluation.

To reduce regulatory burden, including the burden of submitting written requests to the FDIC, and provide certainty to institutions, the FDIC proposed to add guideline 8B, *Internal Control Reports for Acquired Businesses,* to explicitly provide relief from the reporting requirements regarding internal control over financial reporting related to business acquisitions made by an institution during its fiscal year. As proposed and consistent with the SEC staff's guidance, guideline 8B would permit management's evaluation of internal control over financial reporting to exclude internal control over financial reporting for the acquired business, provided management's report identifies the acquired business, states that the acquired business is excluded from management's evaluation of internal control over financial reporting, and indicates the significance of the acquired business to the institution's consolidated financial statements. Also, proposed guideline 8B would clarify that if the acquired business is an insured depository institution that is subject to part 363 and it is not merged out of existence before the deadline for filing its Part 363 Annual Report, the acquired business (institution) must continue to comply with all of the applicable requirements of part 363. One commenter commented on this aspect of the proposal and supported the amendment as proposed, stating that it will reduce both regulatory burden and uncertainty.

7. Standards for Internal Control

At present, guideline 10, *Standards for Internal Control,* provides that each institution should determine its own standards for establishing, maintaining, and assessing the effectiveness of its internal control over financial reporting, but it does not describe the characteristics of a suitable internal control framework. The FDIC proposed to amend guideline 10 to provide guidance regarding the attributes of a suitable internal control framework. The proposed attributes are consistent with the attributes the SEC described in the preamble to the SEC's section 404 final rule release (68 FR 36648, June 18, 2003). The FDIC believes that a framework with these attributes is appropriate for all institutions whether or not they are public companies. No comments were received on this aspect of the proposal.

[3] 70 FR 71231, November 28, 2005; 70 FR 44295, August 2, 2005; FDIC Financial Institution Letter (FIL) 137–2004, December 21, 2004.

[4] *See* Question 3 in the SEC staff's *Frequently Asked Questions on Management's Report on Internal Control Over Financial Reporting and Certification of Disclosure in Exchange Act Periodic Reports* at *http://www.sec.gov/info/accountants/controlfaq1004.htm.*

C. Independent Public Accountant (§ 363.3 and Guidelines 13–21)

1. Internal Control Over Financial Reporting

As with its experience in reviewing the portion of the management report in which management provides its assessment of the effectiveness of the institution's internal control over financial reporting, the FDIC has found some independent public accountants' internal control attestation reports to be less than sufficiently informative. Such attestation reports are, therefore, inconsistent with the objectives of section 36 of the FDI Act. As a consequence, the FDIC proposed to amend § 363.3(b), which governs the independent public accountant's report on internal control over financial reporting, to specify that, consistent with generally accepted standards for attestation engagements, the Public Company Accounting Oversight Board's (PCAOB) auditing standards, and related PCAOB staff implementation guidance, the accountant's report must:

- Not be dated prior to the date of management's report on its assessment of the effectiveness of internal control over financial reporting;
- Identify the internal control framework that the accountant used to make the evaluation (which must be the same as the internal control framework used by management);
- Include a statement that the accountant's evaluation included controls over the preparation of regulatory financial statements;
- Include a clear statement as to the accountant's conclusion regarding the effectiveness of internal control over financial reporting;
- Disclose all material weaknesses identified by the accountant; and
- Conclude that internal control is ineffective if there are any material weaknesses.

The FDIC also proposed to amend guideline 18, *Attestation Report,* to be consistent with § 363.3(b)(2) by reiterating that the attestation report on internal control over financial reporting should include a statement as to regulatory reporting.

The majority of commenters did not comment on the independent public accountant's report on internal control over financial reporting. However, four commenters expressed concerns or made recommendations as follows:

- Since the AICPA Auditing Standards Board's proposed revisions to the attestation standards for nonpublic companies will likely be similar to the requirements for public companies, and based upon the experiences of public companies complying with SOX 404, the requirement for the independent public accountant to examine, attest to, and report on management's assertion concerning internal control over financial reporting for both GAAP and regulatory reporting purposes will be too costly. Instead of having the accountant examine internal control, banking regulators should assess the adequacy of internal control over financial reporting as part of the examination process.
- The requirements that the independent public accountant's report on internal control over financial reporting identify the internal control framework used, state that the evaluation included controls over the preparation of regulatory financial statements, express the accountant's conclusion as to whether internal control is effective, and disclose all material weaknesses can be deleted because they are already addressed by the AICPA and PCAOB standards. The rule should instead refer to the professional auditing and attestation standards.
- The FDIC should consider a delayed phase-in of the requirement for the independent public accountant to assess internal control over financial reporting similar to the phase-in set forth in the SEC's rules implementing SOX 404.
- The requirement to disclose material weaknesses in internal control over financial reporting in the independent public accountant's report should be clarified as to whether the disclosure covers all identified material weaknesses, regardless of their status as of the institution's fiscal year-end, or only those in existence as of the end of the fiscal year that have not been remediated prior to that date, which is the disclosure requirement in the professional auditing and attestation standards.

Independent public accountants have been required to examine, attest to, and report on management's assertion concerning the effectiveness of an institution's internal control over financial reporting since part 363 was first implemented in 1993. This requirement is also set forth in section 36 of the FDI Act. In November 2005, the FDIC increased the asset size threshold for internal control assessments from $500 million to $1 billion for both management and the independent public accountant. At that time, the FDIC noted that recent and impending changes to the auditing and attestation standards governing internal control assessments that were making them more robust had and would continue to increase the cost and burden of the audit and reporting requirements of part 363. The FDIC concluded then that the increase to a $1 billion asset size threshold for requiring assessments and reports on internal control over financial reporting achieved an appropriate balance between burden reduction and maintaining safety and soundness for institutions subject to part 363. The FDIC continues to believe today that $1 billion remains a suitable size threshold for internal control assessments. Also, for the reasons previously stated in Section III.B.2, the FDIC does not believe that a ''delayed phase-in'' of the requirement for the independent public accountant to report on management's assertion regarding internal control over financial reporting is necessary or appropriate. Additionally, the FDIC notes that under the SEC's most recent amendments, a non-accelerated filer need not file the auditor's attestation report on internal control over financial reporting until it files an annual report for a fiscal year ending on or after December 15, 2009. Since part 363 has long required such internal control audits, the FDIC believes that it would be contrary to the objectives of section 36 of the FDI Act to allow institutions subject to part 363 with $1 billion or more in total assets, that are not accelerated filers or subsidiaries of accelerated filers for Federal securities law purposes, to discontinue undergoing assessments of the effectiveness of their internal control over financial reporting by their external auditors until the SEC requires such audits for non-accelerated filers.

In response to the comments regarding the disclosure of material weaknesses in internal control over financial reporting, the FDIC has revised § 363.3(b)(3) to clarify that the independent auditor's internal control report must disclose all material weaknesses that the independent auditor has identified and that have not been remediated prior to the end of the institution's fiscal year.

The FDIC has considered the suggestion that the rule be revised to refer to the existing standards of the auditing standard setters rather than including specific requirements in the rule. In this regard, both the current and proposed rule state that the independent public accountant's attestation and report on internal control over financial reporting shall be made in accordance with generally accepted standards for attestation engagements. However, as previously noted, the FDIC has found some independent public accountants' internal control attestation reports to be less than sufficiently informative, and

given the varying degrees of familiarity of institution management and audit committee members with professional auditing standards, the FDIC has decided to retain the specific requirements set forth in the proposed rule. The FDIC also believes that including these requirements in the proposed rule will assist audit committee members in the performance of their duties regarding the oversight of the external auditor. However, the FDIC has revised § 363.3(b) to clarify that the auditor's report on internal control over financial reporting should satisfy the requirements set forth in both part 363 and applicable professional standards. In this regard, and consistent with guidance the FDIC issued in February 2008,[5] the FDIC has also revised § 363.3(b) and added guideline 18A to clarify that the attestation report on internal control over financial reporting may be made in accordance with the PCAOB's auditing standards even if the institution is a nonpublic company or a subsidiary of a nonpublic company.

2. Communications With Audit Committee

According to section 204 of SOX, an accountant who audits a public company's financial statements should report on a timely basis to the company's audit committee: (1) All critical accounting policies, (2) alternative accounting treatments discussed with management, and (3) written communications provided to management, such as a management letter or schedule of unadjusted differences. The FDIC has encouraged institutions, regardless of whether they are public companies, to arrange with their accountant to institute these reporting practices.[6] Requirements that are similar, but not identical, to those set forth in section 204 apply to accountants who audit the financial statements of entities that are not public.[7] Therefore, consistent with current best practices and standards for audits of both public and non-public entities, the FDIC proposed to amend part 363 by adding § 363.3(d), *Communications with audit committee,* to set a uniform minimum requirement for such communication. As proposed, § 363.3(d) would require the independent public accountant to report the information identified in section 204 of SOX to the audit committee.

While the majority of commenters did not comment on the independent public accountant's communications with audit committees, three commenters expressed the following concerns:

- The communication requirements for auditors of nonpublic entities are included in the AICPA's standards and those for auditors of public companies are established by the PCAOB and the SEC. Rather than memorializing these communication requirements in the rule, refer to the existing standards of the AICPA, the PCAOB, and the SEC.
- The proposed amendments overlap the requirements of the AICPA standards and do not align with the communication required by SEC rules and regulations and may cause confusion as to the required communications. The requirements should either be removed in their entirety or clarified and aligned.
- SOX practices and principles regarding audit committee communications should be restricted to publicly held banks.
- Auditors should not be required to report critical accounting policies, alternative accounting treatments, and schedules of unadjusted differences to the audit committee. Management should have discretion as to whether these communications should be reported to the audit committee.

The FDIC has considered the concerns raised by the commenters, including the suggestion that the rule be revised to refer to the existing standards of the auditing standard setters (AICPA, PCAOB, and SEC) rather than including specific requirements in the rule. Although the existing auditing standards for both public and nonpublic companies set forth the requirements for the independent public accountant's communications with audit committees, the FDIC believes that, given the varying degrees of familiarity of audit committee members with professional auditing standards, setting forth the requirements for the auditor's communications with audit committees in the proposed rule will assist audit committee members in the performance of their duties regarding the oversight of the external auditor. Therefore, the FDIC has decided to retain the requirements set forth in the proposed rule. However, the FDIC has revised § 363.3(d) to clarify that the auditor should satisfy the audit committee communication requirements set forth in both part 363 and applicable professional standards. Also, based on its review of the professional standards regarding auditors' communications with audit committees, the FDIC believes that the revised requirements in the proposed rule are consistent with the existing professional standards.

3. Retention of Working Papers

Section 36(g)(3)(A) of the FDI Act states that an independent public accountant who performs audit services required by section 36 must agree to provide related working papers to the FDIC, any appropriate Federal banking agency, and any State bank supervisor. The SEC's rules and the auditing standards for public companies specify a 7-year retention period for audit working papers while the auditing standards for nonpublic companies provide that the retention period for audit working papers should not be shorter than five years.[8] The FDIC believes that a uniform retention period should apply to audits of all institutions subject to part 363. Accordingly, the FDIC proposed to amend part 363 by adding § 363.3(e), *Retention of working papers.* As proposed, § 363.3(e) would require the independent public accountant to retain the working papers related to its audit of the financial statements and, if applicable, its evaluation of internal control over financial reporting for seven years.

One commenter stated that the five-year retention period specified by the AICPA's auditing standards is appropriate for nonpublic companies. Another commenter was concerned that the proposed seven-year retention period may cause extra burden and expense for independent public accountants of nonpublic institutions.

Under section 36 and part 363, the requirement for institutions to undergo audits of their financial statements and, if applicable, assessments of their internal control over financial reporting does not depend on whether they are public or nonpublic companies. Thus, the FDIC believes that the retention requirement for the working papers associated with auditors' performance of these services should also be independent of whether institutions are public or nonpublic companies. In this regard, the FDIC notes that the AICPA's auditing standards for nonpublic companies acknowledge that working paper retention periods may exceed five years. After considering the comments, the FDIC continues to believe that a uniform retention period for audit working papers should apply to all institutions subject to part 363. Therefore, the FDIC has decided to

[5] *See* FDIC Financial Institution Letter (FIL) 5–2008, dated February 1, 2008.

[6] *See* FDIC Financial Institution Letter (FIL) 17–2003, dated March 5, 2003.

[7] *See* Statement on Auditing Standards No. 114, *The Auditor's Communication With Those Charged With Governance,* December 2006.

[8] *See* Rule 2–06 of the SEC's Regulation S–X, the PCAOB's Auditing Standard No. 3, *Audit Documentation,* June 2004, and the AICPA's Statement on Auditing Standards No. 103, *Audit Documentation,* December 2005.

retain the proposed seven-year retention period for working papers related to audits of financial statements and evaluations of internal control over financial reporting.

4. Independence

Section 36 of the FDI Act states that an ''independent public accountant'' must perform the audit and attestation services required by section 36 but it does not define ''independent,'' leaving this to the FDIC's rulemaking authority. As adopted by the FDIC in 1993, part 363 includes guideline 14, *Independence*, which identifies the independence standards applicable to accountants performing services under section 36 and part 363. This guideline specifies that the independent public accountant must comply with the independence standards applicable to audits of both nonpublic and public companies. In 2003, the agencies jointly issued rules of practice to implement the enforcement provisions of section 36(g)(4), which authorize the FDIC or an appropriate Federal banking agency to remove, suspend, or bar an accountant, for good cause, from performing audit and attestation services for institutions subject to section 36 and part 363.[9] To enhance the enforceability of the independence standards with which an accountant must comply for purposes of part 363, the FDIC proposed to move the independence requirements for independent public accountants from guideline 14, *Independence*, to new § 363.3(f), *Independence*. As proposed, § 363.3(f) would retain the original independence concept of part 363, *i.e.*, auditor compliance with the independence standards applicable to both nonpublic and public company audits, by clarifying that the independent public accountant must comply with the independence standards and interpretations of the PCAOB for audits of public companies that have been approved by the SEC in addition to the independence standards and interpretations of the AICPA and the SEC.

Two commenters stated that the proposed amendment with its explicit reference to compliance with the PCAOB's independence standards represents a best practice and that the coordination of the independence standards in part 363 with the independence standards of the AICPA, the SEC, and the PCAOB will reduce uncertainty. Nevertheless, one commenter recommended that the FDIC clarify whether an independent public accountant should (a) comply with the most restrictive independence requirement addressing a particular matter or (b) comply with the independence requirements that pertain only to public companies. In contrast, six commenters (which included the three bankers' trade organizations and two of the four accounting firms) were opposed to or expressed concerns about the proposed amendment. These commenters stated that:

- The FDIC should individually evaluate and clarify the applicability of each new SEC and PCAOB independence standard.
- The FDIC should revise part 363 to require the auditors of public institutions to meet the independence rules of the SEC and the PCAOB and the auditors of nonpublic institutions to meet only the AICPA's independence rules.
- Applying the independence standards of the SEC and the PCAOB equally to all independent public accountants may prohibit certain independent public accountants from performing engagements for nonpublic institutions subject to part 363.
- Adding the PCAOB's independence rules to the existing requirement for compliance with the independence rules of the SEC and the AICPA could be problematic for some community banks because: (1) Some banks may not have ready access to multiple accounting firms that satisfy the independence requirements of the PCAOB, the SEC, and the AICPA; and (2) it creates a third set of standards that the audit committee will need to review on a regular basis in order to fulfill its duties.
- Education efforts to explain the auditor independence requirements of part 363 will be needed because: (1) Many institutions subject to part 363 are nonpublic; and (2) many independent public accountants that provide services to nonpublic institutions are not registered with the PCAOB and may not be familiar with the independence standards of the SEC and the PCAOB.

The foundation for auditor independence standards is the principle that auditors who provide audit services must be independent in fact and appearance with respect to their audit clients. The FDIC notes that the independence rules of the SEC and AICPA have been applicable to audits of both public and nonpublic institutions subject to part 363 since the implementation of part 363 in 1993. More recently, SOX granted additional authority to set independence standards for accounting firms performing audits of public companies (issuers) to the PCAOB. In this regard, the PCAOB's independence standards do not become effective unless and until they are approved by the SEC, which means that they are tantamount to SEC independence standards.

The FDIC acknowledges that both the AICPA's and the SEC's auditor independence standards, including those of the PCAOB, have evolved over time. The FDIC recognizes that the effect of periodic changes in these auditor independence standards carries over to accountants with insured depository institution audit clients subject to part 363 regardless of whether these clients are public or nonpublic institutions. Thus, as the AICPA, the SEC, and the PCAOB periodically revise their auditor independence standards, independent public accountants performing audit and attest services under part 363 must take appropriate steps to ensure that they continue to satisfy the qualifications for accountants with respect to independence that are set forth in part 363. While changes in independence standards can be burdensome to auditors and their clients, given the importance of the independence of the accountants who provide audit services to institutions subject to part 363, which in number comprise the largest 17 percent of the insured depository institutions, the FDIC continues to believe that it is in the public interest for independence standards to apply uniformly to all accountants performing these services. To achieve this objective, auditors of institutions subject to part 363 should continue to comply with all of the independence standards applicable to both nonpublic and public institutions that are established by the AICPA, the SEC, and the PCAOB rather than to comply with these standards on a selective or exclusionary basis. Therefore, the FDIC has decided to proceed with the proposed amendment to the auditor independence provisions of part 363.

However, as recommended by a commenter, the FDIC has revised the proposed rule to clarify that if a provision within one of the applicable independence standards is more restrictive than a provision addressing the same subject matter in one of the other independence standards, the independent public accountant must comply with the more restrictive independence requirement. For example, an external auditor is permitted to provide internal audit outsourcing services to an audit client under the AICPA's independence rules, but the independence rules of the SEC and the PCAOB generally prohibit an external auditor from providing such

[9] 68 FR 48256, August 13, 2003.

services to an audit client. In this example, the external auditor would have to comply with the more restrictive independence requirements of the SEC and the PCAOB.

5. Peer Reviews

Section 36(g)(3)(A)(ii) of the FDI Act requires an independent public accountant to have received a peer review or be enrolled in a peer review program that meets acceptable guidelines. At present, guideline 15 to part 363 provides that to be acceptable, a peer review should, among other things, be generally consistent with AICPA standards. Since part 363 was originally adopted, the PCAOB has been created and conducts inspections of registered public accounting firms, some of which audit insured depository institutions subject to part 363 or their parent holding companies. These inspections serve a similar purpose as peer reviews. In addition, the PCAOB issues reports on its inspections of these accounting firms.

In response to this development and in light of the agencies' issuance of rules of practice implementing the enforcement provisions of section 36, the FDIC proposed to add new § 363.3(g) on peer reviews. The FDIC proposed to move the requirements for peer reviews, the filing of peer review reports, and the retention of peer review working papers from guideline 15, *Peer Reviews*, and guideline 16, *Filing Peer Review Reports*, to § 363.3(g). As proposed, § 363.3(g) clarified that acceptable peer reviews include peer reviews performed in accordance with the AICPA's Peer Review Standards and inspections conducted by the PCAOB. It also provided that the FDIC would not make available for public inspection the portion of any peer review report and inspection report determined to be nonpublic by the AICPA and the PCAOB, respectively. Finally, the FDIC proposed to revise guideline 15 to explain that to be acceptable a peer review, other than a PCAOB inspection, should be generally consistent with AICPA Peer Review Standards.

In their comments on the proposal, all four accounting firms and the accountants' trade organization did not object to filing the public portions of PCAOB inspection reports, but were opposed to filing the nonpublic portions of these reports. These commenters also expressed the following concerns:

- The proposed requirement is contrary to existing law (SOX) and the professional standards of the PCAOB. An accounting firm should be required to submit the nonpublic portion of a PCAOB inspection report to the FDIC only if it is made public by the PCAOB.
- Pursuant to Section 104(g)(2) of SOX, the PCAOB cannot disclose the nonpublic portion of an inspection report unless criticisms of the accounting firm's quality controls remain unremediated 12 months after the issuance of the report. There are only two exceptions to the statutory prohibition: (1) Disclosure to the SEC and State boards of public accountancy, and (2) to a ''Federal functional regulator'' when the PCAOB Board, in its discretion, determines that disclosure is necessary. The PCAOB has not made such a determination regarding any Federal banking agency.
- Since AICPA peer review reports and public portions of the PCAOB inspection reports are available to the FDIC on the AICPA and PCAOB Web sites, there should not be a requirement for auditors to submit reports directly to the FDIC.

In response to the concerns raised by the commenters, the FDIC has revised the proposed amendment to require independent public accountants to file only the public portions of PCAOB inspection reports. The revised amendment also requires independent public accountants to file previously nonpublic portions of any PCAOB inspection report within 15 days of the PCAOB making such portions public. The FDIC has retained the existing requirement for independent public accountants to file peer review reports, accompanied by any letters of comments, response, and acceptance.

Regarding AICPA peer review reports, the FDIC notes that these reports are publicly available on the AICPA Web site for some, but not all, independent public accountants and accounting firms. The AICPA's standards for performing and reporting on peer reviews do not require independent public accountants or accounting firms to post their peer review reports on the AICPA Web site. However, members of the AICPA's audit quality centers and the Private Companies Practice Section post their review reports on the AICPA Web site, certain firms voluntarily make their peer review reports public, and other firms make some aspects of their peer review reports available when required by a State board of public accountancy or the Government Accountability Office. Furthermore, since section 36 of the FDI Act requires peer review reports to be filed with the FDIC and made available for public inspection, the FDIC cannot override this statutory requirement despite the present availability of most of these reports on the PCAOB and AICPA Web sites. The FDIC has therefore retained the filing requirement for AICPA peer review reports and the public portions of PCAOB inspection reports.

6. Notice of Termination

Guideline 26, *Notices Concerning Accountants*, permits an institution that is a public company or a subsidiary of a public company to satisfy the requirement for filing a notice of termination of its independent public accountant by using its current report (*e.g.*, SEC Form 8–K) concerning a change in accountant to satisfy the similar notice requirements of part 363. To reduce regulatory burden and provide flexibility to the independent public accountant of such an institution, the FDIC proposed to amend guideline 20, *Notice of Termination*, to permit the independent public accountant to satisfy the requirement to file a notice of termination of its services in a similar manner. No comments were received on this aspect of the proposal.

D. Filing and Notice Requirements (§ 363.4 and Guidelines 22–26)

1. Annual Reporting

At present, the annual reporting requirements of part 363 require each insured depository institution to file its Part 363 Annual Report within 90 days after the end of its fiscal year. Each institution is also required to file the independent public accountant's report on the audited financial statements and, if applicable, the accountant's attestation report on management's assessment of internal control over financial reporting, both of which are components of the Part 363 Annual Report, within 15 days of receipt by the institution, which, at times, has presented a conflict with the annual report filing requirement. The FDIC has also noted that earlier filing deadlines established by the SEC for annual reports filed by certain public companies under the Federal securities laws (*e.g.*, SEC Form 10–K) and more robust auditing standards related to internal control over financial reporting have had an impact on the management of institutions, on the resources of independent public accountants, and on auditing costs.

To reduce cost and burden, the FDIC proposed to amend § 363.4(a) by extending the time period within which an insured depository institution that is not a public company or a subsidiary of a public company must file its Part 363 Annual Report from within 90 days to within 120 days after the end of its fiscal year. As proposed, an insured depository institution that is a public

company, or that is a subsidiary of a public company that meets certain criteria, would continue to be required to file its Part 363 Annual Report within 90 days after the end of its fiscal year, which is consistent with the maximum time frame that public companies have for filing annual reports under the Federal securities laws. The proposed amendment would also eliminate the ambiguity in § 363.4 concerning the filing deadline for the components of the Part 363 Annual Report that are prepared by the independent public accountant.

An insured depository institution with consolidated total assets of less than $1 billion that is a public company or a subsidiary of a public company is required to file management's assessment of the effectiveness of internal control over financial reporting with the SEC or the appropriate Federal banking agency in accordance with the compliance dates of the SEC's rules implementing section 404 of SOX. Management's findings and conclusions with respect to internal control over financial reporting, as disclosed in the assessment that management files with the SEC or the appropriate Federal banking agency, provide information that would aid in meeting the objective of section 36 of the FDI Act. Therefore, the FDIC proposed to add a provision to § 363.4(a) that would require an institution of this size to submit a copy of management's section 404 internal control assessment with its Part 363 Annual Report, but this assessment would not be considered part of the institution's Part 363 Annual Report.

Five commenters expressed support for the proposed extension of the filing deadline for the Part 363 Annual Report for an institution that is not a public company or a subsidiary of a public company. These commenters stated that the additional 30 days will help to ensure that auditors are able to devote sufficient resources to the nonpublic engagements, provide nonpublic institutions with the additional time needed to comply with the filing requirements, and may help to reduce the cost of independent audits.

At present, part 363 specifies that the Part 363 Annual Reports and reports on peer reviews shall be available for public inspection. Except for management letters, which are exempt from public disclosure pursuant to existing guideline 18, part 363 does not address the availability of other reports and notifications required to be filed under part 363. Consistent with the FDIC's longstanding practice, the FDIC has revised the proposed rule to clarify that, except for the annual reports, AICPA peer review reports, and PCAOB inspection reports, which shall be available for public inspection, all other reports and notifications required to be filed under part 363 are exempt from public disclosure by the FDIC.

2. Independent Public Accountant's Reports

Section 36(h)(2)(A) of the FDI Act and § 363.4(c) require an institution to file a copy of any management letter or other report issued by its independent public accountant that pertains to the financial statement audit and the attestation on internal control over financial reporting within 15 days after receipt by the institution. The FDIC's experience in administering part 363 indicates that institutions are often uncertain as to which types of reports they receive from their independent public accountant must be submitted to the FDIC, the appropriate Federal banking agency, and any appropriate State bank supervisor pursuant to this filing requirement. As stated above, this uncertainty extends to this 15-day filing requirement and its relationship to the filing deadline for the Part 363 Annual Report. To clarify the requirements for the filing of accountants' reports, the FDIC proposed to amend § 363.4(c), *Independent public accountant's letters and reports*, by providing examples of the types of reports issued by an institution's independent public accountant, except for the accountant's reports that are required to be included in the institution's Part 363 Annual Report, that are to be filed within 15 days after receipt. As proposed, Guideline 25, *Independent Accountant's Reports*, would be deleted because it would be redundant and no longer needed.

In the *Interagency Advisory on the Unsafe and Unsound Use of Limitation of Liability Provisions in External Audit Engagement Letters*, the Federal banking agencies expressed their concerns about limitation of liability provisions included in external audit engagement letters and advised institutions against entering into engagement letters containing such provisions.[10] To enable the FDIC to timely review institutions' engagement letters with their independent public accountants, the FDIC also proposed to amend § 363.4(c) to require institutions to file copies of audit engagement letters, including any related agreements and amendments, with the FDIC, the appropriate Federal banking agency, and any appropriate State bank supervisor within 15 days of acceptance by the institution.

Eight commenters (which included two bank trade organizations, three accounting firms, and the accountants' trade organization) opposed requiring institutions to file audit engagement letters and were concerned about their public availability. These commenters stated that:

- It is not essential, practical, or beneficial for an institution to file the audit engagement letter. The requirement for the audit committee to ensure that the letter does not contain any inappropriate limitation of liability provisions is sufficient and appropriate.
- Instead of requiring institutions to file audit engagement letters, the FDIC could require management's report to include a statement that the audit engagement letter has been reviewed for unsafe and unsound limitation of liability provisions.
- The final rule should specify that audit engagement letters filed with the FDIC are ''exempt from disclosure'' under FOIA.

The FDIC notes that, since the publication of the proposed rule, the AICPA's Professional Ethics Executive Committee has adopted Interpretation No. 501–8, *Failure to Follow Requirements of Governmental Bodies, Commissions, or Other Regulatory Agencies on Indemnification and Limitation of Liability Provisions in Connection With Audit and Other Attest Services*, which became effective July 31, 2008.[11] This ethics interpretation states:

> Certain governmental bodies, commissions, or other regulatory agencies (collectively, regulators) have established requirements through laws, regulations, or published interpretations that prohibit entities subject to their regulation (regulated entity) from including certain types of indemnification and limitation of liability provisions in agreements for the performance of audit or other attest services that are required by such regulators or that provide that the existence of such provisions causes a member to be disqualified from providing such services to these entities. For example, Federal banking regulators, State insurance commissions, and the Securities and Exchange Commission have established such requirements.
>
> If a member enters into, or directs or knowingly permits another individual to enter into, a contract for the performance of audit or other attest services that are subject to the requirements of these regulators, the member should not include, or knowingly permit or direct another individual to include, an indemnification or limitation of

[10] *See* 71 FR 6847, February 9, 2006, and FDIC Financial Institution Letter (FIL) 13–2006, issued on the same date.

[11] The full text of the Interpretation can be found on the AICPA's Web site at the following link: *http://www.aicpa.org/download/ethics/EDITED_Adopted_501_8_final.pdf.*

liability provision that would cause the regulated entity or member to be disqualified from providing such services to the regulated entity. A member who enters into, or directs or knowingly permits another individual to enter into, such an agreement for the performance of audit or other attest services that would cause the regulated entity or a member to be in violation of such requirements, or that would cause a member to be disqualified from providing such services to the regulated entity, would be considered to have committed an act discreditable to the profession.

In consideration of the comments received and the issuance of this ethics interpretation, the FDIC has reevaluated this aspect of the proposal and has decided to remove the proposed requirement to file audit engagement letters, which will eliminate the burden that would have been associated with this filing requirement. However, the FDIC cautions institutions and independent public accountants that including unsafe and unsound limitation of liability provisions in audit engagement letters could result in adverse consequences. For example, the FDIC could determine that an audit of an institution's financial statements and, if applicable, its internal control over financial reporting that has been performed pursuant to an engagement letter containing these unsafe and unsound provisions does not satisfy the requirements of part 363. The institution could then be directed to engage a different independent public accountant to perform another audit. The independent public accountant whose engagement letter contained the unsafe and unsound limitation of liability provisions could also be subject to supervisory action by the FDIC or the institution's primary Federal regulator as well as disciplinary action by the relevant State board of public accountancy and the AICPA for an act discreditable to the profession.

3. Notification of Late Filing

Guideline 23, *Relief from Filing Deadlines*, currently provides that in the occasional event that an institution is confronted with extraordinary circumstances beyond its reasonable control that justifies an extension of the deadline for filing its Part 363 Annual Report or another required report or notice, the institution may submit a written request for an extension of the filing deadline of not more than 30 days that explains the reasons for the request. Such a request may be granted for good cause. Over the last several years, the reasons set forth in the requests for extensions of time for filing Part 363 Annual Reports that have been submitted to the FDIC generally did not represent extraordinary circumstances beyond the institution's reasonable control, the standard currently set forth in guideline 23. Also, several extension requests were repeats of requests from the same institutions from the previous year.

Based upon this experience and given the proposed amendment to § 363.4(a) to extend the filing deadline for Part 363 Annual Reports for non-public institutions from 90 to 120 days, the FDIC proposed to replace the extensions of time for filing reports that are available only in extraordinary circumstances under guideline 23 with a new § 363.4(e), *Notification of late filing.* In place of filing extensions that have limited applicability, this new section would be applicable to all institutions and would require an institution that is unable to timely file all or any portion of its Part 363 Annual Report or any other report or notice required to be filed under part 363 to submit a written notice of late filing before the filing deadline for the report or notice. The late filing notice must disclose the institution's inability to timely file all or specified portions of its Part 363 Annual Report or other report or notice, the reasons therefore in reasonable detail, and the date by which the report or notice will be filed.

The FDIC also proposed to amend guideline 23 by changing its focus from extension requests to late filing notices consistent with the approach taken in new § 363.4(e). Amended guideline 23 explains that submitting a late filing notice will not cure the apparent violation of part 363 arising from an institution's failure to timely file a Part 363 Annual Report or any other required report or notice. The supervisory response to such an apparent violation would take into account the facts and circumstances surrounding an institution's delay in filing. As proposed, guideline 23 also provides that, if the late filing applies to only a portion of the Part 363 Annual Report or any other report or notice, the components of the report or notice that have been completed should be filed within the prescribed filing period accompanied by either a cover letter that indicates which components are omitted or a combined late filing notice and cover letter.

One commenter suggested that the FDIC revise the proposed rule to provide for extensions of the filing due date for up to 60 days for institutions that are not public companies or subsidiaries of public companies instead of establishing a late filing notification requirement. In the FDIC's dealings with institutions unable to file their Part 363 Annual Reports by the filing deadline in the current rule, whether they are seeking extensions of the deadline or not, it is not uncommon for institutions to experience delays in their ability to file these reports that extend well in excess of 60 days after the filing deadline. Therefore, the FDIC believes that establishing a late filing notification requirement is a more practical approach for addressing the broad range of situations when institutions are unable to timely file reports required under part 363 than providing for longer extensions of the filing deadline in those cases where an institution meets an extraordinary circumstances standard. Accordingly, the FDIC has decided to adopt this aspect of the rule as proposed without revision.

4. Place for Filing

Current guideline 22 identifies the office of the FDIC, the appropriate Federal banking agency, and the appropriate State bank supervisor to which reports and notices (other than peer review reports) required by part 363 are to be filed. Nevertheless, the FDIC has found that some institutions submit required reports and notices to incorrect locations. The FDIC staff also receives questions from institutions asking where reports and notices should be filed. To make the information as to where Part 363 Annual Reports, written notices of late filing, and other reports and notices (except peer review reports) are to be filed more prominent, the FDIC proposed to move this information from guideline 22, *Place for Filing,* to a new § 363.4(f), *Place for filing.* No comments were received on this aspect of the proposal.

E. Audit Committees (§ 363.5 and Guidelines 27–35)

1. Composition

Section 36(g)(1) of the FDIC Act and § 363.5(a) require each insured depository institution subject to part 363 to have an independent audit committee comprised entirely of outside directors. As defined in § 363.5(a)(3), in general, an outside director is a director who is not an officer or employee of the institution or any affiliate of the institution. In addition, the outside directors who serve on the audit committee must be ''independent of management,'' although a minority of the audit committee members of institutions with $500 million or more but less than $1 billion in total assets need not be ''independent of management.'' Guideline 27, *Composition,* requires each institution's

board of directors to determine at least annually whether existing and potential audit committee members satisfy the requirements governing audit committee composition.

In order for a board of directors to perform its evaluation of audit committee members in a consistent, effective, and reviewable manner, the FDIC believes the board should be guided by an approved policy or set of criteria that identifies the factors to be taken into account by the board. Accordingly, the FDIC proposed to amend guideline 27 to require each institution's board of directors to maintain an approved set of written criteria for determining whether a director who is to serve on the audit committee is an outside director and is independent of management and to apply these criteria, at least annually, to determine whether each existing or potential audit committee member meets the requirements of section 36 and part 363. The proposed amendment to guideline 27 also requires that the results of and basis for the board's determination with respect to each existing and potential audit committee member be recorded in the board's minutes.

Two commenters expressed support for the proposed requirement in guideline 27 for each institution's board of directors to adopt written criteria for determining if audit committee members meet the requirements of section 36 and part 363 and view it as a best practice. One of these commenters also recommended that the FDIC revise or expand § 363.5(b) or guideline 28 to clarify the extent to which audit committee members who meet the SEC's definition of ''audit committee financial expert'' will be deemed to have ''banking or related financial management expertise'' for part 363 purposes.

However, three commenters, including one bankers' trade organization, were not supportive of the proposed amendments to guideline 27. These commenters objected to the documentation requirements for audit committee members' independence and the requirements for the board of directors' minutes to reflect the results of and basis for the board's determinations regarding audit committee members' independence. As an alternative, two of these commenters recommended that audit committees be permitted to survey existing and potential members and make the survey available to examiners but not reflect the survey results in the board of directors' minutes.

In addition to being a best practice, the FDIC believes that the adoption and implementation by an institution's board of directors of an approved policy or set of criteria that identify the factors to be taken into account for evaluating audit committee member independence improves corporate governance. Documenting the results of and basis for determinations with respect to each existing and potential audit committee member in the board's minutes further supports good corporate governance and provides evidence that the board is properly discharging its responsibilities under part 363 in the process for selecting audit committee members. Applying an approved policy or set of criteria and documenting the results provide a more robust and consistent process than having audit committees themselves survey existing and potential committee members for review by examiners, but with no oversight by the entire board of directors. Nevertheless, an annual survey of existing and potential audit committee members by the board may be a useful mechanism for determining whether these individuals satisfy the board's policy or set of criteria. For these reasons, the FDIC has decided to adopt guideline 27 as proposed without any revision.

As to the suggestion regarding clarification of the extent to which audit committee members who have the attributes of an ''audit committee financial expert'' under the SEC's rules will be deemed to have ''banking or related financial management expertise,'' the FDIC has revised guideline 32, *Banking or Related Financial Management Expertise,* to clarify that such persons will satisfy the criteria set forth in the guideline.

Guideline 30, *Holding Company Audit Committees,* provides guidance for complying with the audit committee requirements of part 363 at the holding company level. The FDIC proposed to amend guideline 30 for consistency with the proposed revisions to the holding company provisions of § 363.1(b) and to reflect the difference in the audit committee composition requirements in § 363.5(a) for institutions with more than and less than $1 billion in total assets. No comments were received on this aspect of the proposal.

2. ''Independent of Management'' Considerations

Guideline 28, *''Independent of Management'' Considerations,* identifies five factors for a board of directors to consider when determining the independence of an outside director. Guideline 29, *Lack of Independence,* states that a director who owns or controls 10 percent or more of any class of the institution's voting securities should not be considered ''independent of management.'' The FDIC has found that some of the factors in guideline 28 are so general that they fail to provide meaningful guidance to boards of directors. At the same time, many of the institutions subject to part 363 or their parent holding companies are public companies with securities listed on a national securities exchange. Under the SEC's Rule 10A–3 (17 CFR 240.10A–3), each audit committee member of a listed issuer must be a director of the issuer and must otherwise be independent. The listing standards of the national securities exchange must set forth the criteria for determining the independence of directors who are to serve on a listed issuer's audit committee.

Based on its review, the FDIC stated in the proposal to amend part 363 that it believed that the independence criteria for audit committee members included in the listing standards of the national securities exchanges, together with the FDIC's existing stock ownership criterion in guideline 29, represented an appropriate framework for determining whether an outside director is ''independent of management'' for purposes of part 363. Furthermore, for an institution whose audit committee members or whose parent holding company's audit committee members, if the holding company meets the holding company provisions of § 363.1(b), are subject to the listing standards of a national securities exchange, the FDIC observed that allowing the institution to use these standards for part 363 purposes would reduce the institution's burden.

Therefore, the FDIC proposed to combine guidelines 28 and 29 and provide expanded guidance for an institution's board of directors to use in its assessment of an outside director's relationship to the institution for the purposes of making ''independent of management'' determinations regarding audit committee members. For example, the proposed amendment to guideline 28 included a list of criteria that an institution's board of directors should consider when determining whether an outside director would be considered ''independent of management.'' In developing the proposed list of criteria, the FDIC considered, but did not entirely replicate, the portion of the listing standards of the national securities exchanges that apply to audit committees. An institution's board of directors may also conclude that it

should consider additional criteria that may be appropriate in its particular circumstances. As an alternative to these criteria, revised guideline 28 would permit an institution that is a public company or a subsidiary of a public company (when the holding company provisions of § 363.1(b) are met) that is subject to the listing standards of a national securities exchange to apply the audit committee provisions of the listing standards for purposes of determining audit committee member independence. Similarly, all other institutions, including those that are not public companies, may elect, but would not be required, to adopt the audit committee provisions of the listing standards of a national securities exchange or association as their criteria for determining audit committee member independence.

While two commenters supported the proposed amendments regarding audit committee independence, five commenters (which included two bankers' trade organizations and three financial institutions) expressed certain concerns or suggested changes to the proposal. These commenters suggested that:

- Shareholders of closely-held companies should not be automatically prohibited from serving on the audit committee solely because they own 10 percent or more of the institution's voting stock.
- The FDIC should raise the proposed compensation limitation threshold from $60,000 to $100,000.
- The meaning of ''financial services'' as it relates to indirect compensation should be clarified. Furthermore, the need for ''indirect compensation'' limits is questionable given all of the other independence requirements.
- Proposed guideline 28(b)(7) should be revised by removing from the definition of ''payment'' loans and other services extended to directors in the ordinary course of an institution's business as well as payments arising solely from investments in the bank's securities and payments made under non-discretionary charitable contribution matching programs. The $200,000 or 5 percent of gross revenues test in this guideline should be measured against the revenues of the recipient of the payment, and not the outside employer.
- Applying the director independence standards of the national securities exchanges to privately held banks will impose challenges for community banks located in areas where it is difficult to find competent directors to serve on the audit committee.
- Existing guidelines 28 and 29 provide sufficient guidance for institutions to determine the independence of a director.
- Audit committee independence criteria should consider an individual institution's complexity and risk profile. For community banks, audit committee member independence can be difficult to accomplish and maintain.

In response to these comments and concerns, the FDIC has carefully reviewed the provisions of proposed revised guideline 28 on the ''independent of management'' considerations that should be applied to audit committee members. First, the FDIC has reconsidered the existing 10 percent stock ownership limit for audit committee members. In this regard, the SEC's and the national securities exchanges' rules do not impose such a limit on audit committee members. Therefore, consistent with these entities' rules, the FDIC is revising guideline 28 to provide that ownership of 10 percent or more of any class of voting securities of an institution would not be an automatic bar for considering an outside director to be independent of management. The revised guideline further provides that when an outside director's stock ownership equals or exceeds the 10 percent threshold, the institution's board of directors would be required to determine and document its determination as to whether such ownership would interfere with the outside director's exercise of independent judgment in carrying out the responsibilities of an audit committee member.

Next, the FDIC has reconsidered the compensation limit applicable to audit committee members for direct and indirect compensation and, as suggested by commenters, has revised guideline 28 to increase the compensation threshold from $60,000 to $100,000. Additionally, the comments seeking greater clarity concerning the meaning of indirect compensation and the types of payments deemed to be compensation have merit. Therefore, the FDIC has revised the guideline to provide examples of indirect compensation and to specify that certain payments would not be included within the meaning of the terms direct and indirect compensation.

In response to the suggestion to remove loans and other services extended to directors in the ordinary course of an institution's business as well as payments arising solely from investments in the bank's securities and payments made under non-discretionary charitable contribution matching programs from the definition of ''payment,'' the FDIC has revised and expanded guideline 28(b)(8) to specify what payments are not included within the meaning of the terms direct and indirect compensation and payments. As to the suggestion regarding the basis of the measurement for the $200,000 or 5 percent of gross revenue test, the FDIC has decided to retain this requirement as proposed so as to maintain consistency with the similar requirements set forth in the listing standards of the national securities exchanges and thereby minimize confusion in the application of this requirement.

Based on questions it has received from covered institutions and its experience in administering the criteria set forth in the existing guidelines 28 and 29 regarding audit committee member independence, the FDIC concluded that these guidelines did not provide sufficient guidance for institutions to determine the independence of a director for the purposes of serving on an institution's audit committee. Therefore, the FDIC's experience contradicts the views of the commenter who asserted that the existing guidelines provide sufficient guidance.

The FDIC acknowledges that some community banks may encounter challenges in accomplishing and maintaining audit committee member independence. In recognition of these challenges, the FDIC amended the audit committee provisions of part 363 in 2005 to allow a minority of the outside directors who serve on the audit committee of covered institutions with less than $1 billion in total assets not to be independent of management. After reviewing the criteria listed in proposed guideline 28 as they would be modified as discussed above, the FDIC believes that the nature and types of relationships included in the list represent a reasonable framework for evaluating whether outside directors who are candidates for the audit committees of covered institutions of all sizes, both public and nonpublic, are independent of management. Of particular note, the criteria include a $100,000 limit on certain forms of direct and indirect compensation to a director or immediate family members. In contrast, the SEC's and the national securities exchanges' rules currently limit the compensation of audit committee members to fees received as a director and audit committee member and prohibit all other compensation, direct and indirect. The FDIC chose not

to impose this prohibition, which applies to audit committee members of certain public companies, on all insured institutions subject to part 363. The absence of this prohibition on compensation from the criteria in guideline 28 should benefit nonpublic community institutions subject to part 363. Similarly, the removal of the 10 percent stock ownership limit from the audit committee independence criteria should benefit community institutions. Therefore, the FDIC believes that the proposed amendments to guideline 28, as modified in response to comments, will provide institutions' boards of directors with appropriate guidance and sufficient flexibility for establishing their institutions' criteria for making ''independent of management'' determinations for audit committee members.

In light of the revisions to guideline 28 regarding the criteria for determining an audit committee member's independence, boards of directors and audit committee members of covered institutions are reminded that under part 363 the selection of a director to serve as an audit committee member is basically a three-step process. The first step is to determine which of the composition requirements set forth in § 363.5(a)(1) and (2) are applicable to the institution's audit committee. The second step is to determine if each director who is to serve on the audit committee is an ''outside director'' as defined in § 363.5(a)(3). The third step is to determine if each ''outside director'' is independent of management in accordance with the provisions of guideline 28.

3. Audit Committee Duties

According to section 36(g)(1)(B) of the FDI Act and § 363.5(a), an audit committee's duties include reviewing the basis for the Part 363 Annual Report with both management and the independent public accountant. Guideline 31 further provides that the audit committee's duties should be appropriate to the size of the institution and the complexity of its operations and it identifies additional duties that could be appropriate for the audit committee. These additional duties include discussing with management the selection and termination of the institution's independent public accountant. In addition, guideline 26 provides that, before engaging an independent public accountant, an institution should review and satisfy itself that the accountant is in compliance with the required qualifications set forth in guidelines 13 through 15, including the accountant's independence and receipt of a peer review.

Under section 301 of SOX, the audit committee of each public company listed on a national securities exchange or association must be responsible for the appointment, compensation, and oversight of the accounting firm engaged to prepare or issue an audit report or perform related work. As the SEC noted when it adopted its final rule implementing section 301, ''the auditing process may be compromised when a company's outside auditors view their responsibility as serving the company's management rather than its full board of directors or audit committee. This may occur if the auditor views management as the employer with hiring, firing and compensating powers. Under these conditions, the auditor may not have the appropriate incentive to raise concerns and conduct an objective review. * * * One way to help promote auditor independence, then, is for the auditor to be hired, evaluated and, if necessary, terminated by the audit committee.'' Because the intent and purpose of section 36 of the FDI Act is the early identification of needed improvements in financial management, it is critical for the accountants that perform audit and attestation services for insured depository institutions subject to section 36 to have an appropriate incentive to raise concerns and conduct an objective review. In this regard, the FDIC believes it is a sound corporate governance practice for an institution's audit committee, rather than its management, to be responsible for the appointment, compensation, and oversight of the accountant, regardless of whether the institution is a public company.

Therefore, the FDIC proposed to amend § 363.5(a), *Composition and duties,* and guideline 31, *Duties,* to specify that, in addition to reviewing with management and the independent public accountant the basis for the reports issued under part 363, the duties of the audit committee include the appointment, compensation, and oversight of the independent public accountant who performs services required under part 363. In order to discharge these duties with respect to the independent public accountant, the audit committee should also review and satisfy itself as to the independent public accountant's compliance with the independence, peer review, and other qualifications under part 363. Additionally, the audit committee should be familiar with and ensure management's compliance with the requirement to file notices concerning the engagement, resignation, or dismissal of an independent public accountant. The FDIC proposed to include these duties in guideline 31.

Three commenters expressed support for the proposed amendments regarding the duties of the audit committee and stated that it represents a best practice regardless of an entity's asset size. However, one commenter, who was not supportive of the proposed amendments, recommended that the proposal be revised to remove the mandate for the audit committee to appoint and oversee the independent accountants in cases where the bank is privately-owned, more than 80 percent of the voting shares are owned by a sole owner or the principal owner's immediate family, the shareholders authorize procedures to be followed with respect to the appointment and oversight of the independent accountants, and the bank has a Uniform Financial Institutions Rating of 1 or 2. This commenter also stated that while appointing the independent accountant is expected to be normal for an audit committee of a publicly-owned company, the value for a privately-owned company is less clear. Additionally, this commenter stated that banks that are wholly owned by a single or a few shareholders, who are all immediate family members, do not need a separate board committee to do what they can do directly and that the mandate for a separate audit committee in these cases adds nothing to safety and soundness but adds additional bureaucracy and cost to the bank.

Although the FDIC has considered these comments, this commenter's concerns, in essence, relate to the requirement for covered institutions, particularly for those that are privately-owned, to establish independent audit committees. In response, the FDIC notes that section 36(g) of the FDI Act requires each institution to which section 36 applies to have an independent audit committee made up of outside directors who are independent of management. Consequently, the FDIC lacks the rulemaking authority to permit a covered institution not to have an independent audit committee or to permit a covered institution's entire board of directors to act as an audit committee based on the nature of the institution's ownership. In this regard, in enacting section 36, Congress recognized the significant public interest in sound financial management and controls at covered institutions, including the important role of an independent audit committee, regardless of their ownership structure. Therefore, the FDIC has decided to adopt the proposed changes pertaining

to audit committee duties without revision.

4. Independent Public Accountant Engagement Letters

In response to an observed increase in the types and frequency of provisions in financial institutions' external audit engagement letters that limit the auditors' liability, the Federal banking agencies issued an *Interagency Advisory on the Unsafe and Unsound Use of Limitation of Liability Provisions in External Audit Engagement Letters* (Interagency Advisory) in February 2006.[12] When they issued the Interagency Advisory, the agencies stated their belief that when institutions agree to limit their external auditors' liability in provisions in engagement letters, such provisions may weaken the external auditors' objectivity, impartiality, and performance, which may reduce the reliability of audits and thereby raise safety and soundness concerns. The reliability of audits is central to achieving the intent and purpose of section 36 of the FDI Act. Therefore, the FDIC proposed to add § 363.5(c), *Independent public accountant engagement letters,* and amend guideline 31, *Duties,* to incorporate the principal provisions of the Interagency Advisory.

As proposed, § 363.5(c) and guideline 31 would require the audit committee to ensure that audit engagement letters and any related agreements with the independent public accountant for services to be performed under part 363 do not contain any limitation of liability provisions that: (1) Indemnify the independent public accountant against claims made by third parties; (2) hold harmless or release the independent public accountant from liability for claims or potential claims that might be asserted by the client insured depository institution, other than claims for punitive damages; or (3) limit the remedies available to the client insured depository institution. Consistent with the Interagency Advisory, the proposed amendment would not preclude the use of alternative dispute resolution agreements and jury trial waivers. Four commenters expressed support for these proposed amendments to part 363. One of these commenters viewed this audit committee duty as a best practice. The FDIC is adopting these amendments as proposed.

5. Transition Period for Forming and Restructuring Audit Committees

When an insured depository institution first exceeds the $500 million total assets threshold and becomes subject to part 363, particularly an institution with few shareholders, the FDIC has observed that, in some cases, such an institution encounters difficulty in satisfying the requirements governing the composition of the independent audit committee. If the board of directors lacks a sufficient number of outside directors who are independent of management to serve on the audit committee, the board members must identify and attract qualified individuals in their community who would be willing to become directors and audit committee members and who would be ''independent of management.'' The lack of guidance in part 363 on the amount of time in which an institution must bring its audit committee into compliance with the requirements governing its composition when an institution first becomes subject to part 363 further complicates this process. This lack of guidance on the time frame for attaining compliance also affects the other two asset-size thresholds applicable to audit committee composition.

To provide both clarity and regulatory relief, the FDIC proposed to replace outdated guideline 35, which dealt with compliance with the audit committee requirements of part 363 when the regulation took effect in 1993, with a revised guideline 35, *Transition Period for Forming and Restructuring Audit Committees.* As proposed, guideline 35 would provide a one-year transition period for forming or restructuring the audit committee when an institution first becomes subject to part 363, when an institution's assets first reach the $1 billion asset-size threshold, and when an institution's assets first reach the $3 billion asset-size threshold. The proposed revised guideline would state that, when an institution first crosses one of these three thresholds based on its total assets at the beginning of its fiscal year, no regulatory action would be taken if the institution forms or restructures its audit committee to comply with the applicable requirements governing the composition of the committee by the end of that fiscal year, provided the institution complied with any applicable audit committee requirements for its preceding fiscal year. The FDIC has also revised guideline 35 to clarify that, when an institution first becomes subject to part 363, this one-year transition period extends to the requirement for an institution's board of directors to develop a set of written criteria for determining whether a director who is to serve on the audit committee is an outside director and is independent of management. Two commenters expressed support for the proposed revisions to guideline 35, which the FDIC is adopting as proposed.

F. Other Changes to Part 363

The FDIC also proposed to make other changes to part 363 to improve its clarity, readability, and consistency of language, and to correct or eliminate outdated terms, references, and provisions in the regulation and Appendix A. No comments on the proposal specifically addressed these other changes, which the FDIC is adopting as proposed.

G. Proposed Amendment to Part 308, Subpart U

In August 2003, pursuant to section 36(g)(4) of the FDI Act, the FDIC and the other Federal banking agencies jointly issued final rules governing their authority to take disciplinary actions against independent public accountants and accounting firms that perform audit and attestation services required by section 36.[13] Under the final rules, certain violations of law, negligent conduct, reckless violation of professional standards, or lack of qualifications to perform auditing services may be considered good cause to remove, suspend, or bar an accountant or firm from providing audit and attestation services for institutions subject to section 36. The rules also prohibit an accountant or accounting firm from performing these services if the accountant or firm has been removed, suspended, or debarred by one of the agencies, or if the SEC or PCAOB takes certain disciplinary actions against the accountant or firm. Additionally, the final rules require an accountant or an accounting firm to provide the agencies with written notification of the accountant's or firm's removal, suspension, or debarment. Part 308, subpart U, of the FDIC's regulations implements the requirements of section 36(g)(4) of the FDI Act for institutions that are supervised by the FDIC. The FDIC proposed to amend § 308.604(c) to identify the FDIC location where an accountant or accounting firm should file required notices of orders and actions regarding removal, suspension, or debarment. The FDIC received no comments on this proposed

[12] *See* 71 FR 6847, February 9, 2006, and FDIC Financial Institution Letter (FIL) 13–2006, issued on the same date.

[13] *See* 68 FR 48256, April 13, 2003, and the FDIC's Financial Institution Letter (FIL) FIL–66–2003, dated August 18, 2003.

amendment, which it is adopting as proposed.

IV. Final Rule

The FDIC has considered the comments received on its proposed amendments to part 363 and is adopting the amendments with the modifications and revisions that are more fully discussed in section III of this notice. The following is a summary of the most significant changes made to the proposal and incorporated into the final rule in response to the comments received:

- To reduce regulatory burden, the proposed requirement to file audit engagement letters within 15 days of acceptance by a covered institution was deleted.
- Guidance was added to the proposed requirement to disclose noncompliance with the designated safety and soundness laws and regulations—insider loans and dividend restrictions—to explain the extent of the required disclosure and to clarify that the disclosure applies only to noncompliance with these two designated categories of laws and regulations and not every safety and soundness law and regulation.
- To provide holding company subsidiary institutions that would not meet the proposed 75 percent of consolidated total assets threshold that permits, but does not require, compliance with part 363 at the holding company level sufficient time to comply at the institution level, the effective date of this threshold was delayed until fiscal years ending on or after June 15, 2010. Until then, institutions may continue to choose to satisfy the requirements of part 363 at a holding company level (to the extent currently permitted by part 363) whether or not the consolidated total assets of the insured depository institution subsidiaries of the holding company comprise 75 percent or more of the holding company's consolidated total assets at the beginning of its fiscal year.
- The proposed requirements regarding the disclosure of material weaknesses in internal control over financial reporting by management and the independent public accountant were clarified and revised for consistency with the applicable auditing standards. The final rule provides that management and the accountant must disclose those material weaknesses in internal control over financial reporting that each has identified that have not been corrected prior to the institution's fiscal year-end.
- The proposed requirements regarding the auditor's communications with audit committees were clarified and revised to explain that auditors must satisfy the communication requirements set forth in the professional standards and those set forth in part 363.
- The proposed requirement that auditors comply with the independence rules of the AICPA, the SEC, and the PCAOB was clarified to require compliance with the more restrictive requirement when a provision within one of the applicable independence standards differs from a provision addressing the same subject matter in one of the other independence standards.
- The proposal was revised to require only the public portions of PCAOB inspection reports to be filed with the FDIC.
- The provision of part 363 stating that an outside director who owns 10 percent or more of an institution's stock is not independent of management was revised to be consistent with the SEC's and the national securities exchanges' rules. Rather than being an automatic bar for considering an outside director to be independent of management, the rule was revised to require the institution's board of directors to document its determination as to whether an outside director's ownership of 10 percent or more of the institution's stock would interfere with the director's independent judgment in carrying out the responsibilities of an audit committee member.
- The proposed maximum level of compensation, other than director and committee fees, that an audit committee member may receive and be considered independent of management was increased from $60,000 to $100,000.
- Except for the Part 363 Annual Report and the independent public accountants' peer review reports and inspection reports, which the FDI Act requires to be made publicly available, part 363 was revised to exempt all other reports and notifications filed under part 363 from public disclosure by the FDIC.

V. Effective and Compliance Dates

Except as noted below, the final rule is effective August 19, 2009. Part 363 Annual Reports with a filing deadline on or after the effective date of these amendments should be prepared in accordance with the final rule.

To provide the boards of directors of institutions currently subject to part 363 sufficient time to comply with the new provision of guideline 27 regarding the development of an approved set of written criteria for determining whether a director who is to serve on the audit committee is an outside director and is independent of management, the FDIC has determined that it is appropriate to set a delayed compliance date of December 31, 2009, for developing and adopting these written criteria. However, this delayed compliance date does not apply to the other provisions of guideline 27 regarding the composition of the audit committee, which have not been substantively changed. More specifically, at least annually, the board of each institution should determine whether each existing or potential audit committee member is an outside director and, depending on an institution's size, whether the requisite number of existing and potential audit committee members are ''independent of management'' of the institution. Also, the minutes of the board of directors should contain the results of and the basis for its determinations with respect to each existing and potential audit committee member.

Also, to provide institutions that currently comply with part 363 at the holding level but would not meet the 75-percent-of-consolidated-total-assets threshold for eligibility to comply at the holding company level set forth in the final rule (§ 363.1(b)(1)(ii)) sufficient time to comply with this new requirement, the FDIC has determined that it is appropriate for the effective date of this provision of the final rule to be delayed until fiscal years ending on or after June 15, 2010. In this regard, § 363.1(b)(1) of the final rule not only specifically provides for this delayed effective date but it also states that, for fiscal years ending on or before June 14, 2010, a covered institution that is a subsidiary of a holding company may continue to satisfy the audited financial statements requirement of part 363 at a holding company level whether or not the covered institution's total assets (or the consolidated total assets of all of its parent holding company's insured depository institution subsidiaries) comprise 75 percent or more of the holding company's consolidated total assets at the beginning of the fiscal year.

Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA) requires an agency that is issuing a final rule to provide a final regulatory flexibility analysis or to certify that the rule will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 603(a) and 5 U.S.C. 603(b). Under regulations issued by the Small Business Administration (*see* 13 CFR 121.201), a small entity includes a bank holding company, commercial bank, or

savings association with assets of $175 million or less (collectively, small banking organizations). This final rule would modify the audit and reporting requirements applicable to insured depository institutions with total assets of $500 million or more. The FDIC believes that this final rule will not have a significant economic impact on a substantial number of small entities because the final rule expressly exempts insured depository institutions with total assets of less than $500 million. In addition, the FDIC did not receive any comments that the proposal would have a direct significant impact on small banking organizations. Accordingly, the FDIC certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This final rule contains modifications to a collection of information that has been reviewed and approved by the Office of Management and Budget (OMB) under control number 3064–0113, pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). The estimated annual burden for the revisions in this final rule is consistent with the burden estimate for those revisions in the proposed rule, taking into account a reduction in the number of respondents, and approved by OMB. The principal revisions that bear on the collection of information under part 363 are the extension of the filing deadline for the Part 363 Annual Report from 90 to 120 days after the end of the fiscal year for an institution that is not a public company or a subsidiary of a public company, the replacement of 30-day extension requests (when an institution is confronted with extraordinary circumstances beyond its reasonable control) with late filing notices (regardless of the reason), the modification of the criteria governing the acceptability of reports at the holding company level rather than at the institution level, the expanded guidance on the content of the management report and the independent public accountant's internal control attestation report, the board of directors' use of an approved set of written criteria for determining whether an audit committee member is an outside director and is ''independent of management,'' and the new guidelines for institutions merged out of existence and for internal control reports for acquired businesses. It is anticipated that the overall effect of these changes will be a small burden increase for affected insured institutions.

The estimated reporting burden for the collection of information under part 363 is 83,324 hours per year.

Number of Respondents: 5,205.
Total Time per Response: 5.16 hrs.
Total Annual Responses: 16,163.
Total Annual Burden Hours: 83,324.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Title II, Pub. L., 104–121) provides generally for agencies to report rules to Congress and the General Accountability Office (GAO) for review. The reporting requirement is triggered when a Federal agency issues a final rule. The FDIC will file the appropriate reports with Congress and the GAO as required by SBREFA. The Office of Management and Budget has determined that the rule does not constitute a ''major rule'' as defined by SBREFA.

List of Subjects

12 CFR Part 308

Administrative practice and procedure, Bank deposit insurance, Banks, Banking, Claims, Crime, Equal access to justice, Investigations, Lawyers, Penalties, State nonmember banks.

12 CFR Part 363

Accounting, Administrative practice and procedure, Banks, Banking, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, the Board of Directors of the FDIC amends title 12, chapter III, of the Code of Federal Regulations as follows:

PART 308—RULES OF PRACTICE AND PROCEDURE

Subpart U—Removal, Suspension, and Debarment of Accountants From Performing Audit Services

■ 1. The authority citation for part 308 continues to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 93(b), 164, 505, 1815(e), 1817, 1818, 1820, 1828, 1829, 1829b, 1831i, 1831m(g)(4), 1831o, 1831p–1, 1832(c), 1884(b), 1972, 3102, 3108(a), 3349, 3909, 4717; 15 U.S.C. 78(h) and (i), 78o–4(c), 78o–5, 78q–1, 78s, 78u, 78u–2, 78u–3 and 78w, 6801(b), 6805(b)(1); 28 U.S.C. 2461 note; 31 U.S.C. 330, 5321; 42 U.S.C. 4012a; Sec. 3100(s), Pub. L. 104–134, 110 Stat. 1321–358.

■ 2. Revise § 308.604(c) to read as follows:

§ 308.604 Notice of removal, suspension, or debarment.

* * * * *

(c) *Timing and place of notice.* Written notice required by this paragraph shall be given no later than 15 calendar days following the effective date of an order or action, or 15 calendar days before an accountant or accounting firm accepts an engagement to provide audit services, whichever date is earlier. The written notice must be filed by the independent public accountant or accounting firm with the FDIC, Accounting and Securities Disclosure Section, 550 17th Street, NW., Washington, DC 20429.

■ 3. Revise Part 363 to read as follows:

PART 363—ANNUAL INDEPENDENT AUDITS AND REPORTING REQUIREMENTS

Sec.
363.0 OMB control number.
363.1 Scope and definitions.
363.2 Annual reporting requirements.
363.3 Independent public accountant.
363.4 Filing and notice requirements.
363.5 Audit committees.
Appendix A to Part 363—Guidelines and Interpretations
Appendix B to Part 363—Illustrative Management Reports

Authority: 12 U.S.C. 1831m.

§ 363.0 OMB control number.

The information collection requirements in this part have been approved by the Office of Management and Budget under OMB control number 3064–0113.

§ 363.1 Scope and definitions.

(a) *Applicability.* This part applies to any insured depository institution with respect to any fiscal year in which its consolidated total assets as of the beginning of such fiscal year are $500 million or more. The requirements specified in this part are in addition to any other statutory and regulatory requirements otherwise applicable to an insured depository institution.

(b) *Compliance by subsidiaries of holding companies.* (1) For an insured depository institution that is a subsidiary of a holding company, the audited financial statements requirement of § 363.2(a) may be satisfied:

(i) For fiscal years ending on or before June 14, 2010, by audited consolidated financial statements of the top-tier or any mid-tier holding company.

(ii) For fiscal years ending on or after June 15, 2010, by audited consolidated financial statements of the top-tier or any mid-tier holding company provided that the consolidated total assets of the insured depository institution (or the consolidated total assets of all of the holding company's insured depository

institution subsidiaries, regardless of size, if the holding company owns or controls more than one insured depository institution) comprise 75 percent or more of the consolidated total assets of this top-tier or mid-tier holding company as of the beginning of its fiscal year.

(2) The other requirements of this part for an insured depository institution that is a subsidiary of a holding company may be satisfied by the top-tier or any mid-tier holding company if the insured depository institution meets the criterion specified in § 363.1(b)(1) and if:

(i) The services and functions comparable to those required of the insured depository institution by this part are provided at this top-tier or mid-tier holding company level; and

(ii) The insured depository institution has as of the beginning of its fiscal year:

(A) Total assets of less than $5 billion; or

(B) Total assets of $5 billion or more and a composite CAMELS rating of 1 or 2.

(3) The appropriate Federal banking agency may revoke the exception in paragraph (b)(2) of this section for any institution with total assets in excess of $9 billion for any period of time during which the appropriate Federal banking agency determines that the institution's exemption would create a significant risk to the Deposit Insurance Fund.

(c) *Financial reporting.* For purposes of the management report requirement of § 363.2(b) and the internal control reporting requirement of § 363.3(b), ''financial reporting,'' at a minimum, includes both financial statements prepared in accordance with generally accepted accounting principles for the insured depository institution or its holding company and financial statements prepared for regulatory reporting purposes. For recognition and measurement purposes, financial statements prepared for regulatory reporting purposes shall conform to generally accepted accounting principles and section 37 of the Federal Deposit Insurance Act.

(d) *Definitions.* For purposes of this part, the following definitions apply:

(1) *AICPA* means the American Institute of Certified Public Accountants.

(2) *GAAP* means generally accepted accounting principles.

(3) *PCAOB* means the Public Company Accounting Oversight Board.

(4) *Public company* means an insured depository institution or other company that has a class of securities registered with the U.S. Securities and Exchange Commission or the appropriate Federal banking agency under Section 12 of the Securities Exchange Act of 1934 and *nonpublic company* means an insured depository institution or other company that does not meet the definition of a *public company.*

(5) *SEC* means the U.S. Securities and Exchange Commission.

(6) *SOX* means the Sarbanes-Oxley Act of 2002.

§ 363.2 Annual reporting requirements.

(a) *Audited financial statements.* Each insured depository institution shall prepare annual financial statements in accordance with GAAP, which shall be audited by an independent public accountant. The annual financial statements must reflect all material correcting adjustments necessary to conform with GAAP that were identified by the independent public accountant.

(b) *Management report.* Each insured depository institution annually shall prepare, as of the end of the institution's most recent fiscal year, a management report that must contain the following:

(1) A statement of management's responsibilities for preparing the institution's annual financial statements, for establishing and maintaining an adequate internal control structure and procedures for financial reporting, and for complying with laws and regulations relating to safety and soundness that are designated by the FDIC and the appropriate Federal banking agency;

(2) An assessment by management of the insured depository institution's compliance with such laws and regulations during such fiscal year. The assessment must state management's conclusion as to whether the insured depository institution has complied with the designated safety and soundness laws and regulations during the fiscal year and disclose any noncompliance with these laws and regulations; and

(3) For an insured depository institution with consolidated total assets of $1 billion or more as of the beginning of such fiscal year, an assessment by management of the effectiveness of such internal control structure and procedures as of the end of such fiscal year that must include the following:

(i) A statement identifying the internal control framework [14] used by management to evaluate the effectiveness of the insured depository institution's internal control over financial reporting;

(ii) A statement that the assessment included controls over the preparation of regulatory financial statements in accordance with regulatory reporting instructions including identification of such regulatory reporting instructions; and

(iii) A statement expressing management's conclusion as to whether the insured depository institution's internal control over financial reporting is effective as of the end of its fiscal year. Management must disclose all material weaknesses in internal control over financial reporting, if any, that it has identified that have not been remediated prior to the insured depository institution's fiscal year-end. Management is precluded from concluding that the institution's internal control over financial reporting is effective if there are one or more material weaknesses.

(c) *Management report signatures.* Subject to the criteria specified in § 363.1(b):

(1) If the audited financial statements requirement specified in § 363.2(a) is satisfied at the insured depository institution level and the management report requirement specified in § 363.2(b) is satisfied in its entirety at the insured depository institution level, the management report must be signed by the chief executive officer and the chief accounting officer or chief financial officer of the insured depository institution;

(2) If the audited financial statements requirement specified in § 363.2(a) is satisfied at the holding company level and the management report requirement specified in § 363.2(b) is satisfied in its entirety at the holding company level, the management report must be signed by the chief executive officer and the chief accounting officer or chief financial officer of the holding company; and

(3) If the audited financial statements requirement specified in § 363.2(a) is satisfied at the holding company level and (i) the management report requirement specified in § 363.2(b) is satisfied in its entirety at the insured depository institution level or (ii) one or more of the components of the management report specified in § 363.2(b) is satisfied at the holding company level and the remaining components of the management report are satisfied at the insured depository institution level, the management report must be signed by the chief executive officers and the chief accounting officers

[14] For example, in the United States, the Committee of Sponsoring Organizations (COSO) of the Treadway Commission has published *Internal Control—Integrated Framework,* including an addendum on safeguarding assets. Known as the COSO report, this publication provides a suitable and available framework for purposes of management's assessment.

or chief financial officers of both the holding company and the insured depository institution and the management report must clearly indicate the level (institution or holding company) at which each of its components is being satisfied.

§ 363.3 Independent public accountant.

(a) *Annual audit of financial statements.* Each insured depository institution shall engage an independent public accountant to audit and report on its annual financial statements in accordance with generally accepted auditing standards or the PCAOB's auditing standards, if applicable, and section 37 of the Federal Deposit Insurance Act (12 U.S.C. 1831n). The scope of the audit engagement shall be sufficient to permit such accountant to determine and report whether the financial statements are presented fairly and in accordance with GAAP.

(b) *Internal control over financial reporting.* For each insured depository institution with total assets of $1 billion or more at the beginning of the institution's fiscal year, the independent public accountant who audits the institution's financial statements shall examine, attest to, and report separately on the assertion of management concerning the effectiveness of the institution's internal control structure and procedures for financial reporting. The attestation and report shall be made in accordance with generally accepted standards for attestation engagements or the PCAOB's auditing standards, if applicable. The accountant's report must not be dated prior to the date of the management report and management's assessment of the effectiveness of internal control over financial reporting. Notwithstanding the requirements set forth in applicable professional standards, the accountant's report must include the following:

(1) A statement identifying the internal control framework used by the independent public accountant, which must be the same as the internal control framework used by management, to evaluate the effectiveness of the insured depository institution's internal control over financial reporting;

(2) A statement that the independent public accountant's evaluation included controls over the preparation of regulatory financial statements in accordance with regulatory reporting instructions including identification of such regulatory reporting instructions; and

(3) A statement expressing the independent public accountant's conclusion as to whether the insured depository institution's internal control over financial reporting is effective as of the end of its fiscal year. The report must disclose all material weaknesses in internal control over financial reporting that the independent public accountant has identified that have not been remediated prior to the insured depository institution's fiscal year-end. The independent public accountant is precluded from concluding that the insured depository institution's internal control over financial reporting is effective if there are one or more material weaknesses.

(c) *Notice by accountant of termination of services.* An independent public accountant performing an audit under this part who ceases to be the accountant for an insured depository institution shall notify the FDIC, the appropriate Federal banking agency, and any appropriate State bank supervisor in writing of such termination within 15 days after the occurrence of such event, and set forth in reasonable detail the reasons for such termination. The written notice shall be filed at the place identified in § 363.4(f).

(d) *Communications with audit committee.* In addition to the requirements for communications with audit committees set forth in applicable professional standards, the independent public accountant must report the following on a timely basis to the audit committee:

(1) All critical accounting policies and practices to be used by the insured depository institution,

(2) All alternative accounting treatments within GAAP for policies and practices related to material items that the independent public accountant has discussed with management, including the ramifications of the use of such alternative disclosures and treatments, and the treatment preferred by the independent public accountant, and

(3) Other written communications the independent public accountant has provided to management, such as a management letter or schedule of unadjusted differences.

(e) *Retention of working papers.* The independent public accountant must retain the working papers related to the audit of the insured depository institution's financial statements and, if applicable, the evaluation of the institution's internal control over financial reporting for seven years from the report release date, unless a longer period of time is required by law.

(f) *Independence.* The independent public accountant must comply with the independence standards and interpretations of the AICPA, the SEC, and the PCAOB. To the extent that any of the rules within any one of these independence standards (AICPA, SEC, and PCAOB) is more or less restrictive than the corresponding rule in the other independence standards, the independent public accountant must comply with the more restrictive rule.

(g) *Peer reviews and inspection reports.* (1) Prior to commencing any services for an insured depository institution under this part, the independent public accountant must have received a peer review, or be enrolled in a peer review program, that meets acceptable guidelines. Acceptable peer reviews include peer reviews performed in accordance with the AICPA's Peer Review Standards and inspections conducted by the PCAOB.

(2) Within 15 days of receiving notification that a peer review has been accepted or a PCAOB inspection report has been issued, or before commencing any audit under this part, whichever is earlier, the independent public accountant must file two copies of the most recent peer review report and the public portion of the most recent PCAOB inspection report, if any, accompanied by any letters of comments, response, and acceptance, with the FDIC, Accounting and Securities Disclosure Section, 550 17th Street, NW., Washington, DC 20429, if the report has not already been filed. The peer review reports and the public portions of the PCAOB inspection reports will be made available for public inspection by the FDIC.

(3) Within 15 days of the PCAOB making public a previously nonpublic portion of an inspection report, the independent public accountant must file two copies of the previously nonpublic portion of the inspection report with the FDIC, Accounting and Securities Disclosure Section, 550 17th Street, NW., Washington, DC 20429. Such previously nonpublic portion of the PCAOB inspection report will be made available for public inspection by the FDIC.

§ 363.4 Filing and notice requirements.

(a) *Part 363 Annual Report.* (1) Each insured depository institution shall file with each of the FDIC, the appropriate Federal banking agency, and any appropriate State bank supervisor, two copies of its Part 363 Annual Report. A Part 363 Annual Report must contain audited comparative annual financial statements, the independent public accountant's report thereon, a management report, and, if applicable, the independent public accountant's attestation report on management's assessment concerning the institution's internal control structure and

procedures for financial reporting as required by §§ 363.2(a), 363.3(a), 363.2(b), and 363.3(b), respectively.

(2) Subject to the criteria specified in § 363.1(b), each insured depository institution with consolidated total assets of less than $1 billion as of the beginning of its fiscal year that is required to file, or whose parent holding company is required to file, management's assessment of the effectiveness of internal control over financial reporting with the SEC or the appropriate Federal banking agency in accordance with section 404 of SOX must submit a copy of such assessment to the FDIC, the appropriate Federal banking agency, and any appropriate State bank supervisor with its Part 363 Annual Report as additional information. This assessment will not be considered part of the institution's Part 363 Annual Report.

(3)(i) Each insured depository institution that is neither a public company nor a subsidiary of a public company that meets the criterion specified in § 363.1(b)(1) shall file its Part 363 Annual Report within 120 days after the end of its fiscal year. (ii) Each insured depository institution that is a public company or a subsidiary of public company that meets the criterion specified in § 363.1(b)(1) shall file its Part 363 Annual Report within 90 days after the end of its fiscal year.

(b) *Public availability.* Except for the annual report in paragraph (a)(1) of this section and the peer reviews and inspection reports in § 363.3(g), which shall be available for public inspection, the FDIC has determined that all other reports and notifications required by this part are exempt from public disclosure by the FDIC.

(c) *Independent public accountant's letters and reports.* Except for the independent public accountant's reports that are included in its Part 363 Annual Report, each insured depository institution shall file with the FDIC, the appropriate Federal banking agency, and any appropriate State bank supervisor, a copy of any management letter or other report issued by its independent public accountant with respect to such institution and the services provided by such accountant pursuant to this part within 15 days after receipt. Such reports include, but are not limited to:

(1) Any written communication regarding matters that are required to be communicated to the audit committee (for example, critical accounting policies, alternative accounting treatments discussed with management, and any schedule of unadjusted differences),

(2) Any written communication of significant deficiencies and material weaknesses in internal control required by the AICPA's or the PCAOB's auditing standards;

(3) For institutions with total assets of less than $1 billion as of the beginning of their fiscal year that are public companies or subsidiaries of public companies that meet the criterion specified in § 363.1(b)(1), any independent public accountant's report on the audit of internal control over financial reporting required by section 404 of SOX and the PCAOB's auditing standards; and

(4) For all institutions that are public companies or subsidiaries of public companies that meet the criterion specified in § 363.1(b)(1), any independent public accountant's written communication of all deficiencies in internal control over financial reporting that are of a lesser magnitude than significant deficiencies required by the PCAOB's auditing standards.

(d) *Notice of engagement or change of accountants.* Each insured depository institution shall provide, within 15 days after the occurrence of any such event, written notice to the FDIC, the appropriate Federal banking agency, and any appropriate State bank supervisor of the engagement of an independent public accountant, or the resignation or dismissal of the independent public accountant previously engaged. The notice shall include a statement of the reasons for any such resignation or dismissal in reasonable detail.

(e) *Notification of late filing.* No extensions of time for filing reports required by § 363.4 shall be granted. An insured depository institution that is unable to timely file all or any portion of its Part 363 Annual Report or any other report or notice required by § 363.4 shall submit a written notice of late filing to the FDIC, the appropriate Federal banking agency, and any appropriate State bank supervisor. The notice shall disclose the institution's inability to timely file all or specified portions of its Part 363 Annual Report or any other report or notice and the reasons therefore in reasonable detail. The late filing notice shall also state the date by which the report or notice will be filed. The written notice shall be filed on or before the deadline for filing the Part 363 Annual Report or any other report or notice, as appropriate.

(f) *Place for filing.* The Part 363 Annual Report, any written notification of late filing, and any other report or notice required by § 363.4 should be filed as follows:

(1) *FDIC:* Appropriate FDIC Regional or Area Office (Division of Supervision and Consumer Protection), *i.e.,* the FDIC regional or area office in the FDIC region or area that is responsible for monitoring the institution or, in the case of a subsidiary institution of a holding company, the consolidated company. A filing made on behalf of several covered institutions owned by the same parent holding company should be accompanied by a transmittal letter identifying all of the institutions covered.

(2) *Office of the Comptroller of the Currency (OCC):* Appropriate OCC Supervisory Office.

(3) *Federal Reserve:* Appropriate Federal Reserve Bank.

(4) *Office of Thrift Supervision (OTS):* Appropriate OTS District Office.

(5) *State bank supervisor:* The filing office of the appropriate State bank supervisor.

§ 363.5 Audit committees.

(a) *Composition and duties.* Each insured depository institution shall establish an audit committee of its board of directors, the composition of which complies with paragraphs (a)(1), (2), and (3) of this section. The duties of the audit committee shall include the appointment, compensation, and oversight of the independent public accountant who performs services required under this part, and reviewing with management and the independent public accountant the basis for the reports issued under this part.

(1) Each insured depository institution with total assets of $1 billion or more as of the beginning of its fiscal year shall establish an independent audit committee of its board of directors, the members of which shall be outside directors who are independent of management of the institution.

(2) Each insured depository institution with total assets of $500 million or more but less than $1 billion as of the beginning of its fiscal year shall establish an audit committee of its board of directors, the members of which shall be outside directors, the majority of whom shall be independent of management of the institution. The appropriate Federal banking agency may, by order or regulation, permit the audit committee of such an insured depository institution to be made up of less than a majority of outside directors who are independent of management, if the agency determines that the institution has encountered hardships in retaining and recruiting a sufficient number of competent outside directors to serve on the audit committee of the institution.

(3) An outside director is a director who is not, and within the preceding fiscal year has not been, an officer or employee of the institution or any affiliate of the institution.

(b) *Committees of large institutions.* The audit committee of any insured depository institution with total assets of more than $3 billion as of the beginning of its fiscal year shall include members with banking or related financial management expertise, have access to its own outside counsel, and not include any large customers of the institution. If a large institution is a subsidiary of a holding company and relies on the audit committee of the holding company to comply with this rule, the holding company's audit committee shall not include any members who are large customers of the subsidiary institution.

(c) *Independent public accountant engagement letters.* (1) In performing its duties with respect to the appointment of the institution's independent public accountant, the audit committee shall ensure that engagement letters and any related agreements with the independent public accountant for services to be performed under this part do not contain any limitation of liability provisions that:

(i) Indemnify the independent public accountant against claims made by third parties;

(ii) Hold harmless or release the independent public accountant from liability for claims or potential claims that might be asserted by the client insured depository institution, other than claims for punitive damages; or

(iii) Limit the remedies available to the client insured depository institution.

(2) Alternative dispute resolution agreements and jury trial waiver provisions are not precluded from engagement letters provided that they do not incorporate any limitation of liability provisions set forth in paragraph (c)(1) of this section.

Appendix A to Part 363—Guidelines and Interpretations

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Introduction

Congress added section 36, ''Early Identification of Needed Improvements in Financial Management'' (section 36), to the Federal Deposit Insurance Act (FDI Act) in 1991.

The FDIC Board of Directors adopted 12 CFR part 363 of its rules and regulations (the Rule) to implement those provisions of section 36 that require rulemaking. The FDIC also approved these ''Guidelines and Interpretations'' (the Guidelines) and directed that they be published with the Rule to facilitate a better understanding of, and full compliance with, the provisions of section 36.

Although not contained in the Rule itself, some of the guidance offered restates or refers to statutory requirements of section 36 and is therefore mandatory. If that is the case, the statutory provision is cited.

Furthermore, upon adopting the Rule, the FDIC reiterated its belief that every insured depository institution, regardless of its size or charter, should have an annual audit of its financial statements performed by an independent public accountant, and should establish an audit committee comprised entirely of outside directors.

The following Guidelines reflect the views of the FDIC concerning the interpretation of section 36. The Guidelines are intended to assist insured depository institutions (institutions), their boards of directors, and their advisors, including their independent public accountants and legal counsel, and to clarify section 36 and the Rule. It is recognized that reliance on the Guidelines may result in compliance with section 36 and the Rule which may vary from institution to institution. Terms which are not explained in the Guidelines have the meanings given them in the Rule, the FDI Act, or professional accounting and auditing literature.

Scope of Rule and Definitions (§ 363.1)

1. *Measuring Total Assets.* To determine whether this part applies, an institution should use total assets as reported on its most recent Report of Condition (Call Report) or Thrift Financial Report (TFR), the date of which coincides with the end of its preceding fiscal year. If its fiscal year ends on a date other than the end of a calendar quarter, it should use its Call Report or TFR for the quarter end immediately preceding the end of its fiscal year.

2. *Insured Branches of Foreign Banks.* Unlike other institutions, insured branches of foreign banks are not separately incorporated or capitalized. To determine whether this part applies, an insured branch should measure claims on non-related parties reported on its Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (form FFIEC 002).

3. *Compliance by Holding Company Subsidiaries.* Audited consolidated financial statements and other reports or notices required by this part that are submitted by a holding company for any subsidiary institution should be accompanied by a cover letter identifying all subsidiary institutions subject to part 363 that are included in the holding company's submission. When submitting a Part 363 Annual Report, the cover letter should identify all subsidiary institutions subject to part 363 included in the consolidated financial statements and state whether the other annual report requirements (*i.e.,* management's statement of responsibilities, management's assessment of compliance with designated safety and soundness laws and regulations, and, if applicable, management's assessment of the effectiveness of internal control over financial reporting and the independent public accountant's attestation report on management's internal control assessment) are being satisfied for these institutions at the holding company level or at the institution level. An institution filing holding company consolidated financial statements as permitted by § 363.1(b)(1) also may report on changes in its independent public accountant on a holding company basis. An institution that does not meet the criteria in § 363.1(b)(2) must satisfy the remaining provisions of this part on an individual institution basis and maintain its own audit committee. Subject to the criteria in §§ 363.1(b)(1) and (2), a multi-

tiered holding company may satisfy all of the requirements of this part at the top-tier or any mid-tier holding company level.

4. *Comparable Services and Functions.* Services and functions will be considered ''comparable'' to those required by this part if the holding company:

(a) Prepares reports used by the subsidiary institution to meet the requirements of this part;

(b) Has an audit committee that meets the requirements of this part appropriate to its largest subsidiary institution; and

(c) Prepares and submits management's assessment of compliance with the Designated Laws and Regulations defined in guideline 7A and, if applicable, management's assessment of the effectiveness of internal control over financial reporting based on information concerning the relevant activities and operations of those subsidiary institutions within the scope of the Rule.

4A. *Financial Statements Prepared for Regulatory Reporting Purposes.* (a) As set forth in § 363.3(c) of this part, ''financial reporting,'' at a minimum, includes both financial statements prepared in accordance with generally accepted accounting principles for the insured depository institution or its holding company and financial statements prepared for regulatory reporting purposes. More specifically, financial statements prepared for regulatory reporting purposes include the schedules equivalent to the basic financial statements that are included in an insured depository institution's or its holding company's appropriate regulatory report (for example, Schedules RC, RI, and RI–A in the Consolidated Reports of Condition and Income (Call Report) for an insured bank; and Schedules SC and SO, and the Summary of Changes in Equity Capital section in Schedule SI in the Thrift Financial Report (TFR) for an insured thrift institution). For recognition and measurement purposes, financial statements prepared for regulatory reporting purposes shall conform to generally accepted accounting principles and section 37 of the Federal Deposit Insurance Act.

(b) Financial statements prepared for regulatory reporting purposes do not include regulatory reports prepared by a non-bank subsidiary of a holding company or an institution. For example, if a bank holding company or an insured depository institution owns an insurance subsidiary, financial statements prepared for regulatory reporting purposes would not include any regulatory reports that the insurance subsidiary is required to submit to its appropriate insurance regulatory agency.

Annual Reporting Requirements (§ 363.2)

5. *Annual Financial Statements.* Each institution (other than an insured branch of a foreign bank) should prepare comparative annual consolidated financial statements (balance sheets and statements of income, changes in equity capital, and cash flows, with accompanying footnote disclosures) in accordance with GAAP for each of its two most recent fiscal years. Statements for the earlier year may be presented on an unaudited basis if the institution was not subject to this part for that year and audited statements were not prepared.

5A. *Institutions Merged Out of Existence.* An institution that is merged out of existence after the end of its fiscal year, but before the deadline for filing its Part 363 Annual Report (120 days after the end of its fiscal year for an institution that is neither a public company nor a subsidiary of a public company that meets the criterion specified in § 363.1(b)(1), and 90 days after the end of its fiscal year for an institution that is a public company or a subsidiary of a public company that meets the criterion specified in § 363.1(b)(1)), is not required to file a Part 363 Annual Report for the last fiscal year of its existence.

6. *Holding Company Statements.* Subject to the criterion specified in § 363.1(b)(1), subsidiary institutions may file copies of their holding company's audited financial statements filed with the SEC or prepared for their FR Y–6 Annual Report under the Bank Holding Company Act of 1956 to satisfy the audited financial statements requirement of § 363.2(a).

7. *Insured Branches of Foreign Banks.* An insured branch of a foreign bank should satisfy the financial statements requirement by filing one of the following for each of its two most recent fiscal years:

(a) Audited balance sheets, disclosing information about financial instruments with off-balance-sheet risk;

(b) Schedules RAL and L of form FFIEC 002, prepared and audited on the basis of the instructions for its preparation; or

(c) With written approval of the appropriate Federal banking agency, consolidated financial statements of the parent bank.

7A. *Compliance with Designated Laws and Regulations.* The designated laws and regulations are the Federal laws and regulations concerning loans to insiders and the Federal and, if applicable, State laws and regulations concerning dividend restrictions (the Designated Laws and Regulations). Table 1 to this Appendix A lists the designated Federal laws and regulations pertaining to insider loans and dividend restrictions (but not the State laws and regulations pertaining to dividend restrictions) that are applicable to each type of institution.

8. *Management Report.* Management should perform its own investigation and review of compliance with the Designated Laws and Regulations and, if required, the effectiveness of internal control over financial reporting. Management should maintain records of its determinations and assessments until the next Federal safety and soundness examination, or such later date as specified by the FDIC or the appropriate Federal banking agency. Management should provide in its assessment of the effectiveness of internal control over financial reporting, or supplementally, sufficient information to enable the accountant to report on its assertions. The management report of an insured branch of a foreign bank should be signed by the branch's managing official if the branch does not have a chief executive officer or a chief accounting or financial officer.

8A. *Management's Reports on Internal Control over Financial Reporting under Part 363 and Section 404 of SOX.* An institution with $1 billion or more in total assets as of the beginning of its fiscal year that is subject to both part 363 and the SEC's rules implementing section 404 of SOX (as well as a public holding company permitted under the holding company exception in § 363.1(b)(2) to file an internal control report on behalf of one or more subsidiary institutions with $1 billion or more in total assets) can choose either of the following two options for filing management's report on internal control over financial reporting.

(i) Management can prepare two separate reports on the institution's or the holding company's internal control over financial reporting to satisfy the FDIC's part 363 requirements and the SEC's section 404 requirements; or

(ii) Management can prepare a single report on internal control over financial reporting provided that it satisfies all of the FDIC's part 363 requirements and all of the SEC's section 404 requirements.

8B. *Internal Control Reports and Part 363 Annual Reports for Acquired Businesses.* Generally, the FDIC expects management's and the related independent public accountant's report on an institution's internal control over financial reporting to include controls at an institution in its entirety, including all of its consolidated entities. However, it may not always be possible for management to conduct an assessment of the internal control over financial reporting of an acquired business in the period between the consummation date of the acquisition and the due date of management's internal control assessment.

(a) In such instances, the acquired business's internal control structure and procedures for financial reporting may be excluded from management's assessment report and the accountant's attestation report on internal control over financial reporting. However, the FDIC expects management's assessment report to identify the acquired business, state that the acquired business is excluded, and indicate the significance of this business to the institution's consolidated financial statements. Notwithstanding management's exclusion of the acquired business's internal control from its assessment, management should disclose any material change to the institution's internal control over financial reporting due to the acquisition of this business. Also, management may not omit the assessment of the acquired business's internal control from more than one annual part 363 assessment report on internal control over financial reporting. When the acquired business's internal control over financial reporting is excluded from management's assessment, the independent public accountant may likewise exclude this acquired business's internal control over financial reporting from the accountant's evaluation of internal control over financial reporting.

(b) If the acquired business is or has a consolidated subsidiary that is an insured depository institution subject to part 363 and the institution is not merged out of existence before the deadline for filing its Part 363 Annual Report (120 days after the end of its fiscal year for an institution that is neither a public company nor a subsidiary of a public

company that meets the criterion specified in § 363.1(b)(1), and 90 days after the end of its fiscal year for an institution that is a public company or a subsidiary of public company that meets the criterion specified in § 363.1(b)(1)), the acquired institution must continue to comply with all of the applicable requirements of part 363, including filing its Part 363 Annual Report.

8C. *Management's Disclosure of Noncompliance with the Designated Laws and Regulations.* Management's disclosure of noncompliance, if any, with the Designated Laws and Regulations should separately indicate the number of instances or frequency of noncompliance with the Federal laws and regulations pertaining to insider loans and the Federal (and, if applicable, State) laws and regulations pertaining to dividend restrictions. The disclosure is not required to specifically identify by name the individuals (*e.g.,* officers or directors) who were responsible for or were the subject of any such noncompliance. However, the disclosure should include appropriate qualitative and quantitative information to describe the nature, type, and severity of the noncompliance and the dollar amount of the insider loan(s) or dividend(s) involved. Similar instances of noncompliance may be aggregated as to number of instances and quantified as to the dollar amounts or the range of dollar amounts of insider loans and/or dividends for which noncompliance occurred. Management may also wish to describe any corrective actions taken in response to the instances of noncompliance as well any controls or procedures that are being developed or that have been developed and implemented to prevent or detect and correct future instances of noncompliance on a timely basis.

9. *Safeguarding of Assets.* ''Safeguarding of assets,'' as the term relates to internal control policies and procedures regarding financial reporting and which has precedent in accounting and auditing literature, should be encompassed in the management report and the independent public accountant's attestation discussed in guideline 18. Testing the existence of and compliance with internal controls on the management of assets, including loan underwriting and documentation, represents a reasonable implementation of section 36. The FDIC expects such internal controls to be encompassed by the assertion in the management report, but the term ''safeguarding of assets'' need not be specifically stated. The FDIC does not require the accountant to attest to the adequacy of safeguards, but does require the accountant to determine whether safeguarding policies exist.[15]

10. *Standards for Internal Control.* The management of each insured depository institution with $1 billion or more in total assets as of the beginning of its fiscal year should base its assessment of the effectiveness of the institution's internal control over financial reporting on a suitable, recognized control framework established by a body of experts that followed due-process procedures, including the broad distribution of the framework for public comment. In addition to being available to users of management's reports, a framework is suitable only when it:

- Is free from bias;
- Permits reasonably consistent qualitative and quantitative measurements of an institution's internal control over financial reporting;
- Is sufficiently complete so that those relevant factors that would alter a conclusion about the effectiveness of an institution's internal control over financial reporting are not omitted; and
- Is relevant to an evaluation of internal control over financial reporting.

In the United States, *Internal Control—Integrated Framework,* including its addendum on safeguarding assets, which was published by the Committee of Sponsoring Organizations of the Treadway Commission, and is known as the COSO report, provides a suitable and recognized framework for purposes of management's assessment. Other suitable frameworks have been published in other countries or may be developed in the future. Such other suitable frameworks may be used by management and the institution's independent public accountant in assessments, attestations, and audits of internal control over financial reporting.

11. *Service Organizations.* Although service organizations should be considered in determining if internal control over financial reporting is effective, an institution's independent public accountant, its management, and its audit committee should exercise independent judgment concerning that determination. Onsite reviews of service organizations may not be necessary to prepare the report required by the Rule, and the FDIC does not intend that the Rule establish any such requirement.

12. [Reserved.]

Role of Independent Public Accountant (§ 363.3)

13. *General Qualifications.* To provide audit and attest services to insured depository institutions, an independent public accountant should be registered or licensed to practice as a public accountant, and be in good standing, under the laws of the State or other political subdivision of the United States in which the home office of the institution (or the insured branch of a foreign bank) is located. As required by section 36(g)(3)(A)(i), the accountant must agree to provide copies of any working papers, policies, and procedures relating to services performed under this part.

14. [Reserved.]

15. *Peer Review Guidelines.* The following peer review guidelines are acceptable:

(a) The external peer review should be conducted by an organization independent of the accountant or firm being reviewed, as frequently as is consistent with professional accounting practices;

(b) The peer review (other than a PCAOB inspection) should be generally consistent with AICPA Peer Review Standards; and

(c) The review should include, if available, at least one audit on an insured depository institution or consolidated depository institution holding company.

16. [Reserved.]

17. *Information to be Provided to the Independent Public Accountant.* Attention is directed to section 36(h) which requires institutions to provide specified information to their accountants. An institution also should provide its accountant with copies of any notice that the institution's capital category is being changed or reclassified under section 38 of the FDI Act, and any correspondence from the appropriate Federal banking agency concerning compliance with this part.

18. *Attestation Report and Management Letters.* The independent public accountant should provide the institution with any management letter and, if applicable, an internal control attestation report (as required by section 36(c)(1)) at the conclusion of the audit. The independent public accountant's attestation report on internal control over financial reporting must specifically include a statement as to regulatory reporting. If a holding company subsidiary relies on its holding company's management report to satisfy the Part 363 Annual Report requirements, the accountant may attest to and report on the management's assertions in one report, without reporting separately on each subsidiary covered by the Rule. The FDIC has determined that management letters are exempt from public disclosure.

18A. *Internal Control Attestation Standards for Independent Auditors.* (a) § 363.3(b) provides that the independent public accountant's attestation and report on management's assertion concerning the effectiveness of an institution's internal control structure and procedures for financial reporting shall be made in accordance with generally accepted standards for attestation engagements or the PCAOB's auditing standards, if applicable. The standards that should be followed by the institution's independent public accountant concerning internal control over financial reporting for institutions with $1 billion or more in total assets can be summarized as follows:

(1) For an insured institution that is neither a public company nor a subsidiary of a public company, its independent public accountant need only follow the AICPA's attestation standards.

(2) For an insured institution that is a public company that is required to comply with the auditor attestation requirement of section 404 of SOX, its independent public accountant should follow the PCAOB's auditing standards.

(3) For an insured institution that is a public company but is not required to comply with the auditor attestation requirement of section 404 of SOX, its independent public accountant is not required to follow the PCAOB's auditing standards. In this case, the accountant need only follow the AICPA's attestation standards.

(4) For an insured institution that is a subsidiary of a public company that is required to comply with the auditor attestation requirement of section 404 of

[15] It is management's responsibility to establish policies concerning underwriting and asset management and to make credit decisions. The auditor's role is to test compliance with management's policies relating to financial reporting.

SOX, but is not itself a public company, the institution and its independent public accountant have flexibility in complying with the internal control requirements of part 363. If the conditions specified in § 363.1(b)(2) are met, management and the independent public accountant may choose to report on internal control over financial reporting at the consolidated holding company level. In this situation, the independent public accountant's work would be performed for the public company in accordance with the PCAOB's auditing standards. Alternatively, the institution may choose to comply with the internal control reporting requirements of part 363 at the institution level and its independent public accountant could follow the AICPA's attestation standards.

(b) If an independent public accountant need only follow the AICPA's attestation standards, the accountant and the insured institution may instead agree to have the internal control attestation performed under the PCAOB's auditing standards.

19. *Reviews with Audit Committee and Management.* The independent public accountant should meet with the institution's audit committee to review the accountant's reports required by this part before they are filed. It also may be appropriate for the accountant to review its findings with the institution's board of directors and management.

20. *Notice of Termination.* The notice of termination required by § 363.3(c) should state whether the independent public accountant agrees with the assertions contained in any notice filed by the institution under § 363.4(d), and whether the institution's notice discloses all relevant reasons for the accountant's termination. Subject to the criterion specified in § 363.1(b)(1) regarding compliance with the audited financial statements requirement at the holding company level, the independent public accountant for an insured depository institution that is a public company and files reports with its appropriate Federal banking agency, or is a subsidiary of a public company that files reports with the SEC, may submit the letter it furnished to management to be filed with the institution's or the holding company's current report (*e.g.,* SEC Form 8–K) concerning a change in accountant to satisfy the notice requirements of § 363.3(c). Alternatively, if the independent public accountant confirms that management has filed a current report (*e.g.,* SEC Form 8–K) concerning a change in accountant that satisfies the notice requirements of § 363.4(d) and includes an independent public accountant's letter that satisfies the requirements of § 363.3(c), the independent public accountant may rely on the current report (*e.g.,* SEC Form 8–K) filed with the FDIC by management concerning a change in accountant to satisfy the notice requirements of § 363.3(c).

21. *Reliance on Internal Auditors.* Nothing in this part or this Appendix is intended to preclude the ability of the independent public accountant to rely on the work of an institution's internal auditor.

Filing and Notice Requirements (§ 363.4)

22. [Reserved.]

23. *Notification of Late Filing.* (a) An institution's submission of a written notice of late filing does not cure the requirement to timely file the Part 363 Annual Report or other reports or notices required by § 363.4. An institution's failure to timely file is considered an apparent violation of part 363.

(b) If the late filing notice submitted pursuant to § 363.4(e) relates only to a portion of a Part 363 Annual Report or any other report or notice, the insured depository institution should file the other components of the report or notice within the prescribed filing period together with a cover letter that indicates which components of its Part 363 Annual Report or other report or notice are omitted. An institution may combine the written late filing notice and the cover letter into a single notice that is submitted together with the other components of the report or notice that are being timely filed.

24. *Public Availability.* Each institution's Part 363 Annual Report should be available for public inspection at its main and branch offices no later than 15 days after it is filed with the FDIC. Alternatively, an institution may elect to mail one copy of its Part 363 Annual Report to any person who requests it. The Part 363 Annual Report should remain available to the public until the Part 363 Annual Report for the next year is available. An institution may use its Part 363 Annual Report under this part to meet the annual disclosure statement required by 12 CFR 350.3, if the institution satisfies all other requirements of 12 CFR Part 350.

25. [Reserved.]

26. *Notices Concerning Accountants.* With respect to any selection, change, or termination of an independent public accountant, an institution's management and audit committee should be familiar with the notice requirements in § 363.4(d) and guideline 20, and management should send a copy of any notice required under § 363.4(d) to the independent public accountant when it is filed with the FDIC. An insured depository institution that is a public company and files reports required under the Federal securities laws with its appropriate Federal banking agency, or is a subsidiary of a public company that files such reports with the SEC, may use its current report (*e.g.,* SEC Form 8–K) concerning a change in accountant to satisfy the notice requirements of § 363.4(d) subject to the criterion of § 363.1(b)(1) regarding compliance with the audited financial statements requirement at the holding company level.

Audit Committees (§ 363.5)

27. *Composition.* The board of directors of each institution should determine whether each existing or potential audit committee member meets the requirements of section 36 and this part. To do so, the board of directors should maintain an approved set of written criteria for determining whether a director who is to serve on the audit committee is an outside director (as defined in § 363.5(a)(3)) and is independent of management. At least annually, the board of each institution should determine whether each existing or potential audit committee member is an outside director. In addition, at least annually, the board of an institution with $1 billion or more in total assets as of the beginning of its fiscal year should determine whether all existing and potential audit committee members are ''independent of management of the institution'' and the board of an institution with total assets of $500 million or more but less than $1 billion as of the beginning of its fiscal year should determine whether the majority of all existing and potential audit committee members are ''independent of management of the institution.'' The minutes of the board of directors should contain the results of and the basis for its determinations with respect to each existing and potential audit committee member. Because an insured branch of a foreign bank does not have a separate board of directors, the FDIC will not apply the audit committee requirements to such branch. However, any such branch is encouraged to make a reasonable good faith effort to see that similar duties are performed by persons whose experience is generally consistent with the Rule's requirements for an institution the size of the insured branch.

28. *''Independent of Management'' Considerations.* It is not possible to anticipate, or explicitly provide for, all circumstances that might signal potential conflicts of interest in, or that might bear on, an outside director's relationship to an insured depository institution and whether the outside director should be deemed ''independent of management.'' When assessing an outside director's relationship with an institution, the board of directors should consider the issue not merely from the standpoint of the director himself or herself, but also from the standpoint of persons or organizations with which the director has an affiliation. These relationships can include, but are not limited to, commercial, banking, consulting, charitable, and family relationships. To assist boards of directors in fulfilling their responsibility to determine whether existing and potential members of the audit committee are ''independent of management,'' paragraphs (a) through (d) of this guideline provide guidance for making this determination.

(a) If an outside director, either directly or indirectly, owns or controls, or has owned or controlled within the preceding fiscal year, 10 percent or more of any outstanding class of voting securities of the institution, the institution's board of directors should determine, and document its basis and rationale for such determination, whether such ownership of voting securities would interfere with the outside director's exercise of independent judgment in carrying out the responsibilities of an audit committee member, including the ability to evaluate objectively the propriety of management's accounting, internal control, and reporting policies and practices. Notwithstanding the criteria set forth in paragraphs (b), (c), and (d) of this guideline, if the board of directors determines that such ownership of voting securities would interfere with the outside director's exercise of independent judgment, the outside director will not be considered ''independent of management.''

(b) The following list sets forth additional criteria that, at a minimum, a board of

directors should consider when determining whether an outside director is ''independent of management.'' The board of directors may conclude that additional criteria are also relevant to this determination in light of the particular circumstances of its institution. Accordingly, an outside director will not be considered ''independent of management'' if:

(1) The director serves, or has served within the last three years, as a consultant, advisor, promoter, underwriter, legal counsel, or trustee of or to the institution or its affiliates.

(2) The director has been, within the last three years, an employee of the institution or any of its affiliates or an immediate family member is, or has been within the last three years, an executive officer of the institution or any of its affiliates.

(3) The director has participated in the preparation of the financial statements of the institution or any of its affiliates at any time during the last three years.

(4) The director has received, or has an immediate family member who has received, during any twelve-month period within the last three years, more than $100,000 in direct and indirect compensation from the institution, its subsidiaries, and its affiliates for consulting, advisory, or other services other than director and committee fees and pension or other forms of deferred compensation for prior service (provided such compensation is not contingent in any way on continued service). Direct compensation also would not include compensation received by the director for former service as an interim chairman or interim chief executive officer.

(5) The director or an immediate family member is a current partner of a firm that performs internal or external auditing services for the institution or any of its affiliates; the director is a current employee of such a firm; the director has an immediate family member who is a current employee of such a firm and who participates in the firm's audit, assurance, or tax compliance practice; or the director or an immediate family member was within the last three years (but no longer is) a partner or employee of such a firm and personally worked on the audit of the insured depository institution or any of its affiliates within that time.

(6) The director or an immediate family member is, or has been within the last three years, employed as an executive officer of another entity where any of the present executive officers of the institution or any of its affiliates at the same time serves or served on that entity's compensation committee.

(7) The director is a current employee, or an immediate family member is a current executive officer, of an entity that has made payments to, or received payments from, the institution or any of its affiliates for property or services in an amount which, in any of the last three fiscal years, exceeds the greater of $200 thousand, or 5 percent of such entity's consolidated gross revenues. This would include payments made by the institution or any of its affiliates to not-for-profit entities where the director is an executive officer or where an immediate family member of the director is an executive officer.

(8) For purposes of paragraph (b) of this guideline:

(i) An ''immediate family member'' includes a person's spouse, parents, children, siblings, mothers- and fathers-in-law, sons- and daughters-in-law, brothers- and sisters-in-law, and anyone (other than domestic employees) who shares such person's home.

(ii) The term affiliate of, or a person affiliated with, a specified person, means a person or entity that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(iii) The term indirect compensation for consulting, advisory, or other services includes the acceptance of a fee for such services by a director's immediate family member or by an organization in which the director is a partner or principal that provides accounting, consulting, legal, investment banking, or financial advisory services to the institution, any of its subsidiaries, or any of its affiliates.

(iv) The terms direct and indirect compensation and payments do not include payments such as dividends arising solely from investments in the institution's equity securities, provided the same per share amounts are paid to all shareholders of that class; interest income from investments in the institution's deposit accounts and debt securities; loans from the institution that conform to all regulatory requirements applicable to such loans except that interest payments or other fees paid in association with such loans would be considered payments; and payments under non-discretionary charitable contribution matching programs.

(c) An insured depository institution that is a public company and a listed issuer (as defined in Rule 10A–3 of the Securities Exchange Act of 1934 (Exchange Act)), or is a subsidiary of a public company that meets the criterion specified in § 363.1(b)(1) and is a listed issuer, may choose to use the definition of audit committee member independence set forth in the listing standards applicable to the public institution or its public company parent for purposes of determining whether an outside director is ''independent of management.''

(d) All other insured depository institutions may choose to use the definition of audit committee member independence set forth in the listing standards of a national securities exchange that is registered with the SEC pursuant to section 6 of the Exchange Act or a national securities association that is registered with the SEC pursuant to section 15A(a) of the Exchange Act for purposes of determining whether an outside director is ''independent of management.''

29. [Reserved.]

30. *Holding Company Audit Committees.* (a) When an insured depository institution satisfies the requirements for the holding company exception specified in §§ 363.1(b)(1) and (2), the audit committee requirement of this part may be satisfied by the audit committee of the top-tier or any mid-tier holding company. Members of the audit committee of the holding company should meet all the membership requirements applicable to the largest subsidiary depository institution subject to part 363 and should perform all the duties of the audit committee of a subsidiary institution subject to part 363, even if the holding company directors are not directors of the institution.

(b) When an insured depository institution subsidiary with total assets of $1 billion or more as of the beginning of its fiscal year does not meet the requirements for the holding company exception specified in §§ 363.1(b)(1) and (2) or maintains its own separate audit committee to satisfy the requirements of this part, the members of the audit committee of the top-tier or any mid-tier holding company may serve on the audit committee of the subsidiary institution if they are otherwise independent of management of the subsidiary institution, and, if applicable, meet any other requirements for a large subsidiary institution covered by this part.

(c) When an insured depository institution with total assets of $500 million or more but less than $1 billion as of the beginning of its fiscal year does not meet the requirements for the holding company exception specified in §§ 363.1(b)(1) and (2) or maintains its own separate audit committee to satisfy the requirements of this part, the members of the audit committee of the top-tier or any mid-tier holding company may serve on the audit committee of the subsidiary institution provided a majority of the institution's audit committee members are independent of management of the subsidiary institution.

(d) Officers and employees of a top-tier or any mid-tier holding company may not serve on the audit committee of a subsidiary institution subject to part 363.

31. *Duties.* The audit committee should perform all duties determined by the institution's board of directors and it should maintain minutes and other relevant records of its meetings and decisions. The duties of the audit committee should be appropriate to the size of the institution and the complexity of its operations, and, at a minimum, should include the appointment, compensation, and oversight of the independent public accountant; reviewing with management and the independent public accountant the basis for their respective reports issued under §§ 363.2(a) and (b) and §§ 363.3(a) and (b); reviewing and satisfying itself as to the independent public accountant's compliance with the required qualifications for independent public accountants set forth in §§ 363.3(f) and (g) and guidelines 13 through 16; ensuring that audit engagement letters comply with the provisions of § 363.5(c) before engaging an independent public accountant; being familiar with the notice requirements in § 363.4(d) and guideline 20 regarding the selection, change, or termination of an independent public accountant; and ensuring that management sends a copy of any notice required under § 363.4(d) to the independent public accountant when it is filed with the FDIC. Appropriate additional duties could include:

(a) Reviewing with management and the independent public accountant the scope of services required by the audit, significant accounting policies, and audit conclusions regarding significant accounting estimates;

(b) Reviewing with management and the accountant their assessments of the

effectiveness of internal control over financial reporting, and the resolution of identified material weaknesses and significant deficiencies in internal control over financial reporting, including the prevention or detection of management override or compromise of the internal control system;

(c) Reviewing with management the institution's compliance with the Designated Laws and Regulations identified in guideline 7A;

(d) Discussing with management and the independent public accountant any significant disagreements between management and the independent public accountant; and

(e) Overseeing the internal audit function.

32. *Banking or Related Financial Management Expertise.* At least two members of the audit committee of a large institution shall have ''banking or related financial management expertise'' as required by section 36(g)(1)(C)(i). This determination is to be made by the board of directors of the insured depository institution. A person will be considered to have such required expertise if the person has significant executive, professional, educational, or regulatory experience in financial, auditing, accounting, or banking matters as determined by the board of directors. Significant experience as an officer or member of the board of directors or audit committee of a financial services company would satisfy these criteria. A person who has the attributes of an ''audit committee financial expert'' as set forth in the SEC's rules would also satisfy these criteria.

33. *Large Customers.* Any individual or entity (including a controlling person of any such entity) which, in the determination of the board of directors, has such significant direct or indirect credit or other relationships with the institution, the termination of which likely would materially and adversely affect the institution's financial condition or results of operations, should be considered a ''large customer'' for purposes of § 363.5(b).

34. *Access to Counsel.* The audit committee should be able to retain counsel at its discretion without prior permission of the institution's board of directors or its management. Section 36 does not preclude advice from the institution's internal counsel or regular outside counsel. It also does not require retaining or consulting counsel, but if the committee elects to do either, it also may elect to consider issues affecting the counsel's independence. Such issues would include whether to retain or consult only counsel not concurrently representing the institution or any affiliate, and whether to place limitations on any counsel representing the institution concerning matters in which such counsel previously participated personally and substantially as outside counsel to the committee.

35. *Transition Period for Forming and Restructuring Audit Committees.*

(a) When an insured depository institution's total assets as of the beginning of its fiscal year are $500 million or more for the first time and it thereby becomes subject to part 363, no regulatory action will be taken if the institution (1) develops and approves a set of written criteria for determining whether a director who is to serve on the audit committee is an outside director and is independent of management and (2) forms or restructures its audit committee to comply with § 363.5(a)(2) by the end of that fiscal year.

(b) When an insured depository institution's total assets as of the beginning of its fiscal year are $1 billion or more for the first time, no regulatory action will be taken if the institution forms or restructures its audit committee to comply with § 363.5(a)(1) by the end of that fiscal year, provided that the composition of its audit committee meets the requirements specified in § 363.5(a)(2) at the beginning of that fiscal year, if such requirements were applicable.

(c) When an insured depository institution's total assets as of the beginning of its fiscal year are $3 billion or more for the first time, no regulatory action will be taken if the institution forms or restructures its audit committee to comply with § 363.5(b) by the end of that fiscal year, provided that the composition of its audit committee meets the requirements specified in § 363.5(a)(1) at the beginning of that fiscal year, if such requirements were applicable.

Other

36. *Modifications of Guidelines.* The FDIC's Board of Directors has delegated to the Director of the FDIC's Division of Supervision and Consumer Protection authority to make and publish in the **Federal Register** minor technical amendments to the Guidelines in this Appendix and the guidance and illustrative reports in Appendix B, in consultation with the other appropriate Federal banking agencies, to reflect the practical experience gained from implementation of this part. It is not anticipated any such modification would be effective until affected institutions have been given reasonable advance notice of the modification. Any material modification or amendment will be subject to review and approval of the FDIC Board of Directors.

TABLE 1 TO APPENDIX A—DESIGNATED FEDERAL LAWS AND REGULATIONS APPLICABLE TO:

		National banks	State member banks	State non-member banks	Savings associations
Insider Loans—Parts and/or Sections of Title 12 of the United States Code					
375a	Loans to Executive Officers of Banks	√	√	(A)	(A)
375b	Extensions of Credit to Executive Officers, Directors, and Principal Shareholders of Banks.	√	√	(A)	(A)
1468(b)	Extensions of Credit to Executive Officers, Directors, and Principal Shareholders.				√
1828(j)(2)	Extensions of Credit to Officers, Directors, and Principal Shareholders.			√	
1828(j)(3)(B)	Extensions of Credit to Officers, Directors, and Principal Shareholders.	(B)		(C)	
Parts and/or Sections of Title 12 of the Code of Federal Regulations					
31	Extensions of Credit to Insiders	√			
32	Lending Limits	√			
215	Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks.	√	√	(D)	(E)
337.3	Limits on Extensions of Credit to Executive Officers, Directors, and Principal Shareholders of Insured Nonmember Banks.			√	
563.43	Loans by Savings Associations to Their Executive Officers, Directors, and Principal Shareholders.				√

TABLE 1 TO APPENDIX A—DESIGNATED FEDERAL LAWS AND REGULATIONS APPLICABLE TO:—Continued

		National banks	State member banks	State non-member banks	Savings associations
Dividend Restrictions—Parts and/or Sections of Title 12 of the United States Code					
56	Prohibition on Withdrawal of Capital and Unearned Dividends.	√	√		
60	Dividends and Surplus Fund	√	√		
1467a(f)	Declaration of Dividend				√
1831o(d)(1)	Prompt Corrective Action—Capital Distributions Restricted.	√	√	√	√
Parts and/or Sections of Title 12 of the Code of Federal Regulations					
5 Subpart E	Payment of Dividends	√			
6.6	Prompt Corrective Action—Restrictions on Undercapitalized Institutions.	√			
208.5	Dividends and Other Distributions		√		
208.45	Prompt Corrective Action—Restrictions on Undercapitalized Institutions.		√		
325.105	Prompt Corrective Action—Restrictions on Undercapitalized Institutions.			√	
563 Subpart E	Capital Distributions				√
565.6	Prompt Corrective Action—Restrictions on Undercapitalized Institutions.				√

A. Subsections (g) and (h) of section 22 of the Federal Reserve Act [12 U.S.C. 375a, 375b]
B. Applies only to insured Federal branches of foreign banks.
C. Applies only to insured State branches of foreign banks.
D. *See* 12 CFR 337.3.
E. *See* 12 CFR 563.43.

Appendix B to Part 363—Illustrative Management Reports

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1. General
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6. Illustrative Management Report—Combined Statement of Management's Responsibilities, Report on Management's Assessment of Compliance With Designated Laws and Regulations, and Report on Management's Assessment of Internal Control Over Financial Reporting
7. Illustrative Cover Letter—Compliance by Holding Company Subsidiaries

1. *General.* The reporting scenarios, illustrative management reports, and the cover letter (when complying at the holding company level) in Appendix B to part 363 are intended to assist managements of insured depository institutions in complying with the annual reporting requirements of § 363.2 and guideline 3, *Compliance by Holding Company Subsidiaries,* of Appendix A to part 363. However, use of the illustrative management reports and cover letter is not required. The managements of insured depository institutions are encouraged to tailor the wording of their management reports and cover letters to fit their particular circumstances, especially when reporting on material weaknesses in internal control over financial reporting or noncompliance with designated laws and regulations. Terms that are not explained in Appendix B have the meanings given them in part 363, the FDI Act, or professional accounting and auditing literature. Instructions to the preparer of the management reports are shown in brackets within the illustrative reports.

2. *Reporting Scenarios for Institutions that are Holding Company Subsidiaries.* (a) Subject to the criteria specified in § 363.1(b), an insured depository institution that is a subsidiary of a holding company has flexibility in satisfying the reporting requirements of part 363. When reporting at the holding company level, the management report, or the individual components thereof, should identify those subsidiary institutions that are subject to part 363 and the extent to which they are included in the scope of the management report or a component of the report. The following reporting scenarios reflect how an insured depository institution that meets the criteria set forth in § 363.1(b) could satisfy the annual reporting requirements of § 363.2. Other reporting scenarios are possible.

(i) An institution that is a subsidiary of a holding company may satisfy the requirements for audited financial statements; management's statement of responsibilities; management's assessment of the institution's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions; management's assessment of the effectiveness of internal control over financial reporting, if applicable; and the independent public accountant's attestation on management's assertion as to the effectiveness of internal control over financial reporting, if applicable, at the insured depository institution level.

(ii) An institution that is a subsidiary of a holding company may satisfy the requirements for audited financial statements; management's statement of responsibilities; management's assessment of the institution's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions; management's assessment of the effectiveness of internal control over financial reporting, if applicable; and the independent public accountant's attestation on management's assertion as to the effectiveness of internal control over financial reporting, if applicable, at the holding company level.

(iii) An institution that is a subsidiary of a holding company may satisfy the requirement for audited financial statements at the holding company level and may satisfy the requirements for management's statement of responsibilities; management's assessment of the institution's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions; management's assessment of the effectiveness of internal control over financial reporting, if applicable; and the independent public accountant's attestation on management's assertion as to the effectiveness of internal control over financial reporting, if applicable, at the insured depository institution level.

(iv) An institution that is a subsidiary of a holding company may satisfy the

requirements for audited financial statements; management's statement of responsibilities; and management's assessment of the institution's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions at the insured depository institution level and may satisfy the requirements for the assessment by management of the effectiveness of internal control over financial reporting, if applicable; and the independent public accountant's attestation on management's assertion as to the effectiveness of internal control over financial reporting, if applicable, at the holding company level.

(b) For an institution with total assets of $1 billion or more as of the beginning of its fiscal year, the assessment by management of the effectiveness of internal control over financial reporting and the independent public accountant's attestation on management's assertion as to the effectiveness of internal control over financial reporting, if applicable, must both be performed at the same level, *i.e.,* either at the insured depository institution level or at the holding company level.

(c) Financial statements prepared for regulatory reporting purposes encompass the schedules equivalent to the basic financial statements in an institution's appropriate regulatory report, *e.g.,* the bank Consolidated Reports of Condition and Income (Call Report) and the Thrift Financial Report (TFR). Guideline 4A in Appendix A to part 363 identifies the schedules equivalent to the basic financial statements in the Call Report and TFR. When internal control assessments and attestations are performed at the holding company level, the FDIC believes that holding companies have flexibility in interpreting ''financial reporting'' as it relates to ''regulatory reporting'' and has not objected to several reporting approaches employed by holding companies to cover ''regulatory reporting.'' Certain holding companies have had management's assessment and the accountant's attestation cover the schedules equivalent to the basic financial statements that are included in the appropriate regulatory report, *e.g.,* Call Report and the TFR, of each subsidiary institution subject to part 363. Other holding companies have had management's assessment and the accountant's attestation cover the schedules equivalent to the basic financial statements that are included in the holding company's year-end regulatory report (FR Y–9C report) to the Federal Reserve Board.

3. *Illustrative Statements of Management's Responsibilities.* The following illustrative statements of management's responsibilities satisfy the requirements of § 363.2(b)(1).

(a) Statement Made at Insured Depository Institution Level

Statement of Management's Responsibilities

The management of ABC Depository Institution (the ''Institution'') is responsible for preparing the Institution's annual financial statements in accordance with generally accepted accounting principles; for establishing and maintaining an adequate internal control structure and procedures for financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report]; and for complying with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions.

ABC Depository Institution

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(b) Statement Made at Holding Company Level

Statement of Management's Responsibilities

The management of BCD Holding Company (the ''Company'') is responsible for preparing the Company's annual financial statements in accordance with generally accepted accounting principles; for establishing and maintaining an adequate internal control structure and procedures for financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report]; and for complying with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions. The following subsidiary institutions of the Company that are subject to Part 363 are included in this statement of management's responsibilities: [Identify the subsidiary institutions.]

BCD Holding Company

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

4. *Illustrative Reports on Management's Assessment of Compliance with Designated Laws and Regulations.* The following illustrative reports on management's assessment of compliance with Designated Laws and Regulations satisfy the requirements of § 363.2(b)(2).

(a) Statement Made at Insured Depository Institution Level—Compliance With Designated Laws and Regulations Pertaining to Insider Loans and Dividend Restrictions

Management's Assessment of Compliance With Designated Laws and Regulations

The management of ABC Depository Institution (the ''Institution'') has assessed the Institution's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. Based upon its assessment, management has concluded that the Institution complied with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX.

ABC Depository Institution

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(b) Statement Made at Insured Depository Institution Level—Noncompliance With Designated Laws and Regulations Pertaining to Both Insider Loans and Dividend Restrictions

Management's Assessment of Compliance With Designated Laws and Regulations

The management of ABC Depository Institution (the ''Institution'') has assessed the Institution's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. Based upon its assessment, management has determined that, because of the instance(s) of noncompliance noted below, the Institution did not comply with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX.

[Identify and describe the instance or instances of noncompliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions, including appropriate qualitative and quantitative information to describe the nature, type, and severity of the noncompliance and the dollar amounts of the insider loan(s) and dividend(s) involved.]

ABC Depository Institution

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(c) Statement Made at Insured Depository Institution Level—Compliance With Designated Laws and Regulations Pertaining to Insider Loans and Noncompliance With Designated Laws and Regulations Pertaining to Dividend Restrictions

Management's Assessment of Compliance With Designated Laws and Regulations

The management of ABC Depository Institution (the ''Institution'') has assessed the Institution's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. Based upon its assessment, management has concluded that the Institution complied with the Federal laws and regulations pertaining to insider

loans during the fiscal year that ended on December 31, 20XX. Also, based upon its assessment, management has determined that, because of the instance(s) of noncompliance noted below, the Institution did not comply with the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX.

[Identify and describe the instance or instances of noncompliance with the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions, including appropriate qualitative and quantitative information to describe the nature, type, and severity of the noncompliance and the dollar amount(s) of the dividend(s) involved.]

ABC Depository Institution

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(d) Statement Made at Insured Depository Institution Level—Noncompliance With Designated Laws and Regulations Pertaining to Insider Loans and Compliance With Designated Laws and Regulations Pertaining to Dividend Restrictions

Management's Assessment of Compliance With Designated Laws and Regulations

The management of ABC Depository Institution (the ''Institution'') has assessed the Institution's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. Based upon its assessment, management has determined that, because of the instance(s) of noncompliance noted below, the Institution did not comply with the Federal laws and regulations pertaining to insider loans during the fiscal year that ended on December 31, 20XX. Also, based upon its assessment, management has concluded that the Institution complied with the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX.

[Identify and describe the instance or instances of noncompliance with the Federal laws and regulations pertaining to insider loans, including appropriate qualitative and quantitative information to describe the nature, type, and severity of the noncompliance and the dollar amount(s) of the insider loan(s) involved.]

ABC Depository Institution

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(e) Statement Made at Holding Company Level—Compliance With Designated Laws and Regulations Pertaining to Insider Loans and Dividend Restrictions

Management's Assessment of Compliance With Designated Laws and Regulations

The management of BCD Holding Company (the ''Company'') has assessed the Company's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. Based upon its assessment, management has concluded that the Company complied with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. The following subsidiary institutions of the Company that are subject to Part 363 are included in this assessment of compliance with these designated laws and regulations: [Identify the subsidiary institutions.]

BCD Holding Company

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(f) Statement Made at Holding Company Level—Noncompliance With Designated Laws and Regulations Pertaining to Both Insider Loans and Dividend Restrictions

Management's Assessment of Compliance With Designated Laws and Regulations

The management of BCD Holding Company (the ''Company'') has assessed the Company's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. The following subsidiary institutions of the Company that are subject to Part 363 are included in this assessment of compliance with these designated laws and regulations: [Identify the subsidiary institutions.]

Based upon its assessment, management has determined that, because of the instance(s) of noncompliance noted below, the Company did not comply with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX.

[Identify and describe the instance or instances of noncompliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions, including appropriate qualitative and quantitative information to identify the subsidiary institutions of the Company that are subject to Part 363 that had instances of noncompliance and describe the nature, type, and severity of the noncompliance and the dollar amount(s) of the insider loan(s) and dividend(s) involved.]

BCD Holding Company

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(g) Statement Made at Holding Company Level—Compliance With Designated Laws and Regulations Pertaining to Insider Loans and Noncompliance With Designated Laws and Regulations Pertaining to Dividend Restrictions

Management's Assessment of Compliance With Designated Laws and Regulations

The management of BCD Holding Company (the ''Company'') has assessed the Company's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. The following subsidiary institutions of the Company that are subject to Part 363 are included in this assessment of compliance with these designated laws and regulations: [Identify the subsidiary institutions.]

Based upon its assessment, management has concluded that the Company complied with the Federal laws and regulations pertaining to insider loans during the fiscal year that ended on December 31, 20XX. Also, based upon its assessment, management has determined that, because of the instance(s) of noncompliance noted below, the Company did not comply with the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX.

[Identify and describe the instance or instances of noncompliance with the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions, including appropriate qualitative and quantitative information to identify the subsidiary institutions of the Company that are subject to Part 363 that had instances of noncompliance and describe the nature, type, and severity of the noncompliance and the dollar amount(s) of the dividend(s) involved.]

BCD Holding Company

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(h) Statement Made at Holding Company Level—Noncompliance With Designated Laws and Regulations Pertaining to Insider Loans and Compliance With Designated Laws and Regulations Pertaining to Dividend Restrictions

Management's Assessment of Compliance With Designated Laws and Regulations

The management of BCD Holding Company (the ''Company'') has assessed the Company's compliance with the Federal laws

and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. The following subsidiary institutions of the Company that are subject to Part 363 are included in this assessment of compliance with these designated laws and regulations: [Identify the subsidiary institutions.]

Based upon its assessment, management has determined that, because of the instance(s) of noncompliance noted below, the Company did not comply with the Federal laws and regulations pertaining to insider loans during the fiscal year that ended on December 31, 20XX. Also, based upon its assessment, management has concluded that the Company complied with the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX.

[Identify and describe the instance or instances of noncompliance with the Federal laws and regulations pertaining to insider loans, including appropriate qualitative and quantitative information to identify the subsidiary institutions of the Company that are subject to Part 363 that had instances of noncompliance and describe the nature, type, and severity of the noncompliance and the dollar amount(s) of the insider loan(s) involved.]

BCD Holding Company

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

5. *Illustrative Reports on Management's Assessment of Internal Control Over Financial Reporting.* The following illustrative reports on management's assessment of internal control over financial reporting satisfy the requirements of § 363.2(b)(3).

(a) Statement Made at Insured Depository Institution Level—No Material Weaknesses

Management's Assessment of Internal Control Over Financial Reporting

ABC Depository Institution's (the ''Institution'') internal control over financial reporting is a process effected by those charged with governance, management, and other personnel, designed to provide reasonable assurance regarding the reliability of financial reporting and the preparation of reliable financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, *i.e.,* [specify the regulatory reports]. The Institution's internal control over financial reporting includes those policies and procedures that (1) pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the Institution; (2) provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, and that receipts and expenditures of the Institution are being made only in accordance with authorizations of management and directors of the Institution; and (3) provide reasonable assurance regarding prevention, or timely detection and correction of unauthorized acquisition, use, or disposition of the Institution's assets that could have a material effect on the financial statements.

Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct misstatements. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

Management is responsible for establishing and maintaining effective internal control over financial reporting including controls over the preparation of regulatory financial statements. Management assessed the effectiveness of the Institution's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, based on the framework set forth by the Committee of Sponsoring Organizations of the Treadway Commission in *Internal Control—Integrated Framework.* Based upon its assessment, management has concluded that, as of December 31, 20XX, the Institution's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], is effective based on the criteria established in *Internal Control—Integrated Framework.*

Management's assessment of the effectiveness of internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, has been audited by [name of auditing firm], an independent public accounting firm, as stated in their report dated March XX, 20XY.

ABC Depository Institution

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(b) Statement Made at Insured Depository Institution Level—One or More Material Weaknesses

Management's Assessment of Internal Control Over Financial Reporting

ABC Depository Institution's (the ''Institution'') internal control over financial reporting is a process effected by those charged with governance, management, and other personnel, designed to provide reasonable assurance regarding the reliability of financial reporting and the preparation of reliable financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, *i.e.*, [specify the regulatory reports]. The Institution's internal control over financial reporting includes those policies and procedures that (1) pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the Institution; (2) provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, and that receipts and expenditures of the Institution are being made only in accordance with authorizations of management and directors of the Institution; and (3) provide reasonable assurance regarding prevention, or timely detection and correction of unauthorized acquisition, use, or disposition of the Institution's assets that could have a material effect on the financial statements.

Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct misstatements. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

Management is responsible for establishing and maintaining effective internal control over financial reporting including controls over the preparation of regulatory financial statements. Management assessed the effectiveness of the Institution's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, based on the framework set forth by the Committee of Sponsoring Organizations of the Treadway Commission in *Internal Control—Integrated Framework.* Because of the material weakness (or weaknesses) noted below, management determined that the Institution's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], was not effective as of December 31, 20XX.

[Identify and describe the material weakness or weaknesses.]

Management's assessment of the effectiveness of internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, has been audited by [name of auditing firm], an independent public accounting firm, as stated in their report dated March XX, 20XY.

ABC Depository Institution

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(c) Statement Made at Holding Company Level—No Material Weaknesses

Management's Assessment of Internal Control Over Financial Reporting

BCD Holding Company's (the ''Company'') internal control over financial reporting is a process designed and effected by those charged with governance, management, and other personnel, to provide reasonable assurance regarding the reliability of financial reporting and the preparation of reliable financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, *i.e.*, [specify the regulatory reports]. The Company's internal control over financial reporting includes those policies and procedures that (1) pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the Company; (2) provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, and that receipts and expenditures of the Company are being made only in accordance with authorizations of management and directors of the Company; and (3) provide reasonable assurance regarding prevention, or timely detection and correction of unauthorized acquisition, use, or disposition of the Company's assets that could have a material effect on the financial statements.

Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct misstatements. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

Management is responsible for establishing and maintaining effective internal control over financial reporting including controls over the preparation of regulatory financial statements. Management assessed the effectiveness of the Company's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, based on the framework set forth by the Committee of Sponsoring Organizations of the Treadway Commission in *Internal Control—Integrated Framework*. Based on that assessment, management concluded that, as of December 31, 20XX, the Company's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], is effective based on the criteria established in *Internal Control—Integrated Framework*. The following subsidiary institutions of the Company that are subject to Part 363 are included in this assessment of the effectiveness of internal control over financial reporting: [Identify the subsidiary institutions.]

Management's assessment of the effectiveness of internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, has been audited by [name of auditing firm], an independent public accounting firm, as stated in their report dated March XX, 20XY.

BCD Holding Company

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(d) Statement Made at Holding Company Level—One or More Material Weaknesses

Management's Assessment of Internal Control Over Financial Reporting

BCD Holding Company's (the ''Company'') internal control over financial reporting is a process effected by those charged with governance, management, and other personnel, designed to provide reasonable assurance regarding the reliability of financial reporting and the preparation of reliable financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, *i.e.*, [specify the regulatory reports]. The Company's internal control over financial reporting includes those policies and procedures that (1) pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the Company; (2) provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, and that receipts and expenditures of the Company are being made only in accordance with authorizations of management and directors of the Company; and (3) provide reasonable assurance regarding prevention, or timely detection and correction of unauthorized acquisition, use, or disposition of the Company's assets that could have a material effect on the financial statements.

Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct misstatements. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

Management is responsible for establishing and maintaining effective internal control over financial reporting including controls over the preparation of regulatory financial statements. Management assessed the effectiveness of the Company's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, based on the framework set forth by the Committee of Sponsoring Organizations of the Treadway Commission in *Internal Control—Integrated Framework*. Because of the material weakness (or weaknesses) noted below, management determined that the Company's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], was not effective as of December 31, 20XX. The following subsidiary institutions of the Company that are subject to Part 363 are included in this assessment of the effectiveness of internal control over financial reporting: [Identify the subsidiary institutions.]

[Identify and describe the material weakness or weaknesses.]

Management's assessment of the effectiveness of internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, has been audited by [name of auditing firm], an independent public accounting firm, as stated in their report dated March XX, 20XY.

BCD Holding Company

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

6. *Illustrative Management Report—Combined Statement of Management's Responsibilities, Report on Management's Assessment of Compliance With Designated Laws and Regulations, and Report on Management's Assessment of Internal Control Over Financial Reporting*, if applicable. The following illustrative management reports satisfy the requirements of §§ 363.2(b)(1), (2), and (3).

(a) Management Report Made at Insured Depository Institution Level—Compliance With Designated Laws and Regulations Pertaining to Insider Loans and Dividend Restrictions and No Material Weaknesses in Internal Control Over Financial Reporting

Management Report

Statement of Management's Responsibilities

The management of ABC Depository Institution (the ''Institution'') is responsible for preparing the Institution's annual financial statements in accordance with generally accepted accounting principles; for

establishing and maintaining an adequate internal control structure and procedures for financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report]; and for complying with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions.

Management's Assessment of Compliance With Designated Laws and Regulations

The management of the Institution has assessed the Institution's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. Based upon its assessment, management has concluded that the Institution complied with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX.

Management's Assessment of Internal Control Over Financial Reporting

The Institution's internal control over financial reporting is a process effected by those charged with governance, management, and other personnel, designed to provide reasonable assurance regarding the reliability of financial reporting and the preparation of reliable financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, *i.e.*, [specify the regulatory reports]. The Institution's internal control over financial reporting includes those policies and procedures that (1) pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the Institution; (2) provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, and that receipts and expenditures of the Institution are being made only in accordance with authorizations of management and directors of the Institution; and (3) provide reasonable assurance regarding prevention, or timely detection and correction of unauthorized acquisition, use, or disposition of the Institution's assets that could have a material effect on the financial statements.

Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct misstatements. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

Management assessed the effectiveness of the Institution's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, based on the framework set forth by the Committee of Sponsoring Organizations of the Treadway Commission in *Internal Control—Integrated Framework*.

Based upon its assessment, management has concluded that, as of December 31, 20XX, the Institution's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], is effective based on the criteria established in *Internal Control—Integrated Framework*.

Management's assessment of the effectiveness of internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, has been audited by [name of auditing firm], an independent public accounting firm, as stated in their report dated March XX, 20XY.

ABC Depository Institution

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

(b) Management Report Made at Holding Company Level—Compliance With Designated Laws and Regulations Pertaining to Insider Loans and Dividend Restrictions and No Material Weaknesses in Internal Control Over Financial Reporting

Management Report

[*Instruction*—The following illustrative introductory paragraph for the management report is applicable only if the same group of subsidiary institutions of the holding company that are subject to Part 363 are included in all three components of the management report required by Part 363: the statement of management's responsibilities, the report on management's assessment of compliance with the Designated Laws and Regulations pertaining to insider loans and dividend restrictions, and the report on management's assessment of internal control over financial reporting.]

In this management report, the following subsidiary institutions of the BCD Holding Company (the ''Company'') that are subject to Part 363 are included in the statement of management's responsibilities; the report on management's assessment of compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions; and the report on management's assessment of internal control over financial reporting: [Identify the subsidiary institutions.]

[*Instruction*—The following illustrative introductory paragraph for the management report is applicable if the same group of subsidiary institutions of the holding company that are subject to Part 363 are included in the statement of management's responsibilities and management's assessment of compliance with the Designated Laws and Regulations pertaining to insider loans and dividend restrictions, but only some of the subsidiary institutions in the group are included in management's assessment of internal control over financial reporting.]

In this management report, the following subsidiary institutions of BCD Holding Company (the ''Company'') that are subject to Part 363 are included in the statement of management's responsibilities and the report on management's assessment of compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions: [Identify the subsidiary institutions.] In addition, the following subsidiary institutions of the Company that are subject to Part 363 are included in the report on management's assessment of internal control over financial reporting: [Identify the subsidiary institutions.]

Statement of Management's Responsibilities

The management of the Company is responsible for preparing the Company's annual financial statements in accordance with generally accepted accounting principles; for establishing and maintaining an adequate internal control structure and procedures for financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report]; and for complying with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions.

Management's Assessment of Compliance With Designated Laws and Regulations

The management of the Company has assessed the Company's compliance with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX. Based upon its assessment, management has concluded that the Company complied with the Federal laws and regulations pertaining to insider loans and the Federal and, if applicable, State laws and regulations pertaining to dividend restrictions during the fiscal year that ended on December 31, 20XX.

Management's Assessment of Internal Control Over Financial Reporting

The Company's internal control over financial reporting is a process effected by those charged with governance, management, and other personnel, designed to provide reasonable assurance regarding the reliability of financial reporting and the preparation of reliable financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, *i.e.*, [specify the regulatory reports]. The Company's internal control over financial reporting includes those policies

and procedures that (1) pertain to the maintenance of records that, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the Company; (2) provide reasonable assurance that transactions are recorded as necessary to permit preparation of financial statements in accordance with accounting principles generally accepted in the United States of America and financial statements for regulatory reporting purposes, and that receipts and expenditures of the Company are being made only in accordance with authorizations of management and directors of the Company; and (3) provide reasonable assurance regarding prevention, or timely detection and correction of unauthorized acquisition, use, or disposition of the Company's assets that could have a material effect on the financial statements.

Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct misstatements. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

Management assessed the effectiveness of the Company's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, based on the framework set forth by the Committee of Sponsoring Organizations of the Treadway Commission in *Internal Control—Integrated Framework.* Based upon its assessment, management has concluded that, as of December 31, 20XX, the Company's internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], is effective based on the criteria established in *Internal Control—Integrated Framework.*

Management's assessment of the effectiveness of internal control over financial reporting, including controls over the preparation of regulatory financial statements in accordance with the instructions for the [specify the regulatory report], as of December 31, 20XX, has been audited by [name of auditing firm], an independent public accounting firm, as stated in their report dated March XX, 20XY.

BCD Holding Company

_____

John Doe, Chief Executive Officer

Date: _____

_____

Jane Doe, Chief Financial Officer

Date: _____

7. *Illustrative Cover Letter—Compliance by Holding Company Subsidiaries.* The following illustrative cover letter satisfies the requirements of guideline 3, *Compliance by Holding Company Subsidiaries*, of Appendix A to part 363.

To: (Appropriate FDIC Regional or Area Office) Division of Supervision and Consumer Protection, FDIC, and (Appropriate District or Regional Office of the Primary Federal Regulator(s), if not the FDIC), and (Appropriate State Bank Supervisor(s), if applicable)

Dear [Insert addressees]:

BCD Holding Company (the ''Company'') is filing two copies of the Part 363 Annual Report for the fiscal year ended December 31, 20XX, on behalf of its insured depository institution subsidiaries listed in the chart below that are subject to Part 363. The Part 363 Annual Report contains audited comparative annual financial statements, the independent public accountant's report on the audited financial statements, management's statement of responsibilities, management's assessment of compliance with the Designated Laws and Regulations pertaining to insider loans and dividend restrictions, and [if applicable] management's assessment of and the independent public accountant's attestation report on internal control over financial reporting. The chart below also indicates the level (institution or holding company) at which the requirements of Part 363 are being satisfied for each listed insured depository institution subsidiary. [If applicable] The Company's other insured depository institution subsidiaries that are subject to Part 363, which comply with all of the Part 363 annual reporting requirements at the institution level, have filed [or will file] their Part 363 Annual Reports separately.

Institutions subject to Part 363	Audited financial statements	Management's statement of responsibilities	Management's assessment of compliance with designated laws and regulations	Management's internal control assessment	Independent auditor's internal control attestation report
ABC Depository Institution.	Holding Company Level.	Holding Company Level.	Holding Company Level.	Holding Company Level.	Holding Company Level.
DEF Depository Institution.	Holding Company Level.	Institution Level	Institution Level	Institution Level	Institution Level.

If you have any questions regarding the annual report [or reports] of the Company's insured depository institution subsidiaries subject to Part 363 or if you need any further information, you may contact me at 987–654–3210.

BCD Holding Company

_____

Date: _____

[Insert officer's name and title.]

Dated at Washington, DC, this 13th day of July 2009.

By order of the Board of Directors.

Valerie J. Best,

Assistant Executive Secretary, Federal Deposit Insurance Corporation.

[FR Doc. E9–17009 Filed 7–17–09; 8:45 am]

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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H.R. 1777/P.L. 111–39

To make technical corrections to the Higher Education Act of 1965, and for other purposes. (July 1, 2009; 123 Stat. 1934)

S. 614/P.L. 111–40

To award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP"). (July 1, 2009; 123 Stat. 1958)

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