

104TH CONGRESS
1ST SESSION

H. R. 1496

To amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 1995

Mr. FIELDS of Texas (for himself, Mr. McDERMOTT, Mrs. MINK of Hawaii, Mr. KING, Mr. FATAH, Mr. YATES, Mr. OXLEY, Mr. LIPINSKI, Mr. CALVERT, Mr. FRAZER, Mr. BROWN of Ohio, Mr. GENE GREEN of Texas, Mr. JEFFERSON, Mr. HANSEN, Mr. HALL of Texas, Mrs. CLAYTON, Mr. FOX of Pennsylvania, Ms. DELAURO, Ms. LOFGREN, Mr. MONTGOMERY, Mrs. KENNELLY, Mr. HORN, Mr. PALLONE, Mr. JACOBS, Mrs. LOWEY, Mr. FROST, Mr. EVANS, Mrs. MEEK of Florida, Mr. OLVER, Ms. PELOSI, Mr. SANDERS, Mr. SCHUMER, Mr. ENGEL, Mr. GUTIERREZ, Mr. GEJDENSON, Mr. ROMERO-BARCELÓ, Mr. BORSKI, Mr. WYNN, Mr. HALL of Ohio, Mr. BOUCHER, Mr. McHALE, Mr. JOHNSON of South Dakota, and Mr. FOGLIETTA) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Ways and Means and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the

1 “(P) services for the early detection of prostate
2 cancer (as defined in subsection (oo)); and”.

3 (2) SERVICES DESCRIBED.—Section 1861 of
4 such Act (42 U.S.C. 1395x) is amended by adding
5 at the end the following new subsection:

6 “Services for the Early Detection of Prostate Cancer

7 “(oo) The term ‘services for the early detection of
8 prostate cancer’ means the following procedures provided
9 to a man for the purpose of early detection of prostate
10 cancer:

11 “(1) Digital rectal examination.

12 “(2) Prostate-specific antigen blood test.

13 “(3) Transrectal ultrasonography.

14 “(4) Such other procedures as the Secretary
15 may designate as appropriate for early detection of
16 prostate cancer.”.

17 (3) PAYMENT AMOUNTS; LIMITATIONS ON FRE-
18 QUENCY OF COVERAGE.—Section 1834 of such Act
19 (42 U.S.C. 1395m) is amended by inserting after
20 subsection (c) the following new subsection:

21 “(d) PAYMENT AMOUNTS AND FREQUENCY LIMITS
22 FOR SERVICES FOR THE EARLY DETECTION OF PROS-
23 TATE CANCER.—

24 “(1) IN GENERAL.—Notwithstanding any other
25 provision of this part, with respect to expenses in-

1 curred for services for the early detection of prostate
2 cancer (as defined in section 1861(o))—

3 “(A) payment may be made only for serv-
4 ices provided consistent with the frequency per-
5 mitted under paragraph (2); and

6 “(B) the amount of the payment under
7 this part shall be equal to 80 percent of the
8 lesser of the actual charge for the service or—

9 “(i) in the case of a service for the
10 early detection of prostate cancer consist-
11 ing of a prostate-specific antigen blood
12 test, the fee schedule amount established
13 for the service under section 1833(h) (re-
14 lating to payments for clinical diagnostic
15 laboratory tests); or

16 “(ii) in the case of any other service
17 for the early detection of prostate cancer,
18 the amount provided under the fee sched-
19 ule established by the Secretary under
20 paragraph (3) (subject to the deductible
21 established under section 1833(b)).

22 “(2) FREQUENCY COVERED.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B) and to revision by the Secretary
25 under subparagraph (C), no payment may be

1 made under this part for a service for the early
2 detection of prostate cancer provided to an indi-
3 vidual—

4 “(i) if the individual is under 50 years
5 of age; or

6 “(ii) if the service is provided within
7 the 11 months after a previous service for
8 the early detection of prostate cancer.

9 “(B) EXCEPTION FOR HIGH RISK INDIVID-
10 UALS.—Payment may be made under this part
11 for a service for the early detection of prostate
12 cancer provided to an individual more fre-
13 quently than the limit established under sub-
14 paragraph (A)(ii) if the individual is at a high
15 risk of developing prostate cancer (as deter-
16 mined pursuant to factors identified by the Sec-
17 retary).

18 “(C) REVISION BY SECRETARY.—

19 “(i) REVIEW.—The Secretary, in con-
20 sultation with the Director of the National
21 Cancer Institute, shall review periodically
22 the appropriate frequency for performing
23 services for the early detection of prostate
24 cancer based on age and such other factors
25 as the Secretary believes to be pertinent.

1 “(ii) REVISION OF FREQUENCY.—The
2 Secretary, taking into consideration the re-
3 view made under clause (i), may revise
4 from time to time the frequency with
5 which such services may be paid for under
6 this subsection, but no such revision shall
7 apply to services performed before January
8 1, 1998.

9 “(3) ESTABLISHMENT OF FEE SCHEDULE.—

10 “(A) IN GENERAL.—The Secretary shall
11 establish fee schedules (on such geographic
12 basis as the Secretary considers appropriate)
13 for payment for services for the early detection
14 of prostate cancer under this part (other than
15 prostate-specific antigen blood tests), effective
16 for services furnished after the expiration of the
17 90-day period beginning on the date the Sec-
18 retary establishes the fee schedules.

19 “(B) FACTORS CONSIDERED.—In estab-
20 lishing fee schedules under subparagraph (A),
21 the Secretary shall take into consideration vari-
22 ations in the cost of furnishing such services
23 among geographic areas and among different
24 sites where services are furnished, together with

1 such other factors as may be appropriate to as-
2 sure that payment amounts are equitable.

3 “(4) LIMITING CHARGES OF NONPARTICIPATING
4 PHYSICIANS.—In the case of a service for the early
5 detection of prostate cancer for which payment may
6 be made under this part, if a nonparticipating physi-
7 cian or nonparticipating supplier or other person (as
8 defined in section 1842(i)(2)) who does not accept
9 payment on an assignment-related basis provides the
10 service to an individual enrolled under this part, sec-
11 tion 1848(g)(1) shall apply to the service in the
12 same manner as such section applies to a physician’s
13 service.”.

14 (4) CONFORMING AMENDMENTS.—(A) Para-
15 graphs (1)(D) and (2)(D) of section 1833(a) of such
16 Act (42 U.S.C. 1395l(a)) are each amended by strik-
17 ing “subsection (h)(1),” and inserting “subsection
18 (h)(1) or section 1834(d)(1)(B)(i),”.

19 (B) Section 1833(a)(1) of such Act (42 U.S.C.
20 1395l(a)(1)) is amended—

21 (i) by striking “and (P)” and inserting
22 “(P)”; and

23 (ii) by striking the semicolon at the end
24 and inserting the following: “, and (Q) with re-
25 spect to services for the early detection of pros-

1 tate cancer (as defined in section 1861(oo))
2 (other than prostate-specific antigen tests), the
3 amounts paid shall be the amounts described in
4 section 1834(d)(1);”.

5 (C) Section 1833(a) of such Act (42 U.S.C.
6 1395l(a)) is amended—

7 (i) by striking “and” at the end of para-
8 graph (6);

9 (ii) by striking the period at the end of
10 paragraph (7) and inserting “; and”; and

11 (iii) by adding at the end the following new
12 paragraph:

13 “(8) in the case of services for the early detec-
14 tion of prostate cancer (as defined in section
15 1861(oo)) (other than prostate-specific antigen
16 tests), the amounts described in section
17 1834(d)(1).”.

18 (D) Section 1833(h)(1)(A) of such Act (42
19 U.S.C. 1395l(h)(1)(A)) is amended by striking “The
20 Secretary” and inserting “Subject to section
21 1834(d), the Secretary”.

22 (E) Section 1862(a) of such Act (42 U.S.C.
23 1395y(a)) is amended—

24 (i) in paragraph (1)—

1 (I) in subparagraph (E), by striking
2 “and” at the end,

3 (II) in subparagraph (F), by striking
4 the semicolon at the end and inserting “,
5 and”, and

6 (III) by adding at the end the follow-
7 ing new subparagraph:

8 “(G) in the case of services for the early detec-
9 tion of prostate cancer (as defined in section
10 1861(oo)), which are performed more frequently
11 than is covered under section 1834(d)(2);”; and

12 (ii) in paragraph (7), by striking “para-
13 graph (1)(B) or under paragraph (1)(F)” and
14 inserting “subparagraphs (B), (F), or (G) of
15 paragraph (1)”.

16 (b) COVERAGE OF CERTAIN DRUG TREATMENTS.—
17 Section 1861(s)(2) of the Social Security Act (42 U.S.C.
18 1395x(s)(2)), as amended by subsection (a)(1), is further
19 amended—

20 (1) by striking “and” at the end of subpara-
21 graph (P);

22 (2) by adding “and” at the end of subpara-
23 graph (Q); and

24 (3) by adding at the end the following new sub-
25 paragraph:

1 “(R) an oral drug prescribed for the treatment
2 of prostate cancer, if the use of the drug for such
3 purpose is a medically accepted indication under
4 subsection (t)(2);”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to services provided on or after
7 January 1, 1996, without regard to whether or not the
8 Secretary has established fee schedules under section
9 1834(d)(3) of the Social Security Act (as added by sub-
10 section (a)(3)) or promulgated other regulations to carry
11 out such amendments by that date.

12 **SEC. 3. EARLY DETECTION AND TREATMENT OF PROSTATE**
13 **CANCER IN VETERANS.**

14 (a) PREVENTIVE HEALTH SERVICES.—Section
15 1701(9) of title 38, United States Code is amended—

16 (1) by redesignating subparagraphs (J) and (K)
17 as subparagraphs (K) and (L), respectively; and

18 (2) by inserting after subparagraph (I) the fol-
19 lowing new subparagraph (J):

20 “(J) tests for the early detection and diagnosis
21 of prostate cancer;”.

22 (b) COVERAGE OF SERVICES FOR EARLY DETECTION
23 AND TREATMENT OF PROSTATE CANCER.—

1 (1) IN GENERAL.—Chapter 17 of such title is
2 amended by inserting after section 1724 the follow-
3 ing new section:

4 **“§ 1725. Prostate cancer detection and treatment**

5 “(a) The Secretary shall include in the medical serv-
6 ices furnished to veterans under this chapter—

7 “(1) services for the early detection and treat-
8 ment of prostate cancer;

9 “(2) information on the early detection and
10 treatment of prostate cancer; and

11 “(3) counseling regarding prostate cancer.

12 “(b) Based on the best available medical evidence, the
13 Secretary shall implement a schedule for early detection
14 of prostate cancer for veterans confined to hospitals or
15 other institutions.

16 “(c) For the purposes of this section—

17 “(1) services for the early detection of prostate
18 cancer are procedures provided to a male for the
19 purpose of the early detection of prostate cancer, in-
20 cluding digital rectal examinations, prostate-specific
21 antigen blood tests, and transrectal ultrasonography;
22 and

23 “(2) services for treatment of prostate cancer
24 may include the furnishing of drugs approved by the

1 Food and Drug Administration for the treatment of
2 prostate cancer.

3 “(d) The Secretary may carry out research and re-
4 search training in the diagnosis and treatment of prostate
5 cancer based upon the prostate cancer services provided
6 under this section and may develop guidelines outlining
7 effective treatment regimens for prostate cancer.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of such chapter is amended
10 by inserting after the item relating to section 1724
11 the following new item:

“1725. Prostate cancer detection and treatment.”.

12 **SEC. 4. RESEARCH AND EDUCATION REGARDING PROS-**
13 **TATE CANCER; CERTAIN PROGRAMS OF PUB-**
14 **LIC HEALTH SERVICE.**

15 (a) NATIONAL INSTITUTES OF HEALTH.—Section
16 417B(c) of the Public Health Service Act (42 U.S.C.
17 286a–8(c)) is amended in the first sentence by striking
18 “\$72,000,000” and all that follows and inserting the fol-
19 lowing: “\$86,000,000 for fiscal year 1996, \$100,000,000
20 for fiscal year 1997, \$115,000,000 for fiscal year 1998,
21 and \$130,000,000 for fiscal year 1999.”.

22 (b) AGENCY FOR HEALTH CARE POLICY AND RE-
23 SEARCH.—Section 902 of the Public Health Service Act
24 (42 U.S.C. 299a) is amended by adding at the end the
25 following subsection:

1 “(f) ACTIVITIES REGARDING PROSTATE CANCER.—

2 The Administrator shall, with respect to prostate cancer—

3 “(1) conduct and support research on the out-

4 comes, effectiveness, and appropriateness of health

5 services and procedures; and

6 “(2) in carrying out section 912(a), provide for

7 the development, periodic review, and updating of

8 clinically relevant guidelines, standards of quality,

9 performance measures, and medical review criteria.”.

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