

104TH CONGRESS
1ST SESSION

S. 1178

To amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the medicare program.

IN THE SENATE OF THE UNITED STATES

AUGUST 10 (legislative day, JULY 10), 1995

Mr. CHAFEE (for himself, Mr. MACK, Mr. THURMOND, Mr. PELL, Mr. BUMPERS, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the medicare program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cancer Screening and
5 Prevention Act”.

1 **SEC. 2. MEDICARE COVERAGE OF COLORECTAL SCREEN-**
 2 **ING.**

3 (a) IN GENERAL.—Section 1834 of the Social Secu-
 4 rity Act (42 U.S.C. 1395m) is amended by inserting after
 5 subsection (c) the following new subsection:

6 “(d) FREQUENCY AND PAYMENT LIMITS FOR
 7 SCREENING FECAL-OCCULT BLOOD TESTS, SCREENING
 8 FLEXIBLE SIGMOIDOSCOPIES, AND SCREENING
 9 COLONOSCOPY.—

10 “(1) SCREENING FECAL-OCCULT BLOOD
 11 TESTS.—

12 “(A) PAYMENT LIMIT.—In establishing fee
 13 schedules under section 1833(h) with respect to
 14 screening fecal-occult blood tests provided for
 15 the purpose of early detection of colon cancer,
 16 except as provided by the Secretary under para-
 17 graph (3)(A), the payment amount established
 18 for tests performed—

19 “(i) in 1996 shall not exceed \$5; and

20 “(ii) in a subsequent year, shall not
 21 exceed the limit on the payment amount
 22 established under this subsection for such
 23 tests for the preceding year, adjusted by
 24 the applicable adjustment under section
 25 1833(h) for tests performed in such year.

1 “(B) FREQUENCY LIMIT.—Subject to revision by the Secretary under paragraph (3)(B),
2 no payment may be made under this part for
3 a screening fecal-occult blood test provided to
4 an individual for the purpose of early detection
5 of colon cancer—
6

7 “(i) if the individual is under 50 years
8 of age; or

9 “(ii) if the test is performed within
10 the 11 months after a previous screening
11 fecal-occult blood test.

12 “(2) SCREENING FLEXIBLE SIGMOID-
13 OSCOPIES.—

14 “(A) PAYMENT AMOUNT.—The Secretary
15 shall establish a payment amount under section
16 1848 with respect to screening flexible
17 sigmoidoscopies provided for the purpose of
18 early detection of colon cancer that is consistent
19 with payment amounts under such section for
20 similar or related services, except that such
21 payment amount shall be established without
22 regard to subsection (a)(2)(A) of such section.

23 “(B) FREQUENCY LIMIT.—Subject to revision by the Secretary under paragraph (4)(B),
24 no payment may be made under this part for
25

1 a screening flexible sigmoidoscopy provided to
2 an individual for the purpose of early detection
3 of colon cancer—

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

6 “(ii) if the procedure is performed
7 within the 47 months after a previous
8 screening flexible sigmoidoscopy.

9 “(3) SCREENING COLONOSCOPY FOR INDIVID-
10 UALS AT HIGH RISK FOR COLORECTAL CANCER.—

11 “(A) PAYMENT AMOUNT.—The Secretary
12 shall establish a payment amount under section
13 1848 with respect to screening colonoscopy for
14 individuals at high risk for colorectal cancer (as
15 defined in subparagraph (C)) provided for the
16 purpose of early detection of colon cancer that
17 is consistent with payment amounts under such
18 section for similar or related services, except
19 that such payment amount shall be established
20 without regard to subsection (a)(2)(A) of such
21 section.

22 “(B) FREQUENCY LIMIT.—Subject to revi-
23 sion by the Secretary under paragraph (4)(B),
24 no payment may be made under this part for
25 a screening colonoscopy for individuals at high

1 risk for colorectal cancer provided to an individ-
2 ual for the purpose of early detection of colon
3 cancer if the procedure is performed within the
4 23 months after a previous screening
5 colonoscopy.

6 “(C) INDIVIDUAL AT HIGH RISK DE-
7 FINED.—In this subsection, an ‘individual at
8 high risk for colorectal cancer’ is an individual
9 who, because of family history, prior experience
10 of cancer or precursor neoplastic polyps, a his-
11 tory of chronic digestive disease condition (in-
12 cluding inflammatory bowel disease, Crohn’s
13 Disease, or ulcerative colitis), the presence of
14 any appropriate recognized gene markers for
15 colorectal cancer, or other predisposing factors,
16 faces a high risk for colorectal cancer.

17 “(4) REDUCTIONS IN PAYMENT LIMIT AND RE-
18 VISION OF FREQUENCY.—

19 “(A) REDUCTIONS IN PAYMENT LIMIT.—
20 The Secretary shall review from time to time
21 the appropriateness of the amount of the pay-
22 ment limit established for screening fecal-occult
23 blood tests under paragraph (1)(A). The Sec-
24 retary may, with respect to tests performed in
25 a year after 1998, reduce the amount of such

1 limit as it applies nationally or in any area to
2 the amount that the Secretary estimates is re-
3 quired to assure that such tests of an appro-
4 priate quality are readily and conveniently
5 available during the year.

6 “(B) REVISION OF FREQUENCY.—

7 “(i) REVIEW.—The Secretary shall re-
8 view periodically the appropriate frequency
9 for performing screening fecal-occult blood
10 tests, screening flexible sigmoidoscopies,
11 and screening colonoscopy based on age
12 and such other factors as the Secretary be-
13 lieves to be pertinent.

14 “(ii) REVISION OF FREQUENCY.—The
15 Secretary, taking into consideration the re-
16 view made under clause (i), may revise
17 from time to time the frequency with
18 which such tests and procedures may be
19 paid for under this subsection, but no such
20 revision shall apply to tests or procedures
21 performed before January 1, 1999.

22 “(5) LIMITING CHARGES OF NONPARTICIPATING
23 PHYSICIANS.—

24 “(A) IN GENERAL.—In the case of a
25 screening flexible sigmoidoscopy provided to an

1 individual for the purpose of early detection of
2 colon cancer or a screening colonoscopy pro-
3 vided to an individual at high risk for colorectal
4 cancer for the purpose of early detection of
5 colon cancer for which payment may be made
6 under this part, if a nonparticipating physician
7 provides the procedure to an individual enrolled
8 under this part, the physician may not charge
9 the individual more than the limiting charge (as
10 defined in section 1848(g)(2)).

11 “(B) ENFORCEMENT.—If a physician or
12 supplier knowing and willfully imposes a charge
13 in violation of subparagraph (A), the Secretary
14 may apply sanctions against such physician or
15 supplier in accordance with section
16 1842(j)(2).”.

17 (b) CONFORMING AMENDMENTS.—(1) Paragraphs
18 (1)(D) and (2)(D) of section 1833(a) of such Act (42
19 U.S.C. 1395l(a)) are each amended by striking “sub-
20 section (h)(1),” and inserting “subsection (h)(1) or section
21 1834(d)(1),”.

22 (2) Section 1833(h)(1)(A) of such Act (42 U.S.C.
23 1395l(h)(1)(A)) is amended by striking “The Secretary”
24 and inserting “Subject to paragraphs (1) and (3)(A) of
25 section 1834(d), the Secretary”.

1 (3) Clauses (i) and (ii) of section 1848(a)(2)(A) of
2 such Act (42 U.S.C. 1395w-4(a)(2)(A)) are each amended
3 by striking “a service” and inserting “a service (other
4 than a screening flexible sigmoidoscopy provided to an in-
5 dividual for the purpose of early detection of colon cancer
6 or a screening colonoscopy provided to an individual at
7 high risk for colorectal cancer for the purpose of early de-
8 tection of colon cancer)”.

9 (4) Section 1862(a) of such Act (42 U.S.C. 1395y(a))
10 is amended—

11 (A) in paragraph (1)—

12 (i) in subparagraph (E), by striking “and”
13 at the end,

14 (ii) in subparagraph (F), by striking the
15 semicolon at the end and inserting “, and”, and

16 (iii) by adding at the end the following new
17 subparagraph:

18 “(G) in the case of screening fecal-occult blood
19 tests, screening flexible sigmoidoscopies, and screen-
20 ing colonoscopy provided for the purpose of early de-
21 tection of colon cancer, which are performed more
22 frequently than is covered under section 1834(d);”;
23 and

1 (B) in paragraph (7), by striking “paragraph
2 (1)(B) or under paragraph (1)(F)” and inserting
3 “subparagraphs (B), (F), or (G) of paragraph (1)”.

4 **SEC. 3. EFFECTIVE DATE.**

5 The amendments made by section 2 shall apply to
6 screening fecal-occult blood tests, screening flexible
7 sigmoidoscopies, and screening colonoscopy performed on
8 or after January 1, 1996.

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