

116TH CONGRESS  
1ST SESSION

# H. R. 1765

To amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2019

Mr. PAYNE (for himself, Mr. MARCHANT, Ms. SEWELL of Alabama, Ms. ADAMS, Ms. KELLY of Illinois, Ms. WILSON of Florida, Mr. BISHOP of Georgia, Mr. RICHMOND, Ms. MCCOLLUM, Ms. LEE of California, Ms. CLARKE of New York, and Mr. PERRY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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

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## A BILL

To amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, and for other purposes.

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 “Donald Payne Sr.  
5 Colorectal Cancer Detection Act of 2019”.

1 **SEC. 2. MEDICARE COVERAGE FOR FDA-APPROVED QUALI-**  
2 **FYING COLORECTAL CANCER SCREENING**  
3 **BLOOD-BASED TESTS.**

4 (a) IN GENERAL.—Section 1861(pp) of the Social Se-  
5 curity Act (42 U.S.C. 1395x(pp)) is amended—

6 (1) in paragraph (1)—

7 (A) by redesignating subparagraph (D) as  
8 subparagraph (E); and

9 (B) by inserting after subparagraph (C)  
10 the following new subparagraph:

11 “(D) Qualifying colorectal cancer screening  
12 blood-based test.”; and

13 (2) by adding at the end the following new  
14 paragraph:

15 “(3) The term ‘qualifying colorectal cancer screening  
16 blood-based test’ means, with respect to a year, a screen-  
17 ing blood-based test for the early detection of colorectal  
18 cancer furnished in the year that was marketed or used,  
19 as applicable, in accordance with the relevant provisions  
20 of section 353 of the Public Health Service Act or the  
21 Federal Food, Drug, and Cosmetic Act more than 6  
22 months before the beginning of the year.”.

23 (b) FREQUENCY LIMITS FOR COLORECTAL CANCER  
24 SCREENING TESTS AND PAYMENT AMOUNT FOR QUALI-  
25 FYING COLORECTAL CANCER SCREENING BLOOD-BASED

1 TESTS.—Section 1834(d) of the Social Security Act (42  
2 U.S.C. 1395m(d)) is amended—

3 (1) by amending clause (ii) of paragraph (1)(B)  
4 to read as follows:

5 “(ii) if the test is performed within—

6 “(I) the 11 months after a pre-  
7 vious screening fecal-occult blood test  
8 or a previous qualifying colorectal  
9 cancer screening blood-based test;

10 “(II) the 35 months after a pre-  
11 vious screening flexible sigmoidoscopy  
12 or a previous screening colonoscopy  
13 with adenoma findings;

14 “(III) the 59 months after a pre-  
15 vious screening colonoscopy with small  
16 polyp findings; or

17 “(IV) the 119 months after a  
18 previous screening colonoscopy with-  
19 out adenoma findings or small polyp  
20 findings.”;

21 (2) in paragraph (2)(E)(ii), by inserting “or  
22 within the 35 months after a previous screening  
23 fecal-occult blood test or previous qualifying  
24 colorectal cancer screening blood-based test” after  
25 “sigmoidoscopy”;

1           (3) by amending subparagraph (E) of para-  
2 graph (3) to read as follows:

3           “(E) FREQUENCY LIMIT.—No payment  
4 may be made under this part for a colorectal  
5 cancer screening test consisting of a screening  
6 colonoscopy—

7           “(i) if the procedure is performed  
8 within the 11 months after a previous  
9 screening fecal-occult blood test or previous  
10 qualifying colorectal cancer screening  
11 blood-based test;

12           “(ii) for individuals at high risk for  
13 colorectal cancer if the procedure is per-  
14 formed within the 23 months after a pre-  
15 vious screening colonoscopy; or

16           “(iii) for individuals not at high risk  
17 for colorectal cancer if the procedure is  
18 performed within the 119 months after a  
19 previous screening colonoscopy or within  
20 the 47 months after a previous screening  
21 flexible sigmoidoscopy.”; and

22           (4) by adding at the end the following new  
23 paragraph:

24           “(4) QUALIFYING COLORECTAL CANCER  
25 SCREENING BLOOD-BASED TESTS.—

1           “(A) PAYMENT AMOUNT.—The payment  
2 amount for colorectal cancer screening tests  
3 consisting of qualifying colorectal cancer screen-  
4 ing blood-based tests shall be established by the  
5 Secretary.

6           “(B) FREQUENCY LIMIT.—Paragraph  
7 (1)(B) shall apply to colorectal cancer screening  
8 tests consisting of qualifying colorectal cancer  
9 screening blood-based tests in the same manner  
10 as such paragraph applies to colorectal cancer  
11 screening tests consisting of fecal-occult blood  
12 tests.”.

13       (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to colorectal cancer screening tests  
15 furnished in a year beginning more than 6 months after  
16 the date of the enactment of this Act.

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