

117TH CONGRESS
1ST SESSION

H. R. 1655

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, to increase participation in colorectal cancer screening in under-screened communities of color, to offset the COVID-19 pandemic driven declines in colorectal cancer screening, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2021

Mr. PAYNE (for himself, Mr. FITZPATRICK, Ms. SPANBERGER, Mr. McEACHIN, Mr. GARAMENDI, Ms. SEWELL, Mr. DANNY K. DAVIS of Illinois, Mr. HASTINGS, Ms. LEE of California, Mr. TORRES of New York, Ms. BASS, Ms. PRESSLEY, Mr. THOMPSON of Mississippi, Mr. PERRY, Mr. MEEKS, Ms. STRICKLAND, Mr. BUTTERFIELD, Mr. LAWSON of Florida, Mrs. WATSON COLEMAN, Ms. JOHNSON of Texas, Mr. RASKIN, Ms. ADAMS, Ms. CLARKE of New York, Ms. WILSON of Florida, Mr. TRONE, Mrs. MCBATH, Mr. SIRES, Mr. RUSH, Ms. NORTON, Ms. KELLY of Illinois, Mr. JOHNSON of Georgia, Mr. RODNEY DAVIS of Illinois, Mr. BROWN, Mr. BISHOP of Georgia, Mr. CARSON, Mr. GREEN of Texas, Mr. MCKINLEY, Mr. JEFFRIES, Ms. PLASKETT, Mrs. BEATTY, Ms. BLUNT ROCHESTER, Mr. CLEAVER, Ms. MCCOLLUM, Mr. VEASEY, Ms. WILLIAMS of Georgia, Mr. ALLRED, and Mrs. DEMINGS) 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

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,

to increase participation in colorectal cancer screening in under-screened communities of color, to offset the COVID-19 pandemic driven declines in colorectal cancer screening, 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 2021”.

6 **SEC. 2. MEDICARE COVERAGE FOR FDA-APPROVED QUALI-**
 7 **FYING COLORECTAL CANCER SCREENING**
 8 **BLOOD-BASED TESTS.**

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

11 (1) in paragraph (1)—

12 (A) by redesignating subparagraph (D) as
 13 subparagraph (E); and

14 (B) by inserting after subparagraph (C)
 15 the following new subparagraph:

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

18 (2) by adding at the end the following new
 19 paragraph:

20 “(3) The term ‘qualifying colorectal cancer screening
 21 blood-based test’ means, with respect to a year, a screen-
 22 ing blood-based test for the early detection of colorectal

1 cancer furnished in the year that was marketed or used,
2 as applicable, in accordance with the relevant provisions
3 of section 353 of the Public Health Service Act or the
4 Federal Food, Drug, and Cosmetic Act more than 6
5 months before the beginning of the year.”.

6 (b) FREQUENCY LIMITS FOR COLORECTAL CANCER
7 SCREENING TESTS AND PAYMENT AMOUNT FOR QUALI-
8 FYING COLORECTAL CANCER SCREENING BLOOD-BASED
9 TESTS.—Section 1834(d) of the Social Security Act (42
10 U.S.C. 1395m(d)) is amended—

11 (1) by amending clause (ii) of paragraph (1)(B)
12 to read as follows:

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

14 “(I) the 11 months after a pre-
15 vious screening fecal-occult blood test
16 or a previous qualifying colorectal
17 cancer screening blood-based test;

18 “(II) the 35 months after a pre-
19 vious screening flexible sigmoidoscopy
20 or a previous screening colonoscopy
21 with adenoma findings;

22 “(III) the 59 months after a pre-
23 vious screening colonoscopy with small
24 polyp findings; or

1 “(IV) the 119 months after a
2 previous screening colonoscopy with-
3 out adenoma findings or small polyp
4 findings.”;

5 (2) in paragraph (2)(E)(ii), by inserting “or
6 within the 35 months after a previous screening
7 fecal-occult blood test or previous qualifying
8 colorectal cancer screening blood-based test” after
9 “sigmoidoscopy”;

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

12 “(E) FREQUENCY LIMIT.—No payment
13 may be made under this part for a colorectal
14 cancer screening test consisting of a screening
15 colonoscopy—

16 “(i) if the procedure is performed
17 within the 11 months after a previous
18 screening fecal-occult blood test or previous
19 qualifying colorectal cancer screening
20 blood-based test;

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

1 “(iii) for individuals not at high risk
2 for colorectal cancer if the procedure is
3 performed within the 119 months after a
4 previous screening colonoscopy or within
5 the 47 months after a previous screening
6 flexible sigmoidoscopy.”; and

7 (4) by adding at the end the following new
8 paragraph:

9 “(4) QUALIFYING COLORECTAL CANCER
10 SCREENING BLOOD-BASED TESTS.—

11 “(A) PAYMENT AMOUNT.—The payment
12 amount for colorectal cancer screening tests
13 consisting of qualifying colorectal cancer screen-
14 ing blood-based tests shall be established by the
15 Secretary.

16 “(B) FREQUENCY LIMIT.—Paragraph
17 (1)(B) shall apply to colorectal cancer screening
18 tests consisting of qualifying colorectal cancer
19 screening blood-based tests in the same manner
20 as such paragraph applies to colorectal cancer
21 screening tests consisting of fecal-occult blood
22 tests.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to colorectal cancer screening tests

- 1 furnished in a year beginning more than 6 months after
- 2 the date of the enactment of this Act.

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