

105TH CONGRESS
1ST SESSION

H. R. 1128

To amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1997

Mr. HASTINGS of Florida (for himself, Ms. SLAUGHTER, Mr. EVANS, Ms. NORTON, Ms. PELOSI, Mr. OBERSTAR, Ms. HARMAN, Mr. CLEMENT, Mrs. MEEK of Florida, Mr. FOGLIETTA, Mr. FLAKE, Mr. SISISKY, Mr. GORDON, Ms. CHRISTIAN-GREEN, and Mr. SKEEN) introduced the following bill; which was referred to the Committee on 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 for coverage of periodic colorectal screening services 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 “Colorectal Cancer
5 Screening Act of 1997”.

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

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 (d) the following new subsection:

6 “(e) FREQUENCY AND PAYMENT LIMITS FOR
7 COLORECTAL SCREENING PROCEDURES.—

8 “(1) SCREENING FECAL-OCCULT BLOOD
9 TESTS.—

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

17 “(i) in 1998 shall not exceed \$5; and

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

24 “(B) LIMITING COVERAGE FOR NON-EL-
25 DERLY TO HIGH-RISK INDIVIDUALS.—No pay-
26 ment may be made under this part for a screen-

1 ing fecal-occult blood test provided for the pur-
2 pose of early detection of colon cancer to an in-
3 dividual who is under 65 years of age unless the
4 individual is at high risk for colorectal cancer
5 (as determined in accordance with criteria es-
6 tablished by the Secretary).

7 “(C) FREQUENCY LIMITS.—Subject to re-
8 vision by the Secretary under paragraph (3)(B),
9 no payment may be made under this part for
10 a screening fecal-occult blood test provided to
11 an individual for the purpose of early detection
12 of colon cancer if the test is performed—

13 “(i) in the case of an individual under
14 65 years of age, more frequently than is
15 provided in a periodicity schedule estab-
16 lished by the Secretary for purposes of this
17 subparagraph; or

18 “(ii) in the case of any other individ-
19 ual, within the 11 months after a previous
20 screening fecal-occult blood test.

21 “(2) PERIODIC COLORECTAL SCREENING PRO-
22 CEDURES FOR INDIVIDUALS NOT AT HIGH RISK FOR
23 COLORECTAL CANCER.—

24 “(A) PAYMENT AMOUNT.—The Secretary
25 shall establish a payment amount under section

1 1848 with respect to periodic colorectal screen-
2 ing procedures provided for the purpose of early
3 detection of colon cancer that is consistent with
4 payment amounts under such section for similar
5 or related services, except that such payment
6 amount shall be established without regard to
7 subsection (a)(2)(A) of such section. The Sec-
8 retary shall establish a single payment amount
9 for periodic colorectal screening procedures,
10 which shall be based on the cost of a flexible
11 sigmoidoscopy or barium enema procedure, as
12 the Secretary determines appropriate.

13 “(B) LIMITING COVERAGE FOR NON-EL-
14 DERLY TO HIGH-RISK INDIVIDUALS.—No pay-
15 ment may be made under this part for a peri-
16 odic colorectal screening procedure provided for
17 the purpose of early detection of colon cancer to
18 an individual who is under 65 years of age un-
19 less the individual is at high risk for colorectal
20 cancer (as determined in accordance with cri-
21 teria established by the Secretary).

22 “(C) FREQUENCY LIMITS.—Subject to re-
23 vision by the Secretary under paragraph (4)(B),
24 no payment may be made under this part for
25 a periodic colorectal screening procedure pro-

1 vided to an individual for the purpose of early
2 detection of colon cancer if the procedure is
3 performed—

4 “(i) in the case of an individual under
5 65 years of age, more frequently than is
6 provided in a periodicity schedule estab-
7 lished by the Secretary for purposes of this
8 subparagraph; or

9 “(ii) in the case of any other individ-
10 ual, within the 47 months after a previous
11 periodic colorectal screening procedure.

12 “(D) PERIODIC COLORECTAL SCREENING
13 PROCEDURE DEFINED.—The term ‘periodic
14 colorectal screening procedure’ means a flexible
15 sigmoidoscopy, barium enema screening proce-
16 dure, or other screening procedure for colorectal
17 cancer, as determined by the Secretary.

18 “(3) SCREENING FOR INDIVIDUALS AT HIGH
19 RISK FOR COLORECTAL CANCER.—

20 “(A) PAYMENT AMOUNT.—The Secretary
21 shall establish a payment amount under section
22 1848 with respect to each eligible procedure for
23 screening for individuals at high risk for
24 colorectal cancer (as determined in accordance
25 with criteria established by the Secretary) pro-

1 vided for the purpose of early detection of colon
2 cancer that is consistent with payment amounts
3 under such section for similar or related serv-
4 ices, except that such payment amount shall be
5 established without regard to subsection
6 (a)(2)(A) of such section. The Secretary may
7 establish a payment amount for a barium
8 enema procedure pursuant to this paragraph
9 that is different from the payment amount es-
10 tablished pursuant to paragraph (2) for a peri-
11 odic colorectal screening procedure for an indi-
12 vidual not a high risk for colorectal cancer so
13 long as the payment amount established pursu-
14 ant to paragraph (2) is not based on the cost
15 of a barium enema procedure.

16 “(B) ELIGIBLE PROCEDURES.—Procedures
17 eligible for payment under this part for screen-
18 ing for individuals at high risk for colorectal
19 cancer for the purpose of early detection of
20 colorectal cancer shall include a screening
21 colonoscopy, a barium enema screening proce-
22 dure, or other screening procedures for
23 colorectal cancer as the Secretary determines
24 appropriate.

1 “(C) FREQUENCY LIMIT.—Subject to revi-
2 sion by the Secretary under paragraph (4)(B),
3 no payment may be made under this part for
4 a screening procedure for individuals at high
5 risk for colorectal cancer provided to an individ-
6 ual for the purpose of early detection of colon
7 cancer if the procedure is performed within the
8 23 months after a previous screening procedure.

9 “(D) FACTORS CONSIDERED IN ESTAB-
10 LISHING CRITERIA FOR DETERMINING INDIVID-
11 UALS AT HIGH RISK.—In establishing criteria
12 for determining whether an individual is at high
13 risk for colorectal cancer for purposes of this
14 paragraph, the Secretary shall take into consid-
15 eration family history, prior experience of can-
16 cer, a history of chronic digestive disease condi-
17 tion, and the presence of any appropriate recog-
18 nized gene markers for colorectal cancer.

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

21 “(A) REDUCTIONS IN PAYMENT LIMIT.—
22 The Secretary shall review from time to time
23 the appropriateness of the amount of the pay-
24 ment limit established for screening fecal-occult
25 blood tests under paragraph (1)(A). The Sec-

1 retary may, with respect to tests performed in
2 a year after 2002, reduce the amount of such
3 limit as it applies nationally or in any area to
4 the amount that the Secretary estimates is re-
5 quired to assure that such tests of an appro-
6 priate quality are readily and conveniently
7 available during the year.

8 “(B) REVISION OF FREQUENCY AND DE-
9 TERMINATION OF ELIGIBLE PROCEDURES.—

10 “(i) REVIEW.—The Secretary shall re-
11 view periodically the appropriate frequency
12 for performing screening fecal-occult blood
13 tests, periodic colorectal screening proce-
14 dures, and screening procedures for indi-
15 viduals at high risk for colorectal cancer
16 based on age and such other factors as the
17 Secretary believes to be pertinent, and
18 shall review periodically the availability, ef-
19 fectiveness, and cost of screening proce-
20 dures for colorectal cancer other than
21 those specified in this section.

22 “(ii) REVISION OF FREQUENCY AND
23 DETERMINATION OF ELIGIBLE PROCE-
24 DURES.—The Secretary, taking into con-
25 sideration the review made under clause

1 (i), may revise from time to time the fre-
2 quency with which such tests and proce-
3 dures may be paid for under this sub-
4 section and may determine that additional
5 screening procedures shall be considered to
6 be ‘periodic colorectal screening proce-
7 dures’ or an eligible procedure for the
8 screening of individuals at high risk for
9 colorectal cancer, but no such revision shall
10 apply to tests or procedures performed be-
11 fore January 1, 2002.

12 “(5) LIMITING CHARGES OF NONPARTICIPATING
13 PHYSICIANS.—

14 “(A) IN GENERAL.—In the case of a peri-
15 odic colorectal screening procedure provided to
16 an individual for the purpose of early detection
17 of colon cancer or a screening provided to an
18 individual at high risk for colorectal cancer for
19 the purpose of early detection of colon cancer
20 for which payment may be made under this
21 part, if a nonparticipating physician provides
22 the procedure to an individual enrolled under
23 this part, the physician may not charge the in-
24 dividual more than the limiting charge (as de-
25 fined in section 1848(g)(2)).

1 “(B) ENFORCEMENT.—If a physician or
2 supplier knowing and willfully imposes a charge
3 in violation of subparagraph (A), the Secretary
4 may apply sanctions against such physician or
5 supplier in accordance with section
6 1842(j)(2).”.

7 (b) CONFORMING AMENDMENTS.—(1) Paragraphs
8 (1)(D) and (2)(D) of section 1833(a) of the Social Secu-
9 rity Act (42 U.S.C. 1395l(a)) are each amended by strik-
10 ing “subsection (h)(1),” and inserting “subsection (h)(1)
11 or section 1834(e)(1),”.

12 (2) Section 1833(h)(1)(A) of such Act (42 U.S.C.
13 1395l(h)(1)(A)) is amended by striking “The Secretary”
14 and inserting “Subject to paragraphs (1) and (3)(A) of
15 section 1834(e), the Secretary”.

16 (3) Clauses (i) and (ii) of section 1848(a)(2)(A) of
17 such Act (42 U.S.C. 1395w-4(a)(2)(A)) are each amended
18 by striking “a service” and inserting “a service (other
19 than a periodic colorectal screening procedure provided to
20 an individual for the purpose of early detection of colon
21 cancer or an eligible screening procedure provided to an
22 individual at high risk for colorectal cancer for the purpose
23 of early detection of colon cancer)”.

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

1 (A) in paragraph (1)—

2 (i) in subparagraph (E), by striking “and”
3 at the end;

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

6 (iii) by adding at the end the following new
7 subparagraph:

8 “(G) in the case of screening fecal-occult blood
9 tests, periodic colorectal screening procedures, and
10 screening procedures provided for the purpose of
11 early detection of colon cancer, which are performed
12 more frequently than is covered under section
13 1834(e);”; and

14 (B) in paragraph (7), by striking “paragraph
15 (1)(B) or under paragraph (1)(F)” and inserting
16 “subparagraph (B), (F), or (G) of paragraph (1)”.

17 **SEC. 3. EFFECTIVE DATE.**

18 The amendments made by section 2 shall apply to
19 services furnished on or after January 1, 1998.

○