

Calendar No. 542

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4386

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IN THE SENATE OF THE UNITED STATES

MAY 10, 2000

Received; read the first time

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## AN ACT

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), 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 “Breast and Cervical  
5 Cancer Prevention and Treatment Act of 2000”.

6 **SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN**  
7 **BREAST OR CERVICAL CANCER PATIENTS.**

8 (a) COVERAGE AS OPTIONAL CATEGORICALLY  
9 NEEDY GROUP.—

10 (1) IN GENERAL.—Section 1902(a)(10)(A)(ii)  
11 of the Social Security Act (42 U.S.C.  
12 1396a(a)(10)(A)(ii)) is amended—

13 (A) in subclause (XVI), by striking “or” at  
14 the end;

15 (B) in subclause (XVII), by adding “or” at  
16 the end; and

17 (C) by adding at the end the following:

18 “(XVIII) who are described in  
19 subsection (aa) (relating to certain  
20 breast or cervical cancer patients);”.

21 (2) GROUP DESCRIBED.—Section 1902 of the  
22 Social Security Act (42 U.S.C. 1396a) is amended  
23 by adding at the end the following:

24 “(aa) Individuals described in this paragraph are in-  
25 dividuals who—

1           “(1) are not described in subsection  
2 (a)(10)(A)(i);

3           “(2) have not attained age 65;

4           “(3) have been screened for breast and cervical  
5 cancer under the Centers for Disease Control and  
6 Prevention breast and cervical cancer early detection  
7 program established under title XV of the Public  
8 Health Service Act (42 U.S.C. 300k et seq.) in ac-  
9 cordance with the requirements of section 1504 of  
10 that Act (42 U.S.C. 300n) and need treatment for  
11 breast or cervical cancer; and

12           “(4) are not otherwise covered under creditable  
13 coverage, as defined in section 2701(c) of the Public  
14 Health Service Act (45 U.S.C. 300gg(c)).”.

15           (3) LIMITATION ON BENEFITS.—Section  
16 1902(a)(10) of the Social Security Act (42 U.S.C.  
17 1396a(a)(10)) is amended in the matter following  
18 subparagraph (G)—

19           (A) by striking “and (XIII)” and inserting  
20 “(XIII)”; and

21           (B) by inserting “, and (XIV) the medical  
22 assistance made available to an individual de-  
23 scribed in subsection (aa) who is eligible for  
24 medical assistance only because of subpara-  
25 graph (A)(10)(ii)(XVIII) shall be limited to

1           medical assistance provided during the period in  
2           which such an individual requires treatment for  
3           breast or cervical cancer” before the semicolon.

4           (4) CONFORMING AMENDMENTS.—Section  
5           1905(a) of the Social Security Act (42 U.S.C.  
6           1396d(a)) is amended in the matter preceding para-  
7           graph (1)—

8                   (A) in clause (xi), by striking “or” at the  
9                   end;

10                   (B) in clause (xii), by adding “or” at the  
11                   end; and

12                   (C) by inserting after clause (xii) the fol-  
13                   lowing:

14                   “(xiii) individuals described in section  
15                   1902(aa),”.

16           (b) PRESUMPTIVE ELIGIBILITY.—

17                   (1) IN GENERAL.—Title XIX of the Social Se-  
18                   curity Act (42 U.S.C. 1396 et seq.) is amended by  
19                   inserting after section 1920A the following:

20           “PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR  
21                                   CERVICAL CANCER PATIENTS

22           “SEC. 1920B. (a) STATE OPTION.—A State plan ap-  
23           proved under section 1902 may provide for making med-  
24           ical assistance available to an individual described in sec-  
25           tion 1902(aa) (relating to certain breast or cervical cancer  
26           patients) during a presumptive eligibility period.

1 “(b) DEFINITIONS.—For purposes of this section:

2 “(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The  
3 term ‘presumptive eligibility period’ means, with re-  
4 spect to an individual described in subsection (a),  
5 the period that—

6 “(A) begins with the date on which a  
7 qualified entity determines, on the basis of pre-  
8 liminary information, that the individual is de-  
9 scribed in section 1902(aa); and

10 “(B) ends with (and includes) the earlier  
11 of—

12 “(i) the day on which a determination  
13 is made with respect to the eligibility of  
14 such individual for services under the State  
15 plan; or

16 “(ii) in the case of such an individual  
17 who does not file an application by the last  
18 day of the month following the month dur-  
19 ing which the entity makes the determina-  
20 tion referred to in subparagraph (A), such  
21 last day.

22 “(2) QUALIFIED ENTITY.—

23 “(A) IN GENERAL.—Subject to subpara-  
24 graph (B), the term ‘qualified entity’ means  
25 any entity that—

1           “(i) is eligible for payments under a  
2           State plan approved under this title; and

3           “(ii) is determined by the State agen-  
4           cy to be capable of making determinations  
5           of the type described in paragraph (1)(A).

6           “(B) REGULATIONS.—The Secretary may  
7           issue regulations further limiting those entities  
8           that may become qualified entities in order to  
9           prevent fraud and abuse and for other reasons.

10          “(C) RULE OF CONSTRUCTION.—Nothing  
11          in this paragraph shall be construed as pre-  
12          venting a State from limiting the classes of en-  
13          tities that may become qualified entities, con-  
14          sistent with any limitations imposed under sub-  
15          paragraph (B).

16          “(c) ADMINISTRATION.—

17                 “(1) IN GENERAL.—The State agency shall pro-  
18                 vide qualified entities with—

19                         “(A) such forms as are necessary for an  
20                         application to be made by an individual de-  
21                         scribed in subsection (a) for medical assistance  
22                         under the State plan; and

23                         “(B) information on how to assist such in-  
24                         dividuals in completing and filing such forms.

1           “(2) NOTIFICATION REQUIREMENTS.—A quali-  
2           fied entity that determines under subsection  
3           (b)(1)(A) that an individual described in subsection  
4           (a) is presumptively eligible for medical assistance  
5           under a State plan shall—

6                   “(A) notify the State agency of the deter-  
7                   mination within 5 working days after the date  
8                   on which determination is made; and

9                   “(B) inform such individual at the time  
10                  the determination is made that an application  
11                  for medical assistance under the State plan is  
12                  required to be made by not later than the last  
13                  day of the month following the month during  
14                  which the determination is made.

15           “(3) APPLICATION FOR MEDICAL ASSIST-  
16           ANCE.—In the case of an individual described in  
17           subsection (a) who is determined by a qualified enti-  
18           ty to be presumptively eligible for medical assistance  
19           under a State plan, the individual shall apply for  
20           medical assistance under such plan by not later than  
21           the last day of the month following the month dur-  
22           ing which the determination is made.

23           “(d) PAYMENT.—Notwithstanding any other provi-  
24           sion of this title, medical assistance that—

1           “(1) is furnished to an individual described in  
2 subsection (a)—

3           “(A) during a presumptive eligibility pe-  
4 riod;

5           “(B) by a entity that is eligible for pay-  
6 ments under the State plan; and

7           “(2) is included in the care and services covered  
8 by the State plan,  
9 shall be treated as medical assistance provided by such  
10 plan for purposes of section 1903(a)(5).”.

11           (2) CONFORMING AMENDMENTS.—

12           (A) Section 1902(a)(47) of the Social Se-  
13 curity Act (42 U.S.C. 1396a(a)(47)) is amend-  
14 ed by inserting before the semicolon at the end  
15 the following: “and provide for making medical  
16 assistance available to individuals described in  
17 subsection (a) of section 1920B during a pre-  
18 sumptive eligibility period in accordance with  
19 such section”.

20           (B) Section 1903(u)(1)(D)(v) of such Act  
21 (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

22           (i) by striking “or for” and inserting  
23 “, for”; and

24           (ii) by inserting before the period the  
25 following: “, or for medical assistance pro-

1           vided to an individual described in sub-  
2           section (a) of section 1920B during a pre-  
3           sumptive eligibility period under such sec-  
4           tion”.

5           (c) ENHANCED MATCH.—The first sentence of sec-  
6           tion 1905(b) of the Social Security Act (42 U.S.C.  
7           1396d(b)) is amended—

8                   (1) by striking “and” before “(3)”; and

9                   (2) by inserting before the period at the end the  
10           following: “, and (4) the Federal medical assistance  
11           percentage shall not be less than 75 percent with re-  
12           spect to medical assistance provided to individuals  
13           who are eligible for such assistance only on the basis  
14           of section 1902(a)(10)(A)(ii)(XVIII)”.

15           (d) EFFECTIVE DATE.—The amendments made by  
16           this section apply to medical assistance for items and serv-  
17           ices furnished on or after October 1, 2001, without regard  
18           to whether final regulations to carry out such amendments  
19           have been promulgated by such date.

20           **SEC. 3. HUMAN PAPILOMAVIRUS; ACTIVITIES OF CENTERS**  
21                                   **FOR DISEASE CONTROL AND PREVENTION.**

22           Part B of title III of the Public Health Service Act  
23           (42 U.S.C. 243 et seq.) is amended by inserting after sec-  
24           tion 317G the following section:

25                                   “HUMAN PAPILOMAVIRUS

26                   “SEC. 317H. (a) SURVEILLANCE.—

1           “(1) IN GENERAL.—The Secretary, acting  
2 through the Director of the Centers for Disease  
3 Control and Prevention, shall—

4           “(A) enter into cooperative agreements  
5 with States and other entities to conduct sen-  
6 tinel surveillance or other special studies that  
7 would determine the prevalence in various age  
8 groups and populations of specific types of  
9 human papillomavirus (referred to in this sec-  
10 tion as ‘HPV’) in different sites in various re-  
11 gions of the United States, through collection of  
12 special specimens for HPV using a variety of  
13 laboratory-based testing and diagnostic tools;  
14 and

15           “(B) develop and analyze data from the  
16 HPV sentinel surveillance system described in  
17 subparagraph (A).

18           “(2) REPORT.—The Secretary shall make a  
19 progress report to the Congress with respect to  
20 paragraph (1) not later than one year after the ef-  
21 fective date of this section.

22           “(b) PREVENTION ACTIVITIES; EDUCATION PRO-  
23 GRAM.—

24           “(1) IN GENERAL.—The Secretary, acting  
25 through the Director of the Centers for Disease

1 Control and Prevention, shall conduct prevention re-  
2 search on HPV, including—

3 “(A) behavioral and other research on the  
4 impact of HPV-related diagnoses on individuals;

5 “(B) formative research to assist with the  
6 development of educational messages and infor-  
7 mation for the public, for patients, and for their  
8 partners about HPV;

9 “(C) surveys of physician and public  
10 knowledge, attitudes, and practices about gen-  
11 ital HPV infection; and

12 “(D) upon the completion of and based on  
13 the findings under subparagraphs (A) through  
14 (C), develop and disseminate educational mate-  
15 rials for the public and health care providers re-  
16 garding HPV and its impact and prevention.

17 “(2) REPORT; FINAL PROPOSAL.—The Sec-  
18 retary shall make a progress report to the Congress  
19 with respect to paragraph (1) not later than one  
20 year after the effective date of this section, and shall  
21 develop a final proposal not later than two years  
22 after such effective date, including a detailed sum-  
23 mary of the significant findings and problems. The  
24 report shall outline the further steps needed to make

1 HPV a reportable disease and the best strategies to  
2 prevent future infections.

3 “(c) CONDOM EFFECTIVENESS; EDUCATION.—The  
4 Secretary shall require that the Department of Health and  
5 Human Services and all contractors, grantees, and sub-  
6 grantees of such Department specifically state the effec-  
7 tiveness or lack of effectiveness of condoms in preventing  
8 the transmission of HPV, herpes, and other sexually  
9 transmitted diseases in all informational materials related  
10 to condoms or sexually transmitted diseases that are made  
11 available to the public. The Secretary shall assure that  
12 such information is made available to relevant operating  
13 divisions and offices of the Department of Health and  
14 Human Services. This subsection shall be effective within  
15 6 months of the date of its enactment.”.

16 **SEC. 4. LABELING OF CONDOMS WITH RESPECT TO HUMAN**  
17 **PAPILLOMAVIRUS.**

18 (a) IN GENERAL.—Section 502 of the Federal Food,  
19 Drug, and Cosmetic Act (21 U.S.C. 352) is amended by  
20 adding at the end the following:

21 “(u) If it is a condom, unless its label and labeling  
22 bear information providing that condoms do not effectively  
23 prevent the transmission of the human papillomavirus and  
24 that such virus can cause cervical cancer.”.

1           (b) APPLICABILITY.—The amendment made by sub-  
2 section (a) applies to condoms manufactured on or after  
3 the expiration of the 180-day period beginning on the date  
4 of the enactment of this Act.

Passed the House of Representatives May 9, 2000.

Attest:

JEFF TRANDAHL,

*Clerk.*

**Calendar No. 542**

106TH CONGRESS  
2D SESSION

**H. R. 4386**

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**AN ACT**

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

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