

119TH CONGRESS
2D SESSION

S. 3607

To amend title XVIII of the Social Security Act to provide for expanded coverage of services furnished by genetic counselors under part B of the Medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 8 (legislative day, JANUARY 7), 2026

Mr. BARRASSO (for himself, Mr. WELCH, Mrs. CAPITO, and Ms. ROSEN) 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 expanded coverage of services furnished by genetic counselors under part B of the Medicare program, 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 “Access to Genetic
5 Counselor Services Act of 2026”.

1 **SEC. 2. MEDICARE COVERAGE OF GENETIC COUNSELING**
 2 **SERVICES.**

3 (a) IN GENERAL.—Section 1861 of the Social Secu-
 4 rity Act (42 U.S.C. 1395x) is amended—

5 (1) in subsection (s)(2)—

6 (A) by striking “and” at the end of sub-
 7 paragraph (II);

8 (B) by adding “and” at the end of sub-
 9 paragraph (JJ); and

10 (C) by adding at the end the following new
 11 subparagraph:

12 “(KK) covered genetic counseling services (as
 13 defined in subsection (nnn)(1));” and

14 (2) by adding at the end the following new sub-
 15 section:

16 “Covered Genetic Counseling Services

17 “(nnn)(1) The term ‘covered genetic counseling serv-
 18 ices’ means genetic counseling services furnished on or
 19 after January 1, 2027, by a genetic counselor (as defined
 20 in paragraph (2)) and such services and supplies furnished
 21 as an incident to the provision of such services which the
 22 genetic counselor is legally authorized to perform under
 23 State law (or the State regulatory mechanism provided by
 24 State law) as would otherwise be covered if furnished by
 25 a physician (or as incident to a physician’s service).

1 “(2) The term ‘genetic counselor’ means an indi-
2 vidual who—

3 “(A) is licensed as a genetic counselor by the
4 State in which the individual furnishes genetic coun-
5 seling services; or

6 “(B) in the case of an individual practicing in
7 a State that does not license genetic counselors, is
8 certified by the American Board of Genetic Coun-
9 seling and meets such other criteria as the Secretary
10 establishes.”.

11 (b) BALANCE BILLING.—Section 1842(b)(18)(C) of
12 the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is
13 amended by adding at the end the following new clause:

14 “(ix) A genetic counselor (as defined in section
15 1861(nnn)(2)).”.

16 (c) PAYMENT.—Section 1833(a)(1) of the Social Se-
17 curity Act (42 U.S.C. 1395l(a)(1)) is amended—

18 (1) by striking “and (HH)” and inserting
19 “(HH)”; and

20 (2) by inserting before the semicolon at the end
21 the following: “, and (II) with respect to covered ge-
22 netic counseling services (as defined in section
23 1861(nnn)(1)), the amount paid shall be equal to 80
24 percent of the lesser of (i) the actual charge for the
25 services or (ii) 85 percent of the fee schedule

1 amount provided under section 1848 that would
2 have applied had the genetic counseling services been
3 furnished by a physician”.

4 (d) CONFORMING AMENDMENT.—Section
5 1862(a)(14) of the Social Security Act (42 U.S.C.
6 1395(y)(a)(14)) is amended by inserting “covered genetic
7 counseling services,” after “qualified psychologist serv-
8 ices,”.

9 (e) RULE OF CONSTRUCTION.—The amendments
10 made by this section shall not be construed as preventing
11 physicians and health care providers other than genetic
12 counselors from billing for genetic counseling services
13 under the Medicare program which are otherwise covered
14 under such program.

15 (f) IMPLEMENTATION.—Notwithstanding any other
16 provision of law, the Secretary of Health and Human
17 Services may implement the amendments made by this
18 section by interim final rule with comment period.

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