

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.

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## 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

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## 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

1848 with respect to periodic colorectal screening procedures provided for the purpose of early detection of colon cancer that is consistent with payment amounts under such section for similar or related services, except that such payment amount shall be established without regard to subsection (a)(2)(A) of such section. The Secretary shall establish a single payment amount for periodic colorectal screening procedures, which shall be based on the cost of a flexible sigmoidoscopy or barium enema procedure, as the Secretary determines appropriate.

“(B) LIMITING COVERAGE FOR NON-ELDERLY TO HIGH-RISK INDIVIDUALS.—No payment may be made under this part for a periodic colorectal screening procedure provided for the purpose of early detection of colon cancer to an individual who is under 65 years of age unless the individual is at high risk for colorectal cancer (as determined in accordance with criteria established by the Secretary).

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

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

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

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

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

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

“(A) PAYMENT AMOUNT.—The Secretary  
shall establish a payment amount under section  
1848 with respect to each eligible procedure for  
screening for individuals at high risk for  
colorectal cancer (as determined in accordance  
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 revision by the Secretary under paragraph (4)(B),  
2           no payment may be made under this part for  
3           a screening procedure for individuals at high  
4           risk for colorectal cancer provided to an individual for the purpose of early detection of colon  
5           cancer if the procedure is performed within the  
6           23 months after a previous screening procedure.  
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8           “(D) FACTORS CONSIDERED IN ESTABLISHING CRITERIA FOR DETERMINING INDIVIDUALS AT HIGH RISK.—In establishing criteria  
9           for determining whether an individual is at high  
10          risk for colorectal cancer for purposes of this  
11          paragraph, the Secretary shall take into consideration family history, prior experience of cancer,  
12          a history of chronic digestive disease condition, and the presence of any appropriate recognized gene markers for colorectal cancer.  
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19          “(4) REDUCTIONS IN PAYMENT LIMIT AND REVISION OF FREQUENCY.—  
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21          “(A) REDUCTIONS IN PAYMENT LIMIT.—  
22          The Secretary shall review from time to time  
23          the appropriateness of the amount of the payment limit established for screening fecal-occult  
24          blood tests under paragraph (1)(A). The Sec-  
25

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.

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