

105TH CONGRESS
1ST SESSION

H. R. 421

To amend title XIX of the Social Security Act to require State medicaid plans to provide coverage of screening mammography.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1997

Mrs. MORELLA introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend title XIX of the Social Security Act to require State medicaid plans to provide coverage of screening mammography.

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 “Medicaid Mammog-
5 raphy Coverage Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Breast cancer is the second leading cause of
9 death by cancer in women.

1 (2) An estimated 184,300 new invasive cases of
2 breast cancer occurred in the United States during
3 1996.

4 (3) An estimated 44,560 women died of breast
5 cancer during 1996.

6 (4) There is no cure for breast cancer.

7 (5) Early detection is the key to survival of this
8 devastating disease.

9 (6) Mammography is recognized as a valuable
10 diagnostic technique for the detection of breast can-
11 cer.

12 (7) The American Cancer Society recommends
13 that asymptomatic women have a screening mammo-
14 gram by age 40 and a screening mammogram every
15 1 to 2 years between the ages of 40 and 49.

16 (8) The American Cancer Society and the Na-
17 tional Cancer Institute recommend an annual mam-
18 mogram for women over age 50.

19 (9) Lower-income women are often unable to
20 afford recommended cancer screening.

21 (10) Many lower-income women receive health
22 care benefits under the medicaid program.

1 **SEC. 3. COVERAGE OF SCREENING MAMMOGRAPHY UNDER**
 2 **MEDICAID.**

3 (a) IN GENERAL.—Section 1905(a) of the Social Se-
 4 curity Act (42 U.S.C. 1396d(a)) is amended—

5 (1) by striking “and” at the end of paragraph
 6 (24);

7 (2) by redesignating paragraph (25) as para-
 8 graph (26); and

9 (3) by inserting after paragraph (24) the fol-
 10 lowing new paragraph:

11 “(25) screening mammography (as defined in
 12 subsection (t)(1)) that is conducted by a facility that
 13 has a certificate (or provisional certificate) issued
 14 under section 354 of the Public Health Service Act,
 15 to the extent consistent with the frequency permitted
 16 under subsection (t)(2); and”.

17 (b) FREQUENCY OF COVERAGE.—Section 1905 of
 18 such Act (42 U.S.C. 1396d) is amended by adding at the
 19 end the following new subsection:

20 “(t) COVERAGE OF SCREENING MAMMOGRAPHY.—

21 “(1) DEFINITION.—The term ‘screening mam-
 22 mography’ means a radiologic procedure provided to
 23 a woman for the purpose of early detection of breast
 24 cancer and includes a physician’s interpretation of
 25 the results of the procedure.

26 “(2) FREQUENCY COVERED.—

1 “(A) IN GENERAL.—Subject to revision by
2 the Secretary under subparagraph (B)—

3 “(i) Medical assistance is not required
4 to be made under this title for screening
5 mammography performed on a woman
6 under 35 years of age.

7 “(ii) Medical assistance is available
8 under this title for only 1 screening mam-
9 mography performed on a woman over 34
10 years of age, but under 40 years of age.

11 “(iii) In the case of a woman over 39
12 years of age, but under 50 years of age,
13 who—

14 “(I) is at a high risk of develop-
15 ing breast cancer (as determined pur-
16 suant to factors identified by the Sec-
17 retary), medical assistance is not re-
18 quired to be made available under this
19 title for a screening mammography
20 performed within 11 months of a pre-
21 vious screening mammography, or

22 “(II) is not at a high risk of de-
23 veloping breast cancer, medical assist-
24 ance is not required to be made avail-
25 able under this title for a screening

1 mammography performed within 23
2 months of a previous screening mam-
3 mography.

4 “(iv) In the case of a woman over 49
5 years of age, medical assistance is not re-
6 quired to be made available under this title
7 for screening mammography performed
8 within 11 months of a previous screening
9 mammography.

10 “(B) REVISION OF FREQUENCY.—

11 “(i) REVIEW.—The Secretary, in con-
12 sultation with the Director of the National
13 Cancer Institute, shall review periodically
14 appropriate frequency for performing
15 screening mammography, based on age
16 and such other factors as the Secretary be-
17 lieves to be pertinent.

18 “(ii) REVISION OF FREQUENCY.—The
19 Secretary, taking into consideration the re-
20 view made under clause (i), may revise
21 from time to time the frequency with
22 which medical assistance is required to be
23 made available under this title, but no such

1 revision shall apply to screening mammog-
 2 raphy performed before one year after the
 3 date of the enactment of this subsection.”.

4 (c) MAKING COVERAGE MANDATORY.—Section
 5 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A))
 6 is amended by striking “(17) and (21)” and inserting
 7 “(17), (21) and (25)”.

8 (d) PROHIBITING IMPOSITION OF CHARGES AGAINST
 9 BENEFICIARIES.—Sections 1916(a)(2)(D) and
 10 1916(b)(2)(D) of such Act (42 U.S.C. 1396o(a)(2)(D),
 11 1396o(b)(2)(D)) are each amended by inserting “services
 12 described in section 1905(a)(25),” after “1905(a)(4)(C),”.

13 (e) 100 PERCENT FEDERAL MATCH.—Section
 14 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by
 15 adding at the end the following: “Notwithstanding the
 16 first sentence of this subsection, the Federal medical as-
 17 sistance percentage shall be 100 percent with respect to
 18 amounts expended for medical assistance consisting of
 19 screening mammography under subsection (a)(25).”.

20 (f) CONFORMING AMENDMENTS.—(1) Section
 21 1902(a)(10)(C)(iv) of such Act (42 U.S.C.
 22 1396a(a)(10)(C)(iv)) is amended—

23 (A) by striking “(5) and (17)” and inserting
 24 “(5), (17), and (25)”; and

1 (B) by striking “through (21)” and inserting
2 “through (25)”.

3 (2) Section 1902(j) (42 U.S.C. 1396a(j)) of such Act
4 is amended by striking “through (22)” and inserting
5 “through (26)”.

6 (g) EFFECTIVE DATE.—(1) Except as provided in
7 paragraph (2), the amendments made by this section shall
8 apply to screening mammography performed on or after
9 January 1, 1998, without regard to whether or not final
10 regulations to carry out such amendments have been pro-
11 mulgated by such date.

12 (2) In the case of a State plan for medical assistance
13 under title XIX of the Social Security Act which the Sec-
14 retary of Health and Human Services determines requires
15 State legislation (other than legislation appropriating
16 funds) in order for the plan to meet the additional require-
17 ment imposed by the amendments made by this section,
18 the State plan shall not be regarded as failing to comply
19 with the requirements of such title solely on the basis of
20 its failure to meet this additional requirement before the
21 first day of the first calendar quarter beginning after the
22 close of the first regular session of the State legislature
23 that begins after the date of the enactment of this Act.
24 For purposes of the previous sentence, in the case of a
25 State that has a 2-year legislative session, each year of

- 1 such session shall be deemed to be a separate regular ses-
- 2 sion of the State legislature.

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