

106TH CONGRESS  
1ST SESSION

# S. 1074

To amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

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## IN THE SENATE OF THE UNITED STATES

MAY 19, 1999

Mr. TORRICELLI (for himself, Mr. WELLSTONE, and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Amyotrophic Lateral Sclerosis (ALS) Treatment and As-  
4 sistance Act of 1999”.

5 (b) FINDINGS.—Congress finds the following:

6 (1) Amyotrophic Lateral Sclerosis (ALS), com-  
7 monly known as Lou Gehrig’s Disease, is a progres-  
8 sive neuromuscular disease characterized by a degen-  
9 eration of the nerve cells of the brain and spinal  
10 cord leading to the wasting of muscles, paralysis,  
11 and eventual death.

12 (2) Approximately 30,000 individuals in the  
13 United States are afflicted with ALS at any time,  
14 with approximately 5,000 new cases appearing each  
15 year.

16 (3) ALS usually strikes individuals who are 50  
17 years of age or older.

18 (4) The life expectancy of an individual with  
19 ALS is 3 to 5 years from the time of diagnosis.

20 (5) There is no known cure or cause for ALS.

21 (6) Aggressive treatment of the symptoms of  
22 ALS can extend the lives of those with the disease.  
23 Recent advances in ALS research have produced  
24 promising leads, many related to shared disease  
25 processes that appear to operate in many  
26 neurodegenerative diseases.

1 (c) PURPOSES.—It is the purposes of this Act—

2 (1) to assist individuals suffering from ALS by  
3 waiving the 24-month waiting period for medicare  
4 eligibility on the basis of disability for ALS patients;  
5 and

6 (2) to provide medicare coverage of drugs and  
7 biologicals used for the treatment of ALS or for the  
8 alleviation of symptoms relating to ALS.

9 **SEC. 2. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDI-**  
10 **CARE COVERAGE OF INDIVIDUALS DISABLED**  
11 **WITH AMYOTROPHIC LATERAL SCLEROSIS**  
12 **(ALS).**

13 (a) IN GENERAL.—Section 226 of the Social Security  
14 Act (42 U.S.C. 426) is amended—

15 (1) by redesignating subsection (h) as sub-  
16 section (j) and by moving such subsection to the end  
17 of the section; and

18 (2) by inserting after subsection (g) the fol-  
19 lowing:

20 “(h) For purposes of applying this section in the case  
21 of an individual medically determined to have amyotrophic  
22 lateral sclerosis (ALS), the following special rules apply:

23 “(1) Subsection (b) shall be applied as if there  
24 were no requirement for any entitlement to benefits,  
25 or status, for a period longer than 1 month.

1           “(2) The entitlement under such subsection  
2           shall begin with the first month (rather than twenty-  
3           fifth month) of entitlement or status.

4           “(3) Subsection (f) shall not be applied.”.

5           (b) CONFORMING AMENDMENT.—Section 1837 of  
6           such Act (42 U.S.C. 1395p) is amended by adding at the  
7           end the following:

8           “(j) In applying this section in the case of an indi-  
9           vidual who is entitled to benefits under part A pursuant  
10          to the operation of section 226(h), the following special  
11          rules apply:

12           “(1) The initial enrollment period under sub-  
13          section (d) shall begin on the first day of the first  
14          month in which the individual satisfies the require-  
15          ment of section 1836(1).

16           “(2) In applying subsection (g)(1), the initial  
17          enrollment period shall begin on the first day of the  
18          first month of entitlement to disability insurance  
19          benefits referred to in such subsection.”.

20          (c) EFFECTIVE DATE.—The amendments made by  
21          this section shall apply to benefits for months beginning  
22          after the date of the enactment of this Act.

1 **SEC. 3. MEDICARE COVERAGE OF DRUGS TO TREAT**  
2 **AMYOTROPHIC LATERAL SCLEROSIS (ALS).**

3 (a) IN GENERAL.—Section 1861(s)(2) of the Social  
4 Security Act (42 U.S.C. 1395x(s)(2)) is amended—

5 (1) by striking “and” at the end of subpara-  
6 graph (S);

7 (2) by striking the period at the end of sub-  
8 paragraph (T) and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(U) any drug (which is approved by the Com-  
11 missioner of Food and Drugs under section 505 of  
12 the Federal Food, Drug, and Cosmetic Act (21  
13 U.S.C. 355)) or biological (which is licensed by the  
14 Secretary of Health and Human Services under sec-  
15 tion 351 of the Public Health Service Act (42  
16 U.S.C. 262)) prescribed for use in the treatment of  
17 amyotrophic lateral sclerosis (ALS) or the alleviation  
18 of symptoms relating to ALS.”.

19 (b) EFFECTIVE DATE.—The amendments made by  
20 subsection (a) shall apply to drugs furnished on or after  
21 the first day of the first month beginning after the date  
22 of enactment of this Act.

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