

108TH CONGRESS
2D SESSION

H. R. 5116

To amend title II of the Social Security Act to waive the 24-month waiting period for Medicare coverage of individuals disabled with distant stage cancer.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2004

Mr. PALLONE introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to waive the 24-month waiting period for Medicare coverage of individuals disabled with distant stage cancer.

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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “The Dean Gallo Cancer Patient Compassion Act of
6 2004”.

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

8 (1) It is estimated that over 1,300,000 new
9 cases of cancer are diagnosed each year.

1 (2) Roughly, 86,000 or 7 percent of all diag-
2 nosed cancer patients have no health insurance.

3 (3) Lung and colorectal cancers alone account
4 for over a quarter of all new cases of cancer.

5 (4) The 5-year survival rate for individuals with
6 distant stage lung cancers is 3 percent.

7 (5) The 5-year survival rate for individuals with
8 distant stage colorectal cancer is 9 percent.

9 (6) Individuals suffering from cancer must wait
10 24 months for medicare eligibility on the basis of
11 disability.

12 **SEC. 2. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDI-**
13 **CARE COVERAGE OF INDIVIDUALS DISABLED**
14 **WITH CANCER.**

15 (a) IN GENERAL.—Section 226(h) of the Social Secu-
16 rity Act (42 U.S.C. 426(h)) is amended—

17 (1) by redesignating paragraphs (1), (2), and
18 (3), as subparagraphs (A), (B), and (C), respec-
19 tively;

20 (2) by inserting “(1)” after “(h)”;

21 (3) in the matter preceding subparagraph (A)
22 of paragraph (1), as so redesignated, by striking “an
23 individual medically determined to have amyotrophic
24 lateral sclerosis (ALS)” and inserting “an individual
25 described in paragraph (2)”;

1 (4) by adding at the end the following new
2 paragraph:

3 “(2) For purposes of paragraph (1), an indi-
4 vidual described in this paragraph is any of the fol-
5 lowing:

6 “(A) An individual medically determined to
7 have amyotrophic lateral sclerosis (ALS).

8 “(B) An individual medically determined to
9 have stage III or IV cancer who is not enrolled,
10 or who may not be enrolled, in a group health
11 plan described in section 1862(b)(1)(A)(v), or a
12 large group health plan described in section
13 1862(b)(1)(B)(iii), by reason of the individual’s
14 current or former employment or by reason of
15 the current or former employment status of a
16 member of the individual’s family.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to benefits for months beginning
19 after the date of the enactment of this Act.

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