

111TH CONGRESS
1ST SESSION

H. R. 4383

To amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. MARSHALL (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. CROWLEY, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mrs. MALONEY, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. NADLER of New York, Mr. OWENS, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER, Mr. TONKO, Mr. TOWNS, Ms. VELÁZQUEZ, and Mr. WEINER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

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.**

2 This Act may be cited as the “Thomas J. Manton
3 Prostate Cancer Early Detection and Treatment Act of
4 2009”.

5 **SEC. 2. PROSTATE CANCER SCREENING PROGRAM.**

6 (a) IN GENERAL.—Title XV of the Public Health
7 Service Act (42 U.S.C. 300k et seq.) is amended by adding
8 at the end the following:

9 **“Subtitle 2—Prostate Cancer**

10 **“SEC. 1521. PROSTATE CANCER.**

11 “(a) GRANTS TO STATES FOR PROGRAMS TO SCREEN
12 FOR PROSTATE CANCER.—The Secretary, acting through
13 the Director of the Centers for Disease Control and Pre-
14 vention, may make grants to States to carry out programs
15 with respect to prostate cancer. The provisions of sections
16 1501 through 1508 (regarding breast and cervical cancer)
17 shall apply to grants under this subsection to the same
18 extent and in the same manner as such provisions apply
19 to grants under section 1501.

20 “(b) SUPPLEMENTAL GRANTS FOR ADDITIONAL
21 PREVENTIVE HEALTH SERVICES.—In the case of States
22 receiving grants under subsection (a), the Secretary, act-
23 ing through the Director of the Centers for Disease Con-
24 trol and Prevention, may make grants to not more than
25 3 such States to carry out demonstration projects with
26 respect to prostate cancer. The provisions of section 1509

1 (regarding breast and cervical cancer), other than section
2 1509(d), shall apply to grants under this subsection to the
3 same extent and in the same manner as such provisions
4 apply to grants under section 1509.

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated such sums as may be
7 necessary in each fiscal year to carry out this section.”.

8 (b) TECHNICAL AMENDMENTS.—Title XV of the
9 Public Health Service Act (42 U.S.C. 300k et seq.) is
10 amended—

11 (1) in the heading of the title, by striking
12 **“BREAST AND CERVICAL CANCERS”** and
13 inserting **“BREAST, CERVICAL, AND**
14 **PROSTATE CANCERS”**;

15 (2) by inserting before section 1501 the fol-
16 lowing:

17 **“Subtitle 1—Breast and Cervical**
18 **Cancers”**;

19 (3) in sections 1504(c)(3)(A) and 1509(c), by
20 striking the term “This title” each place such term
21 appears and inserting “This subtitle”;

22 (4) in sections 1504(c)(3)(A) and 1509(c), by
23 striking the term “such title” each place such term
24 appears and inserting “such subtitle”; and

1 (5) in sections 1506, 1508(b), and 1510(a), by
2 striking the term “this title” each place such term
3 appears and inserting “this subtitle”.

4 **SEC. 3. OPTIONAL MEDICAID COVERAGE OF CERTAIN**
5 **PROSTATE CANCER PATIENTS.**

6 (a) COVERAGE AS OPTIONAL CATEGORICALLY
7 NEEDY GROUP AND LIMITATION ON BENEFITS.—Section
8 1902 of the Social Security Act (42 U.S.C. 1396a) is
9 amended—

10 (1) in subsection (a)(10)(A)(ii)(XVIII), by
11 striking “or cervical” and inserting “, cervical, or
12 prostate”;

13 (2) in subsection (a)(10), in the clause (XIV)
14 following subparagraph (G), by striking “or cer-
15 vical” and inserting “, cervical, or prostate”; and

16 (3) in subsection (aa)(3)—

17 (A) by inserting “(A)” after “(3)”;

18 (B) by striking “and” at the end and in-
19 serting “or”; and

20 (C) by adding at the end the following new
21 subparagraph:

22 “(B) at the option of the State, have been
23 screened for prostate cancer under the Centers for
24 Disease Control and Prevention prostate cancer
25 early detection program established under section

1 1521(a) of the Public Health Service Act and need
2 treatment for prostate cancer; and”.

3 (b) APPLICATION OF PRESUMPTIVE ELIGIBILITY.—
4 Section 1920B of such Act (42 U.S.C. 1396r-1b) is
5 amended—

6 (1) in the heading by striking “OR CERVICAL”
7 and inserting “, CERVICAL, OR PROSTATE”; and

8 (2) in subsection (a), by striking “or cervical”
9 and inserting “, cervical, or prostate”.

10 (c) APPLICATION OF ENHANCED MATCH.—For appli-
11 cation of enhanced Federal matching rate, see section
12 1905(b)(4) of the Social Security Act (42 U.S.C.
13 1396d(b)(4)).

14 (d) APPLICATION OF SPECIAL RULES ON COST-
15 SHARING.—Section 1937(a)(2)(B)(x) of such Act (42
16 U.S.C. 1396u-7(a)(2)(B)(x)) is amended—

17 (1) in the heading by inserting “AND MEN IN
18 THE PROSTATE CANCER PROGRAM” after “BREAST
19 OR CERVICAL CANCER PROGRAM”; and

20 (2) by striking “is a woman who”.

21 (e) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to items and services furnished on
23 or after the date of the enactment of this Act.

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