

114TH CONGRESS
2D SESSION

H. R. 5763

To clarify the treatment of certain DNA Specimen Provenance Assay tests as reasonable and necessary for the diagnosis or treatment of illness for coverage under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2016

Mr. BUCSHON (for himself, Mr. PAYNE, Mr. CARSON of Indiana, and Mr. MULLIN) introduced the following bill; which was referred to the Committee on Energy and 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

A BILL

To clarify the treatment of certain DNA Specimen Provenance Assay tests as reasonable and necessary for the diagnosis or treatment of illness for coverage under 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 “Prostate Cancer Mis-
5 diagnosis Elimination Act of 2016”.

1 **SEC. 2. CLARIFICATION OF TREATMENT OF CERTAIN DSPA**
2 **TESTS AS REASONABLE AND NECESSARY FOR**
3 **THE DIAGNOSIS OR TREATMENT OF ILLNESS**
4 **FOR COVERAGE UNDER MEDICARE.**

5 (a) IN GENERAL.—For purposes of title XVIII of the
6 Social Security Act (42 U.S.C. 1395 et seq.) and regula-
7 tions promulgated to carry out such title, a DNA Speci-
8 men Provenance Assay test (referred to in this section as
9 a “DSPA test”) furnished after the date of the enactment
10 of this Act shall be deemed to be reasonable and necessary
11 for the diagnosis or treatment of an illness or injury under
12 section 1862(a)(1)(A) of such Act (42 U.S.C.
13 1395y(a)(1)(A)) for purposes of coverage and payment
14 under part B of such title if, subject to subsection (b),
15 such test is furnished to an individual enrolled under part
16 B who has had a prostate cancer biopsy the results of
17 which are putatively positive and the test is furnished with
18 respect to such biopsy.

19 (b) EXCEPTION.—Subsection (a) shall not apply to
20 a DSPA test furnished to an individual if the physician
21 ordering such test recommends that treatment of prostate
22 cancer for such individual is not medically necessary.

23 (c) CPT CODE ASSIGNMENT.—Not later than 60
24 days after the date of the enactment of this Act, the Sec-

- 1 retary of Health and Human Services shall assign the
- 2 DSPA test to a CPT code.

