

115TH CONGRESS
2D SESSION

H. R. 6886

IN THE SENATE OF THE UNITED STATES

OCTOBER 1 (legislative day, SEPTEMBER 28), 2018

Received; read twice and referred to the Committee on Finance

AN ACT

To amend title 10, United States Code, to modify the requirement for certain former members of the Armed Forces to enroll in Medicare Part B to be eligible for TRICARE for Life, and to amend title XVIII of the Social Security Act to provide for coverage of certain DNA specimen provenance assay tests 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Equity and
3 Access for Returning Troops and Servicemembers Act of
4 2018” or the “HEARTS Act of 2018”.

5 **SEC. 2. MODIFICATION OF REQUIREMENT FOR CERTAIN**
6 **FORMER MEMBERS OF THE ARMED FORCES**
7 **TO ENROLL IN MEDICARE PART B TO BE ELI-**
8 **GIBLE FOR TRICARE FOR LIFE.**

9 (a) TRICARE ELIGIBILITY.—

10 (1) IN GENERAL.—Subsection (d) of section
11 1086 of title 10, United States Code, is amended by
12 adding at the end the following new paragraph:

13 “(6)(A) The requirement in paragraph (2)(A) to en-
14 roll in the supplementary medical insurance program
15 under part B of title XVIII of the Social Security Act (42
16 U.S.C. 1395j et seq.) shall not apply to a person described
17 in subparagraph (B) during any month in which such per-
18 son is not entitled to a benefit described in subparagraph
19 (A) of section 226(b)(2) of the Social Security Act (42
20 U.S.C. 426(b)(2)) if such person has received the coun-
21 seling and information under subparagraph (C).

22 “(B) A person described in this subparagraph is a
23 person—

24 “(i) who is under 65 years of age;

25 “(ii) who is entitled to hospital insurance bene-
26 fits under part A of title XVIII of the Social Secu-

1 rity Act pursuant to subparagraph (A) or (C) of sec-
 2 tion 226(b)(2) of such Act (42 U.S.C. 426(b)(2));

3 “(iii) whose entitlement to a benefit described
 4 in subparagraph (A) of such section has terminated
 5 due to performance of substantial gainful activity;
 6 and

7 “(iv) who is retired under chapter 61 of this
 8 title.

9 “(C) The Secretary of Defense shall coordinate with
 10 the Secretary of Health and Human Services and the
 11 Commissioner of Social Security to notify persons de-
 12 scribed in subparagraph (B) of, and provide information
 13 and counseling regarding, the effects of not enrolling in
 14 the supplementary medical insurance program under part
 15 B of title XVIII of the Social Security Act (42 U.S.C.
 16 1395j et seq.), as described in subparagraph (A).”.

17 (2) CONFORMING AMENDMENT.—Paragraph
 18 (2)(A) of such subsection is amended by striking “is
 19 enrolled” and inserting “except as provided by para-
 20 graph (6), is enrolled”.

21 (3) IDENTIFICATION OF PERSONS.—Section
 22 1110a of such title is amended by adding at the end
 23 the following new subsection:

24 “(c) CERTAIN INDIVIDUALS NOT REQUIRED TO EN-
 25 ROLL IN MEDICARE PART B.—In carrying out subsection

1 (a), the Secretary of Defense shall coordinate with the
2 Secretary of Health and Human Services and the Commis-
3 sioner of Social Security to—

4 “(1) identify persons described in subparagraph
5 (B) of section 1086(d)(6) of this title; and

6 “(2) provide information and counseling pursu-
7 ant to subparagraph (D) of such section.”.

8 (b) NON-APPLICATION OF MEDICARE PART B LATE
9 ENROLLMENT PENALTY.—Section 1839(b) of the Social
10 Security Act (42 U.S.C. 1395r(b)) is amended, in the sec-
11 ond sentence, by inserting “or months for which the indi-
12 vidual can demonstrate that the individual is an individual
13 described in paragraph (6)(B) of section 1086(d) of title
14 10, United States Code, who is enrolled in the TRICARE
15 program pursuant to such section” after “an individual
16 described in section 1837(k)(3)”.

17 (c) REPORT.—Not later than October 1, 2024, the
18 Secretary of Defense, the Secretary of Health and Human
19 Services, and the Commissioner of Social Security shall
20 jointly submit to the Committees on Armed Services of
21 the House of Representatives and the Senate, the Com-
22 mittee on Ways and Means and the Committee on Energy
23 and Commerce of the House of Representatives, and the
24 Committee on Finance of the Senate a report on the im-
25 plementation of section 1086(d)(6) of title 10, United

1 States Code, as added by subsection (a). Such report shall
2 include, with respect to the period covered by the report—

3 (1) the number of individuals enrolled in
4 TRICARE for Life who are not enrolled in the sup-
5plementary medical insurance program under part B
6 of title XVIII of the Social Security Act (42 U.S.C.
7 1395j et seq.) by reason of such section 1086(d)(6);
8 and

9 (2) the number of individuals who—

10 (A) are retired from the Armed Forces
11 under chapter 61 of title 10, United States
12 Code;

13 (B) are entitled to hospital insurance bene-
14fits under part A of title XVIII of the Social
15 Security Act pursuant to receiving benefits for
16 24 months as described in subparagraph (A) or
17 (C) of section 226(b)(2) of such Act (42 U.S.C.
18 426(b)(2)); and

19 (C) because of such entitlement, are no
20 longer enrolled in TRICARE Standard,
21 TRICARE Prime, TRICARE Extra, or
22 TRICARE Select under chapter 55 of title 10,
23 United States Code.

24 (d) DEPOSIT OF SAVINGS INTO MEDICARE IMPROVE-
25 MENT FUND.—Section 1898(b)(1) of the Social Security

1 Act (42 U.S.C. 1395iii(b)(1)) is amended by striking
 2 “during and after fiscal year 2021, \$0” and inserting
 3 “during and after fiscal year 2024, \$5,000,000”.

4 (e) APPLICATION.—The amendments made by sub-
 5 sections (a) and (b) shall apply with respect to a person
 6 who, on or after October 1, 2023, is a person described
 7 in section 1086(d)(6)(B) of title 10, United States Code,
 8 as added by subsection (a).

9 **SEC. 3. COVERAGE OF CERTAIN DNA SPECIMEN PROVE-**
 10 **NANCE ASSAY TESTS UNDER MEDICARE.**

11 (a) BENEFIT.—

12 (1) COVERAGE.—Section 1861 of the Social Se-
 13 curity Act (42 U.S.C. 1395x) is amended—

14 (A) in subsection (s)(2)—

15 (i) in subparagraph (FF), by striking
 16 “and” at the end;

17 (ii) in subparagraph (GG), by insert-
 18 ing “and” at the end; and

19 (iii) by adding at the end the fol-
 20 lowing new subparagraph:

21 “(HH) a prostate cancer DNA Specimen Prove-
 22 nance Assay test (DSPA test) (as defined in sub-
 23 section (jjj)); and”; and

24 (B) by adding at the end the following new
 25 subsection:

1 “(jjj) PROSTATE CANCER DNA SPECIMENT PROVE-
 2 NANCE ASSAY TEST.—The term ‘prostate cancer DNA
 3 Specimen Provenance Assay Test’ (DSPA test) means a
 4 test that, after a determination of cancer in one or more
 5 prostate biopsy specimens obtained from an individual, as-
 6 sesses the identity of the DNA in such specimens by com-
 7 paring such DNA with the DNA that was separately taken
 8 from such individual at the time of the biopsy.”.

9 (2) EXCLUSION FROM COVERAGE.—Section
 10 1862(a)(1) of the Social Security Act (42 U.S.C.
 11 1395y(a)(1)) is amended—

12 (A) in subparagraph (O), by striking
 13 “and” at the end;

14 (B) in subparagraph (P), by striking the
 15 semicolon at the end and inserting “, and”; and

16 (C) by adding at the end the following new
 17 subparagraph:

18 “(Q) in the case of a prostate cancer DNA
 19 Specimen Provenance Assay test (DSPA test) (as
 20 defined in section 1861(jjj)), unless such test is fur-
 21 nished on or after January 1, 2020, and before Jan-
 22 uary 1, 2025, and such test is ordered by the physi-
 23 cian who furnished the prostate cancer biopsy that
 24 obtained the specimen tested;”.

1 (b) PAYMENT AMOUNT AND RELATED REQUIRE-
2 MENTS.—Section 1834 of the Social Security Act (42
3 U.S.C. 1395m) is amended by adding at the end the fol-
4 lowing new subsection:

5 “(w) PROSTATE CANCER DNA SPECIMEN PROVE-
6 NANCE ASSAY TESTS.—

7 “(1) PAYMENT FOR COVERED TESTS.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), the payment amount for a prostate
10 cancer DNA Specimen Provenance Assay test
11 (DSPA test) (as defined in section 1861(jjj))
12 shall be \$200. Such payment shall be payment
13 for all of the specimens obtained from the bi-
14 opsy furnished to an individual that are tested.

15 “(B) LIMITATION.—Payment for a DSPA
16 test under subparagraph (A) may only be made
17 on an assignment-related basis.

18 “(C) PROHIBITION ON SEPARATE PAY-
19 MENT.—No separate payment shall be made for
20 obtaining DNA that was separately taken from
21 an individual at the time of a biopsy described
22 in subparagraph (A).

23 “(2) HCPCS CODE AND MODIFIER ASSIGN-
24 MENT.—

1 “(A) IN GENERAL.—The Secretary shall
2 assign one or more HCPCS codes to a prostate
3 cancer DNA Specimen Provenance Assay test
4 and may use a modifier to facilitate making
5 payment under this section for such test.

6 “(B) IDENTIFICATION OF DNA MATCH ON
7 CLAIM.—The Secretary shall require an indica-
8 tion on a claim for a prostate cancer DNA
9 Specimen Provenance Assay test of whether the
10 DNA of the prostate biopsy specimens match
11 the DNA of the individual diagnosed with pros-
12 tate cancer. Such indication may be made
13 through use of a HCPCS code, a modifier, or
14 other means, as determined appropriate by the
15 Secretary.

16 “(3) DNA MATCH REVIEW.—

17 “(A) IN GENERAL.—The Secretary shall
18 review at least three years of claims under part
19 B for prostate cancer DNA Specimen Prove-
20 nance Assay tests to identify whether the DNA
21 of the prostate biopsy specimens match the
22 DNA of the individuals diagnosed with prostate
23 cancer.

24 “(B) POSTING ON INTERNET WEBSITE.—
25 Not later than July 1, 2023, the Secretary shall

1 post on the Internet website of the Centers for
2 Medicare & Medicaid Services the findings of
3 the review conducted under subparagraph
4 (A).”.

5 (c) COST-SHARING.—Section 1833(a)(1) of the Social
6 Security Act (42 U.S.C. 1395l(a)(1)) is amended—

7 (1) by striking “and (BB)” and inserting
8 “(BB)”; and

9 (2) by inserting before the semicolon at the end
10 the following: “, and (CC) with respect to a prostate
11 cancer DNA Specimen Provenance Assay test
12 (DSPA test) (as defined in section 1861(jjj)), the
13 amount paid shall be an amount equal to 80 percent
14 of the lesser of the actual charge for the test or the
15 amount specified under section 1834(w)”.

Passed the House of Representatives September 28,
2018.

Attest:

KAREN L. HAAS,

Clerk.