

115TH CONGRESS
2D SESSION

S. 2523

To amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2018

Mrs. CAPITO (for herself and Mr. HEINRICH) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, and for other purposes.

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 “Colorectal Cancer De-
5 tection Act of 2018”.

1 **SEC. 2. MEDICARE COVERAGE FOR FDA-APPROVED QUALI-**
 2 **FYING COLORECTAL CANCER SCREENING**
 3 **BLOOD-BASED TESTS.**

4 (a) IN GENERAL.—Section 1861(pp) of the Social Se-
 5 curity Act (42 U.S.C. 1395x(pp)) is amended—

6 (1) in paragraph (1)—

7 (A) by redesignating subparagraph (D) as
 8 subparagraph (E); and

9 (B) by inserting after subparagraph (C)
 10 the following new subparagraph:

11 “(D) Qualifying colorectal cancer screening
 12 blood-based test.”; and

13 (2) by adding at the end the following new
 14 paragraph:

15 “(3) The term ‘qualifying colorectal cancer screening
 16 blood-based test’ means, with respect to a year, a screen-
 17 ing blood-based test for the early detection of colorectal
 18 cancer furnished in the year that was marketed or used,
 19 as applicable, in accordance with the relevant provisions
 20 of section 353 of the Public Health Service Act or the
 21 Federal Food, Drug, and Cosmetic Act more than 6
 22 months before the beginning of the year.”.

23 (b) FREQUENCY LIMITS FOR COLORECTAL CANCER
 24 SCREENING TESTS AND PAYMENT AMOUNT FOR QUALI-
 25 FYING COLORECTAL CANCER SCREENING BLOOD-BASED

1 TESTS.—Section 1834(d) of the Social Security Act (42
2 U.S.C. 1395m(d)) is amended—

3 (1) by amending clause (ii) of paragraph (1)(B)
4 to read as follows:

5 “(ii) if the test is performed within—

6 “(I) the 11 months after a pre-
7 vious screening fecal-occult blood test
8 or a previous qualifying colorectal
9 cancer screening blood-based test;

10 “(II) the 35 months after a pre-
11 vious screening flexible sigmoidoscopy
12 or a previous screening colonoscopy
13 with adenoma findings;

14 “(III) the 59 months after a pre-
15 vious screening colonoscopy with small
16 polyp findings; or

17 “(IV) the 119 months after a
18 previous screening colonoscopy with-
19 out adenoma findings or small polyp
20 findings.”;

21 (2) in paragraph (2)(E)(ii), by inserting “or
22 within the 35 months after a previous screening
23 fecal-occult blood test or previous qualifying
24 colorectal cancer screening blood-based test” after
25 “sigmoidoscopy”;

(3) by amending subparagraph (E) of paragraph (3) to read as follows:

“(E) FREQUENCY LIMIT.—No payment may be made under this part for a colorectal cancer screening test consisting of a screening colonoscopy—

“(i) if the procedure is performed within the 119 months after a previous screening fecal-occult blood test or previous qualifying colorectal cancer screening blood-based test;

“(ii) for individuals at high risk for colorectal cancer if the procedure is performed within the 23 months after a previous screening colonoscopy; or

“(iii) for individuals not at high risk for colorectal cancer if the procedure is performed within the 119 months after a previous screening colonoscopy or within the 47 months after a previous screening flexible sigmoidoscopy.”; and

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

“(4) QUALIFYING COLORECTAL CANCER SCREENING BLOOD-BASED TESTS.—

1 “(A) PAYMENT AMOUNT.—The payment
2 amount for colorectal cancer screening tests
3 consisting of qualifying colorectal cancer screen-
4 ing blood-based tests shall be established by the
5 Secretary based on a crosswalk to payment
6 amounts for tests for the diagnosis of inherited
7 colorectal cancer by methylation methods.

8 “(B) FREQUENCY LIMIT.—Paragraph
9 (1)(B) shall apply to colorectal cancer screening
10 tests consisting of qualifying colorectal cancer
11 screening blood-based tests in the same manner
12 as such paragraph applies to colorectal cancer
13 screening tests consisting of fecal-occult blood
14 tests.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to colorectal cancer screening tests
17 furnished in a year beginning more than 6 months after
18 the date of the enactment of this Act.

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