

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 777

To amend title XIX of the Social Security Act to require State medicaid plans to provide coverage of screening mammography.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1995

Mrs. VUCANOVICH introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend title XIX of the Social Security Act to require State medicaid plans to provide coverage of screening mammography.

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 “Medicaid Mammog-  
5       raphy Coverage Act of 1995”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Breast cancer is the second leading cause of  
9       death by cancer in women.

1           (2) An estimated 182,000 new invasive cases of  
2 breast cancer in the United States are expected dur-  
3 ing 1995.

4           (3) An estimated 46,240 individuals are ex-  
5 pected to die of breast cancer during 1995, of whom  
6 46,000 will be women.

7           (4) There is no cure for breast cancer.

8           (5) Early detection is the key to survival of this  
9 devastating disease.

10          (6) Mammography is recognized as a valuable  
11 diagnostic technique for the detection of breast  
12 cancer.

13          (7) The American Cancer Society recommends  
14 that asymptomatic women have a screening mammo-  
15 gram by age 40 and a screening mammogram every  
16 1 to 2 years between the ages of 40 and 49.

17          (8) The American Cancer Society and the Na-  
18 tional Cancer Institute recommend an annual mam-  
19 mogram for women over age 50.

20          (9) Lower-income women are often unable to  
21 afford recommended cancer screening.

22          (10) Many lower-income women receive health  
23 care benefits under the medicaid program.

1 **SEC. 3. COVERAGE OF SCREENING MAMMOGRAPHY UNDER**  
2 **MEDICAID.**

3 (a) IN GENERAL.—Section 1905(a) of the Social Se-  
4 curity Act (42 U.S.C. 1396d(a)) is amended—

5 (1) by striking “and” at the end of paragraph  
6 (24);

7 (2) by redesignating paragraph (25) as para-  
8 graph (26); and

9 (3) by inserting after paragraph (24) the fol-  
10 lowing new paragraph:

11 “(25) screening mammography (as defined in  
12 subsection (t)(1)) that is conducted by a facility that  
13 has a certificate (or provisional certificate) issued  
14 under section 354 of the Public Health Service Act,  
15 to the extent consistent with the frequency permitted  
16 under subsection (t)(2); and”.

17 (b) FREQUENCY OF COVERAGE.—Section 1905 of  
18 such Act (42 U.S.C. 1396d) is amended by adding at the  
19 end the following new subsection:

20 “(t) COVERAGE OF SCREENING MAMMOGRAPHY.—

21 “(1) DEFINITION.—The term ‘screening mam-  
22 mography’ means a radiologic procedure provided to  
23 a woman for the purpose of early detection of breast  
24 cancer and includes a physician’s interpretation of  
25 the results of the procedure.

26 “(2) FREQUENCY COVERED.—

1           “(A) IN GENERAL.—Subject to revision by  
2 the Secretary under subparagraph (B)—

3           “(i) Medical assistance is not required  
4 to be made under this title for screening  
5 mammography performed on a woman  
6 under 35 years of age.

7           “(ii) Medical assistance is available  
8 under this title for only 1 screening mam-  
9 mography performed on a woman over 34  
10 years of age, but under 40 years of age.

11           “(iii) In the case of a woman over 39  
12 years of age, but under 50 years of age,  
13 who—

14           “(I) is at a high risk of develop-  
15 ing breast cancer (as determined pur-  
16 suant to factors identified by the Sec-  
17 retary), medical assistance is not re-  
18 quired to be made available under this  
19 title for a screening mammography  
20 performed within 11 months of a pre-  
21 vious screening mammography, or

22           “(II) is not at a high risk of de-  
23 veloping breast cancer, medical assist-  
24 ance is not required to be made avail-  
25 able under this title for a screening

1           mammography performed within 23  
2           months of a previous screening mam-  
3           mography.

4           “(iv) In the case of a woman over 49  
5           years of age, medical assistance is not re-  
6           quired to be made available under this title  
7           for screening mammography performed  
8           within 11 months of a previous screening  
9           mammography.

10          “(B) REVISION OF FREQUENCY.—

11           “(i) REVIEW.—The Secretary, in con-  
12           sultation with the Director of the National  
13           Cancer Institute, shall review periodically  
14           appropriate frequency for performing  
15           screening mammography, based on age  
16           and such other factors as the Secretary be-  
17           lieves to be pertinent.

18           “(ii) REVISION OF FREQUENCY.—The  
19           Secretary, taking into consideration the re-  
20           view made under clause (i), may revise  
21           from time to time the frequency with  
22           which medical assistance is required to be  
23           made available under this title, but no such  
24           revision shall apply to screening mammog-  
25           raphy performed before January 1, 1997.”.

1 (c) MAKING COVERAGE MANDATORY.—Section  
2 1902(a)(10)(A) of such Act (42 U.S.C. 1396a(a)(10)(A))  
3 is amended by striking “(17) and (21)” and inserting  
4 “(17), (21), and (25)”.

5 (d) PROHIBITING IMPOSITION OF CHARGES AGAINST  
6 BENEFICIARIES.—Sections 1916(a)(2)(D) and  
7 1916(b)(2)(D) of such Act (42 U.S.C. 1396o(a)(2)(D),  
8 1396o(b)(2)(D)) are each amended by inserting “services  
9 described in section 1905(a)(25),” after “1905(a)(4)(C),”.

10 (e) 100 PERCENT FEDERAL MATCH.—Section  
11 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by  
12 adding at the end the following: “Notwithstanding the  
13 first sentence of this subsection, the Federal medical as-  
14 sistance percentage shall be 100 percent with respect to  
15 amounts expended for medical assistance consisting of  
16 screening mammography under subsection (a)(25).”.

17 (f) CONFORMING AMENDMENTS.—(1) Section  
18 1902(a)(10)(C)(iv) of such Act (42 U.S.C.  
19 1396a(a)(10)(C)(iv)) is amended—

20 (A) by striking “(5) and (17)” and inserting  
21 “(5), (17), and (25)”; and

22 (B) by striking “through (21)” and inserting  
23 “through (25)”.

1           (2) Section 1902(j) (42 U.S.C. 1396a(j)) of such Act  
2 is amended by striking “through (22)” and inserting  
3 “through (26)”.

4           (g) EFFECTIVE DATE.—(1) Except as provided in  
5 paragraph (2), the amendments made by this section shall  
6 apply to screening mammography performed on or after  
7 January 1, 1996, without regard to whether or not final  
8 regulations to carry out such amendments have been pro-  
9 mulgated by such date.

10          (2) In the case of a State plan for medical assistance  
11 under title XIX of the Social Security Act which the Sec-  
12 retary of Health and Human Services determines requires  
13 State legislation (other than legislation appropriating  
14 funds) in order for the plan to meet the additional require-  
15 ment imposed by the amendments made by this section,  
16 the State plan shall not be regarded as failing to comply  
17 with the requirements of such title solely on the basis of  
18 its failure to meet this additional requirement before the  
19 first day of the first calendar quarter beginning after the  
20 close of the first regular session of the State legislature  
21 that begins after the date of the enactment of this Act.  
22 For purposes of the previous sentence, in the case of a  
23 State that has a 2-year legislative session, each year of

1 such session shall be deemed to be a separate regular ses-  
2 sion of the State legislature.

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