

104TH CONGRESS
1ST SESSION

S. 1385

To amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the medicare program.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 1995

Mr. BREAUX (for himself, Mr. CONRAD, Mr. DORGAN, Mr. KERREY, Mr. DASCHLE, and Mr. HOLLINGS) 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 for coverage of periodic colorectal screening services under part B of 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 “Colorectal Cancer
5 Screening Act of 1995”.

1 **SEC. 2. MEDICARE COVERAGE OF COLORECTAL SCREEN-**
2 **ING SERVICES.**

3 (a) IN GENERAL.—Section 1834 of the Social Secu-
4 rity Act (42 U.S.C. 1395m) is amended by inserting after
5 subsection (d) the following new subsection:

6 “(e) FREQUENCY AND PAYMENT LIMITS FOR
7 COLORECTAL SCREENING PROCEDURES.—

8 “(1) SCREENING FECAL-OCCULT BLOOD
9 TESTS.—

10 “(A) PAYMENT LIMIT.—In establishing fee
11 schedules under section 1833(h) with respect to
12 screening fecal-occult blood tests provided for
13 the purpose of early detection of colon cancer,
14 except as provided by the Secretary under para-
15 graph (3)(A), the payment amount established
16 for tests performed—

17 “(i) in 1996 shall not exceed \$5; and

18 “(ii) in a subsequent year, shall not
19 exceed the limit on the payment amount
20 established under this subsection for such
21 tests for the preceding year, adjusted by
22 the applicable adjustment under section
23 1833(h) for tests performed in such year.

24 “(B) FREQUENCY LIMITS.—Subject to re-
25 vision by the Secretary under paragraph (3)(B),
26 no payment may be made under this part for

1 a screening fecal-occult blood test provided to
2 an individual for the purpose of early detection
3 of colon cancer if the test is performed—

4 “(i) on an individual under 50 years
5 of age; or

6 “(ii) within the 11 months after a
7 previous screening fecal-occult blood test.

8 “(2) PERIODIC COLORECTAL SCREENING PRO-
9 CEDURES FOR INDIVIDUALS NOT AT HIGH RISK FOR
10 COLORECTAL CANCER.—

11 “(A) PAYMENT AMOUNT.—The Secretary
12 shall establish a payment amount under section
13 1848 with respect to periodic colorectal screen-
14 ing procedures provided for the purpose of early
15 detection of colon cancer that is consistent with
16 payment amounts under such section for similar
17 or related services, except that such payment
18 amount shall be established without regard to
19 subsection (a)(2)(A) of such section. The Sec-
20 retary shall establish a single payment amount
21 for periodic colorectal screening procedures,
22 which shall be based on the cost of a flexible
23 sigmoidoscopy or barium enema procedure, as
24 the Secretary determines appropriate.

1 “(B) FREQUENCY LIMITS.—Subject to re-
2 vision by the Secretary under paragraph (4)(B),
3 no payment may be made under this part for
4 a periodic colorectal screening procedure pro-
5 vided to an individual for the purpose of early
6 detection of colon cancer if the procedure is
7 performed—

8 “(i) on an individual under 50 years
9 of age; or

10 “(ii) within the 59 months after a
11 previous periodic colorectal screening pro-
12 cedure.

13 “(C) PERIODIC COLORECTAL SCREENING
14 PROCEDURE DEFINED.—The term ‘periodic
15 colorectal screening procedure’ means a flexible
16 sigmoidoscopy, barium enema screening proce-
17 dure, or other screening procedure for colorectal
18 cancer, as determined by the Secretary.

19 “(3) SCREENING FOR INDIVIDUALS AT HIGH
20 RISK FOR COLORECTAL CANCER.—

21 “(A) PAYMENT AMOUNT.—The Secretary
22 shall establish a payment amount under section
23 1848 with respect to each eligible procedure for
24 screening for individuals at high risk for
25 colorectal cancer (as determined in accordance

1 with criteria established by the Secretary) pro-
2 vided for the purpose of early detection of colon
3 cancer that is consistent with payment amounts
4 under such section for similar or related serv-
5 ices, except that such payment amount shall be
6 established without regard to subsection
7 (a)(2)(A) of such section. The Secretary may
8 establish a payment amount for a barium
9 enema procedure pursuant to this paragraph
10 that is different from the payment amount es-
11 tablished pursuant to paragraph (2) for a peri-
12 odic colorectal screening procedure for an indi-
13 vidual not at high risk for colorectal cancer so
14 long as the payment amount established pursu-
15 ant to paragraph (2) is not based on the cost
16 of a barium enema procedure.

17 “(B) ELIGIBLE PROCEDURES.—Procedures
18 eligible for payment under this part for screen-
19 ing for individuals at high risk for colorectal
20 cancer for the purpose of early detection of
21 colorectal cancer shall include a screening
22 colonoscopy, a barium enema screening proce-
23 dure, or other screening procedures for
24 colorectal cancer as the Secretary determines
25 appropriate.

1 “(C) FREQUENCY LIMIT.—Subject to revi-
2 sion by the Secretary under paragraph (4)(B),
3 no payment may be made under this part for
4 a screening procedure for individuals at high
5 risk for colorectal cancer provided to an individ-
6 ual for the purpose of early detection of colon
7 cancer if the procedure is performed within the
8 23 months after a previous screening procedure.

9 “(D) FACTORS CONSIDERED IN ESTAB-
10 LISHING CRITERIA FOR DETERMINING INDIVID-
11 UALS AT HIGH RISK.—In establishing criteria
12 for determining whether an individual is at high
13 risk for colorectal cancer for purposes of this
14 paragraph, the Secretary shall take into consid-
15 eration family history, prior experience of can-
16 cer or precursor neoplastic polyps, a history of
17 chronic digestive disease condition (including in-
18 flammatory bowel disease, Crohn’s disease, or
19 ulcerative colitis), the presence of any appro-
20 priate recognized gene markers for colorectal
21 cancer and other predisposing factors.

22 “(4) REDUCTIONS IN PAYMENT LIMIT AND RE-
23 VISION OF FREQUENCY.—

24 “(A) REDUCTIONS IN PAYMENT LIMIT.—
25 The Secretary shall review from time to time

1 the appropriateness of the amount of the pay-
2 ment limit established for screening fecal-occult
3 blood tests under paragraph (1)(A). The Sec-
4 retary may, with respect to tests performed in
5 a year after 1998, reduce the amount of such
6 limit as it applies nationally or in any area to
7 the amount that the Secretary estimates is re-
8 quired to assure that such tests of an appro-
9 priate quality are readily and conveniently
10 available during the year.

11 “(B) REVISION OF FREQUENCY AND DE-
12 TERMINATION OF ELIGIBLE PROCEDURES.—

13 “(i) REVIEW.—The Secretary shall re-
14 view periodically the appropriate frequency
15 for performing screening fecal-occult blood
16 tests, periodic colorectal screening proce-
17 dures, and screening procedures for indi-
18 viduals at high risk for colorectal cancer
19 based on age and such other factors as the
20 Secretary believes to be pertinent, and
21 shall review periodically the availability, ef-
22 fectiveness, and cost of screening proce-
23 dures for colorectal cancer other than
24 those specified in this section.

1 “(ii) REVISION OF FREQUENCY AND
2 DETERMINATION OF ELIGIBLE PROCE-
3 DURES.—The Secretary, taking into con-
4 sideration the review made under clause
5 (i), may revise from time to time the fre-
6 quency with which such tests and proce-
7 dures may be paid for under this sub-
8 section and may determine that additional
9 screening procedures shall be considered to
10 be ‘periodic colorectal screening proce-
11 dures’ or an eligible procedure for the
12 screening of individuals at high risk for
13 colorectal cancer, but no such revision shall
14 apply to tests or procedures performed be-
15 fore January 1, 1999.

16 “(5) LIMITING CHARGES OF NONPARTICIPATING
17 PHYSICIANS.—

18 “(A) IN GENERAL.—In the case of a peri-
19 odic colorectal screening procedure provided to
20 an individual for the purpose of early detection
21 of colon cancer or a screening provided to an
22 individual at high risk for colorectal cancer for
23 the purpose of early detection of colon cancer
24 for which payment may be made under this
25 part, if a nonparticipating physician provides

1 the procedure to an individual enrolled under
2 this part, the physician may not charge the in-
3 dividual more than the limiting charge (as de-
4 fined in section 1848(g)(2)).

5 “(B) ENFORCEMENT.—If a physician or
6 supplier knowing and willfully imposes a charge
7 in violation of subparagraph (A), the Secretary
8 may apply sanctions against such physician or
9 supplier in accordance with section
10 1842(j)(2).”.

11 (b) CONFORMING AMENDMENTS.—(1) Paragraphs
12 (1)(D) and (2)(D) of section 1833(a) of the Social Secu-
13 rity Act (42 U.S.C. 1395l(a)) are each amended by strik-
14 ing “subsection (h)(1),” and inserting “subsection (h)(1)
15 or section 1834(e)(1),”.

16 (2) Section 1823(h)(1)(A) of such Act (42 U.S.C.
17 1935l(h)(1)(A)) is amended by striking “The Secretary”
18 and inserting “Subject to paragraphs (1) and (3)(A) of
19 section 1834(e), the Secretary”.

20 (3) Clauses (i) and (ii) of section 1848(a)(2)(A) of
21 such Act (42 U.S.C. 1395w-4(a)(2)(A)) are each amended
22 by striking “a service” and inserting “a service (other
23 than a periodic colorectal screening procedure provided to
24 an individual for the purpose of early detection of colon
25 cancer or an eligible screening procedure provided to an

1 individual at high risk for colorectal cancer for the purpose
2 of early detection of colon cancer)”.
3

4 (4) Section 1862(a) of such Act (42 U.S.C. 1395y(a))
5 is amended—

6 (A) in paragraph (1)—

7 (i) in subparagraph (E), by striking “and”
8 at the end;

9 (ii) in subparagraph (F), by striking the
10 semicolon at the end and inserting “, and”; and

11 (iii) by adding at the end the following new
12 subparagraph:

13 “(G) in the case of screening fecal-occult blood
14 tests, periodic colorectal screening procedures, and
15 screening procedures provided for the purpose of
16 early detection of colon cancer, which are performed
17 more frequently than is covered under section
18 1834(e);”; and

19 (B) in paragraph (7), by striking “paragraph
20 (1)(B) or under paragraph (1)(F)” and inserting
21 “subparagraphs (B), (F), or (G) of paragraph (1)”.

22 **SEC. 3. EFFECTIVE DATE.**

23 The amendments made by section 2 shall apply to
services furnished on or after January 1, 1996.

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