

106TH CONGRESS
1ST SESSION

H. R. 1816

To require coverage for colorectal cancer screenings.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1999

Ms. SLAUGHTER (for herself, Mrs. MORELLA, Mr. SISISKY, and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, 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 require coverage for colorectal cancer screenings.

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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Eliminate Colorectal Cancer Act of 1999”.

6 (b) FINDINGS.—The Congress finds the following:

7 (1) Colorectal cancer is the second leading
8 cause of cancer deaths in the United States for men
9 and women combined.

1 (2) It is estimated that in 1999, 129,400 new
2 cases of colorectal cancer will be diagnosed in men
3 and women in the United States.

4 (3) Colorectal cancer is expected to kill 56,600
5 individuals in the United States in 1999.

6 (4) Research has shown that a high-fiber, low-
7 fat diet can significantly reduce the risk of devel-
8 oping colorectal cancer.

9 (5) The adoption of a healthy diet at a young
10 age can significantly reduce the risk of developing
11 colorectal cancer.

12 (6) Appropriate screenings and regular tests
13 can save large numbers of lives by leading to earlier
14 identification of colorectal cancer.

15 (7) The Centers for Disease Control and Pre-
16 vention, the Health Care Financing Administration,
17 and the National Cancer Institute have initiated the
18 Screen for Life Campaign targeted to individuals
19 age 50 and older to spread the message of the im-
20 portance of colorectal cancer screening tests.

21 (8) Education helps to inform the public of
22 symptoms for the early detection of colorectal cancer
23 and methods of prevention.

24 **SEC. 2. COVERAGE FOR COLORECTAL CANCER SCREENING.**

25 (a) GROUP HEALTH PLANS.—

1 (1) PUBLIC HEALTH SERVICE ACT AMEND-
2 MENTS.—(A) Subpart 2 of part A of title XXVII of
3 the Public Health Service Act is amended by adding
4 at the end the following new section:

5 **“SEC. 2707. COVERAGE FOR COLORECTAL CANCER SCREEN-**
6 **ING.**

7 “(a) COVERAGE FOR COLORECTAL CANCER SCREEN-
8 ING.—

9 “(1) IN GENERAL.—A group health plan, and a
10 health insurance issuer offering group health insur-
11 ance coverage, shall provide coverage for colorectal
12 cancer screening at regular intervals to—

13 “(A) any participant or beneficiary over
14 the age of 50; and

15 “(B) any participant or beneficiary under
16 the age of 50 who is at a high risk for
17 colorectal cancer, or who may have symptoms
18 or circumstances that indicate a need for
19 colorectal cancer screening.

20 “(2) DEFINITION OF HIGH RISK.—For purposes
21 of subsection (a)(1)(B), the term ‘high risk for
22 colorectal cancer’ has the meaning given such term
23 in section 1861(pp)(2) of the Social Security Act (42
24 U.S.C. 1395x(pp)(2)).

1 “(3) METHOD OF SCREENING.—The group
2 health plan or health insurance issuer shall cover the
3 method and frequency of colorectal cancer screening
4 deemed appropriate by a health care provider treat-
5 ing such participant or beneficiary, in consultation
6 with the participant or beneficiary. Such coverage
7 shall include the procedures in section 1861(pp)(1)
8 of the Social Security Act (42 U.S.C. 1395x(pp)(1))
9 and section 4104(a)(2) of the Balanced Budget Act
10 of 1997.

11 “(b) NOTICE.—A group health plan under this part
12 shall comply with the notice requirement under section
13 714(b) of the Employee Retirement Income Security Act
14 of 1974 with respect to the requirements of this section
15 as if such section applied to such plan.

16 “(c) NON-PREEMPTION OF MORE PROTECTIVE
17 STATE LAW WITH RESPECT TO HEALTH INSURANCE
18 ISSUERS.—This section shall not be construed to super-
19 sede any provision of State law which establishes, imple-
20 ments, or continues in effect any standard or requirement
21 solely relating to health insurance issuers in connection
22 with group health insurance coverage that provides great-
23 er protections to participants and beneficiaries than the
24 protections provided under this section.”.

1 in section 1861(pp)(2) of the Social Security Act (42
2 U.S.C. 1395x(pp)(2)).

3 “(3) METHOD OF SCREENING.—The group
4 health plan or health insurance issuer shall cover the
5 method and frequency of colorectal cancer screening
6 deemed appropriate by a health care provider treat-
7 ing such participant or beneficiary, in consultation
8 with the participant or beneficiary. Such coverage
9 shall include the procedures in section 1861(pp)(1)
10 of the Social Security Act (42 U.S.C. 1395x(pp)(1))
11 and section 4104(a)(2) of the Balanced Budget Act
12 of 1997.

13 “(b) NOTICE UNDER GROUP HEALTH PLAN.—The
14 imposition of the requirements of this section shall be
15 treated as a material modification in the terms of the plan
16 described in section 102(a), for purposes of assuring no-
17 tice of such requirements under the plan; except that the
18 summary description required to be provided under the
19 third to last sentence of section 104(b)(1) with respect to
20 such modification shall be provided by not later than 60
21 days after the first day of the first plan year in which
22 such requirements apply.”.

23 (B) Section 731(c) of such Act (29 U.S.C.
24 1191(c)) is amended by striking “section 711” and
25 inserting “sections 711 and 714”.

1 (C) Section 732(a) of such Act (29 U.S.C.
2 1191a(a)) is amended by striking “section 711” and
3 inserting “sections 711 and 714”.

4 (D) The table of contents in section 1 of such
5 Act is amended by inserting after the item relating
6 to section 713 the following new item:

“Sec. 714. Coverage for colorectal cancer screening.”.

7 (b) INDIVIDUAL HEALTH INSURANCE.—(1) Part B
8 of title XXVII of the Public Health Service Act is amend-
9 ed by inserting after section 2752 the following new sec-
10 tion:

11 **“SEC. 2753. COVERAGE FOR COLORECTAL CANCER SCREEN-**
12 **ING.**

13 “(a) IN GENERAL.—The provisions of section
14 2707(a) shall apply to health insurance coverage offered
15 by a health insurance issuer in the individual market in
16 the same manner as it applies to health insurance coverage
17 offered by a health insurance issuer in connection with a
18 group health plan in the small or large group market.

19 “(b) NOTICE.—A health insurance issuer under this
20 part shall comply with the notice requirement under sec-
21 tion 714(b) of the Employee Retirement Income Security
22 Act of 1974 with respect to the requirements referred to
23 in subsection (a) as if such section applied to such issuer
24 and such issuer were a group health plan.”.

1 (c) EFFECTIVE DATES.—(1)(A) Subject to subpara-
2 graph (B), the amendments made by subsection (a) shall
3 apply with respect to group health plans for plan years
4 beginning on or after January 1, 2001.

5 (B) In the case of a group health plan maintained
6 pursuant to 1 or more collective bargaining agreements
7 between employee representatives and 1 or more employ-
8 ers ratified before the date of enactment of this Act, the
9 amendments made by subsection (a) shall not apply to
10 plan years beginning before the later of—

11 (i) the date on which the last collective bar-
12 gaining agreements relating to the plan terminates
13 (determined without regard to any extension thereof
14 agreed to after the date of enactment of this Act),
15 or

16 (ii) January 1, 2001.

17 For purposes of clause (i), any plan amendment made pur-
18 suant to a collective bargaining agreement relating to the
19 plan which amends the plan solely to conform to any re-
20 quirement added by subsection (a) shall not be treated as
21 a termination of such collective bargaining agreement.

22 (2) The amendments made by subsection (b) shall
23 apply with respect to health insurance coverage offered,
24 sold, issued, renewed, in effect, or operated in the indi-
25 vidual market on or after January 1, 2001.

1 (3) The amendment made by subsection (c) shall
2 apply to contracts for contract periods beginning on or
3 after January 1, 2001.

4 (d) COORDINATED REGULATIONS.—The Secretary of
5 Labor and the Secretary of Health and Human Services
6 shall ensure, through the execution of an interagency
7 memorandum of understanding among such Secretaries,
8 that—

9 (1) regulations, rulings, and interpretations
10 issued by such Secretaries relating to the same mat-
11 ter over which both Secretaries have responsibility
12 under the provisions of this section (and the amend-
13 ments made thereby) are administered so as to have
14 the same effect at all times; and

15 (2) coordination of policies relating to enforcing
16 the same requirements through such Secretaries in
17 order to have a coordinated enforcement strategy
18 that avoids duplication of enforcement efforts and
19 assigns priorities in enforcement.

20 **SEC. 3. SENSE OF THE CONGRESS.**

21 It is the sense of the Congress that—

22 (1) all Americans should be educated about the
23 risks, prevention, screening, and treatment of
24 colorectal cancer;

1 (2) the Centers for Disease Control and Preven-
2 tion and the Department of Health and Human
3 Services should be commended for launching a co-
4 ordinated education campaign on colorectal cancer in
5 March of 1999; and

6 (3) the Centers for Disease Control and Preven-
7 tion and the Department of Health and Human
8 Services should track the impact of the coordinated
9 education campaign on colorectal cancer and make
10 information on its progress available to Members of
11 Congress.

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