

118TH CONGRESS
1ST SESSION

H. R. 1526

To amend title XVIII of the Social Security Act to provide hereditary cancer genetic testing for individuals with a history of a hereditary cancer gene mutation in a blood relative or a personal or ancestral history suspicious for hereditary cancer, and to provide coverage of certain cancer screenings or preventive surgeries that would reduce the risk for individuals with a germline (inherited) mutation associated with a high risk of developing a preventable cancer.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2023

Ms. WASSERMAN SCHULTZ (for herself, Mrs. MILLER-MEEKS, Ms. SLOTKIN, Mr. BUCSHON, Mr. KILMER, Mr. TRONE, Mr. TONKO, Ms. MOORE of Wisconsin, Ms. BUSH, Mr. COHEN, Mr. LYNCH, Mr. BACON, Mr. SOTO, Ms. CLARKE of New York, Mr. RUPPERSBERGER, Mr. MFUME, Mr. CARSON, Ms. CASTOR of Florida, Mr. GOTTHEIMER, Mr. FITZPATRICK, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 amend title XVIII of the Social Security Act to provide hereditary cancer genetic testing for individuals with a history of a hereditary cancer gene mutation in a blood relative or a personal or ancestral history suspicious for hereditary cancer, and to provide coverage of certain cancer screenings or preventive surgeries that would reduce the risk for individuals with a germline (inherited)

mutation associated with a high risk of developing a preventable cancer.

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 “Reducing Hereditary
5 Cancer Act”.

6 **SEC. 2. HEREDITARY CANCER GENETIC TESTING OF INDI-**
7 **VIDUALS WITH A FAMILY HISTORY OF A HE-**
8 **REDITARY CANCER GENE MUTATION OR PER-**
9 **SONAL OR FAMILY HISTORY SUSPICIOUS FOR**
10 **HEREDITARY CANCER.**

11 (a) **COVERAGE.**—Section 1861 of the Social Security
12 Act (42 U.S.C. 1395x) is amended—

13 (1) in subsection (s)(2)—

14 (A) by striking “and” at the end of sub-
15 paragraph (II);

16 (B) by striking the period and inserting “;
17 and” at the end of subparagraph (JJ); and

18 (C) by inserting after subparagraph (JJ)
19 the following new subparagraph:

20 “(KK) in the case of an individual with a
21 personal or family history of a hereditary can-
22 cer gene mutation or a personal or family his-
23 tory suspicious for hereditary cancer, germline
24 mutation testing.”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(mm) GERMLINE MUTATION TESTING.—The term
4 ‘germline mutation testing’ means genetic testing for
5 germline mutations that is in accordance with evidence-
6 based, clinical practice guidelines specifically addressing
7 genetic testing, screening, and management of individuals
8 with inherited mutations associated with increased cancer
9 risk that—

10 “(1) have been developed by a nationally recog-
11 nized oncology professional organization, including
12 the National Comprehensive Cancer Network, the
13 American Society of Clinical Oncology, the Society
14 of Gynecologic Oncology, or any other oncology pro-
15 fessional organization specified by a medicare ad-
16 ministrative contractor with a contract under section
17 1874A; and

18 “(2) in the case of conflicting guidelines devel-
19 oped by more than one nationally recognized oncol-
20 ogy professional organization, the least restrictive of
21 such guidelines, as determined by such a medicare
22 administrative contractor.”.

23 (b) FREQUENCY.—Section 1862(a)(1) of the Social
24 Security Act (42 U.S.C. 1395y(a)(1)) is amended—

1 (1) by striking “and” at the end of subpara-
2 graph (O);

3 (2) by adding “and” at the end of subpara-
4 graph (P); and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(Q) in the case of germline mutation test-
8 ing as defined in section 1861(III), which is per-
9 formed more than once with respect to an indi-
10 vidual described in such section;”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to testing furnished on or after
13 the date of the enactment of this Act.

14 **SEC. 3. COVERAGE OF CERTAIN PREVENTIVE SURGERIES.**

15 (a) IN GENERAL.—Section 1862 of the Social Secu-
16 rity Act (42 U.S.C. 1395y) is amended by adding at the
17 end the following new subsection:

18 “(p) COVERAGE OF CERTAIN RISK-REDUCING SUR-
19 GERIES.—In the case of an individual described in section
20 1861(s)(2)(II) for whom, based on evidence-based, clinical
21 practice guidelines described in section 1861(III), surgery
22 would reduce the risk of developing cancer, such risk-re-
23 ducing surgery shall be considered reasonable and nec-
24 essary for treatment of illness under subsection
25 (a)(1)(A).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply to items and services furnished
3 on or after the date of the enactment of this Act.

4 **SEC. 4. COVERAGE OF EVIDENCE-BASED SCREENINGS FOR**
5 **INDIVIDUALS WITH A HEREDITARY CANCER**
6 **GENE MUTATION.**

7 (a) IN GENERAL.—Section 1862 of the Social Secu-
8 rity Act (42 U.S.C. 1395y), as amended by section 3, is
9 amended by adding at the end the following new sub-
10 section:

11 “(q) COVERAGE OF EVIDENCE-BASED SCREENINGS
12 FOR INDIVIDUALS WITH A HEREDITARY CANCER GENE
13 MUTATION.—In the case of an individual who is deter-
14 mined pursuant to genetic testing to have a hereditary
15 cancer (germline) gene mutation, the Secretary shall in-
16 crease any frequency limitations (or other limitations on
17 coverage otherwise applicable under this title) for any evi-
18 dence-based screenings furnished to such individual, to be
19 in compliance with evidence-based, clinical practice guide-
20 lines described in section 1861(III), or as determined ap-
21 propriate by the Secretary, but not less frequently than
22 on an annual basis. For the purposes of this subsection,
23 evidence-based screenings shall include screening mam-
24 mography, breast screening MRI, colonoscopy, PSA test-
25 ing, and any additional evidence-based screening modali-

1 ties appropriate for high-risk individuals as recommended
2 by such guidelines.”.

3 (b) CONFORMING AMENDMENT FOR SCREENING
4 MAMMOGRAPHY.—Section 1834(c)(2)(A) of the Social Se-
5 curity Act (42 U.S.C. 1395m(c)(2)(A)) is amended, in the
6 matter preceding clause (i), by striking “subparagraph
7 (B)” and inserting “subparagraph (B) and section
8 1862(q)”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to items and services furnished on
11 or after the date of the enactment of this Act.

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