

118TH CONGRESS
1ST SESSION

S. 765

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 SENATE OF THE UNITED STATES

MARCH 9, 2023

Ms. MURKOWSKI (for herself and Mr. CARDIN) 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reducing Hereditary
3 Cancer Act of 2023”.

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

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

11 (1) in subsection (s)(2)—

12 (A) in subparagraph (II), by striking
13 “and” at the end;

14 (B) in subparagraph (JJ), by inserting
15 “and” at the end; and

16 (C) by adding at the end the following new
17 subparagraph:

18 “(KK) in the case of an individual with a per-
19 sonal or family history of a hereditary cancer gene
20 mutation or a personal or family history suspicious
21 for hereditary cancer, germline mutation testing;”;
22 and

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

25 “(nnn) **GERMLINE MUTATION TESTING.**—The term
26 ‘germline mutation testing’ means genetic testing for

1 germline mutations that is in accordance with evidence-
2 based, clinical practice guidelines specifically addressing
3 genetic testing, screening, and management of individuals
4 with inherited mutations associated with increased cancer
5 risk that—

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

14 “(2) in the case of conflicting guidelines devel-
15 oped by more than one nationally recognized oncol-
16 ogy professional organization, are the least restric-
17 tive of such guidelines, as determined by such a
18 medicare administrative contractor.”.

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

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

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

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

3 “(Q) in the case of germline mutation testing
4 as defined in section 1861(nnn), which is performed
5 more than once with respect to an individual de-
6 scribed in such section;”.

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

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

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

14 “(p) COVERAGE OF CERTAIN RISK-REDUCING SUR-
15 GERIES.—In the case of an individual described in section
16 1861(s)(2)(JJ) for whom, based on evidence-based, clin-
17 ical practice guidelines described in section 1861(nnn),
18 surgery would reduce the risk of developing cancer, such
19 risk-reducing surgery shall be considered reasonable and
20 necessary for treatment of illness under subsection
21 (a)(1)(A).”.

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

1 **SEC. 4. COVERAGE OF EVIDENCE-BASED SCREENINGS FOR**
2 **INDIVIDUALS WITH A HEREDITARY CANCER**
3 **GENE MUTATION.**

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

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

25 (b) CONFORMING AMENDMENT FOR SCREENING
26 MAMMOGRAPHY.—Section 1834(c)(2)(A) of the Social Se-

1 curity Act (42 U.S.C. 1395m(c)(2)(A)) is amended, in the
2 matter preceding clause (i), by striking “subparagraph
3 (B)” and inserting “subparagraph (B) and section
4 1862(q)”.

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

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