

117TH CONGRESS
1ST SESSION

H. R. 4110

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

JUNE 23, 2021

Ms. WASSERMAN SCHULTZ (for herself, Mrs. MILLER-MEEKS, Ms. SLOTKIN, and Mr. RODNEY DAVIS of Illinois) 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 of 2021”.

6 **SEC. 2. HEREDITARY CANCER GENETIC TESTING OF INDIVIDUALS WITH A FAMILY HISTORY OF A HEREDITARY CANCER GENE MUTATION OR PERSONAL OR FAMILY HISTORY SUSPICIOUS FOR 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 (GG);

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

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

20 “(II) 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 “(III) 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(l), 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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