

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.

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## 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

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## 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 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 (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(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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