

118TH CONGRESS
1ST SESSION

H. R. 5864

To amend title XIX of the Social Security Act to provide for coverage under the Medicaid program of non-invasive prenatal genetic screening.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2023

Mr. FITZPATRICK (for himself and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to provide for coverage under the Medicaid program of non-invasive prenatal genetic screening.

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 “Expanded Genetic
5 Screening Act”.

6 **SEC. 2. MEDICAID COVERAGE OF NON-INVASIVE PRENATAL**
7 **GENETIC SCREENING.**

8 (a) IN GENERAL.—Section 1905 of the Social Secu-
9 rity Act (42 U.S.C. 1396d) is amended—

10 (1) in subsection (a)(3)—

1 (A) in subparagraph (A), by striking at the
2 end “and”;

3 (B) in subparagraph (B), by inserting
4 “and” after the semicolon; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(C) non-invasive prenatal genetic screen-
8 ing for pregnant women of all age groups (pro-
9 vided in a facility, a home, or other setting),
10 subject to the informed consent requirement de-
11 scribed in subsection (jj);”;

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

14 “(jj) INFORMED CONSENT REQUIREMENT FOR NON-
15 INVASIVE PRENATAL GENETIC SCREENING.—

16 “(1) IN GENERAL.—For purposes of subsection
17 (a)(3)(C), the informed consent requirement de-
18 scribed in this subsection for non-invasive prenatal
19 genetic screening furnished to a pregnant woman is
20 that, prior to furnishing the screening to the woman,
21 the provider of the screening gives the woman a full
22 disclosure that includes, at a minimum, the following
23 information:

24 “(A) The limitations of the screening plat-
25 form for any genetic screen or test with the

1 goal to identify risk or diagnose a genetic condi-
2 tion.

3 “(B) Any potential interferences that may
4 affect the screening’s performance.

5 “(C) Information about predictive values
6 used by the screening based on appropriate
7 matching population and inherent risk factors
8 based on age, family history, and other
9 aneuploidy risk factors (such as ultrasound ab-
10 normalities).

11 “(D) The need for follow-up diagnostic
12 testing to confirm true positive results before
13 decisions are made about irrevocable clinical
14 intervention.

15 “(2) NO MEDICAL ASSISTANCE AVAILABLE FOR
16 SCREENINGS PROVIDED WITHOUT CONSENT.—No
17 payment may be made under section 1903(a) with
18 respect to a non-invasive prenatal genetic screening
19 that is furnished to a pregnant woman without
20 meeting the requirement described in paragraph
21 (1).”.

22 (b) CONFORMING AMENDMENT.—Section 1903(i) of
23 the Social Security Act (42 U.S.C. 1396b(i)) is amend-
24 ed—

25 (1) in paragraph (26), by striking “; or”;

1 (2) in paragraph (27), by striking the period
2 and inserting “; or”; and

3 (3) by inserting after paragraph (27) the fol-
4 lowing new paragraph:

5 “(28) with respect to amounts expended for
6 non-invasive prenatal genetic screening services fur-
7 nished to a pregnant woman, unless the informed
8 consent requirement of section 1905(jj) is met.”.

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