

118TH CONGRESS
1ST SESSION

S. 892

To amend title XVIII of the Social Security Act to provide coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, to increase participation in colorectal cancer screening in under-screened communities of color, to offset the COVID–19 pandemic driven declines in colorectal cancer screening, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2023

Mr. HEINRICH 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 coverage under the Medicare program for FDA-approved qualifying colorectal cancer screening blood-based tests, to increase participation in colorectal cancer screening in under-screened communities of color, to offset the COVID–19 pandemic driven declines in colorectal cancer screening, and for other purposes.

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 “Colorectal Cancer De-
3 tection Act”.

4 **SEC. 2. MEDICARE COVERAGE FOR FDA-APPROVED QUALI-
5 FYING COLORECTAL CANCER SCREENING
6 BLOOD-BASED TESTS.**

7 (a) IN GENERAL.—Section 1861(pp) of the Social Se-
8 curity Act (42 U.S.C. 1395x(pp)) is amended—

9 (1) in paragraph (1)—

10 (A) by redesignating subparagraph (D) as
11 subparagraph (E); and

12 (B) by inserting after subparagraph (C)
13 the following new subparagraph:

14 “(D) Qualifying colorectal cancer screening
15 blood-based test.”; and

16 (2) by adding at the end the following new
17 paragraph:

18 “(3) The term ‘qualifying colorectal cancer screening
19 blood-based test’ means a screening blood-based test for
20 the early detection of colorectal cancer that is marketed
21 or used, as applicable, in accordance with the relevant pro-
22 visions of section 353 of the Public Health Service Act
23 or the Federal Food, Drug, and Cosmetic Act.”.

24 (b) FREQUENCY LIMITS FOR COLORECTAL CANCER
25 SCREENING TESTS AND PAYMENT AMOUNT FOR QUALI-
26 FYING COLORECTAL CANCER SCREENING BLOOD-BASED

1 TESTS.—Section 1834(d) of the Social Security Act (42
2 U.S.C. 1395m(d)) is amended—

3 (1) by amending clause (ii) of paragraph (1)(B)
4 to read as follows:

5 “(ii) if the test is performed within
6 the 11 months after a previous screening
7 fecal-occult blood test or a previous quali-
8 fying colorectal cancer screening blood-
9 based test.”;

10 (2) in paragraph (2)(E)(ii), by inserting “or
11 within the 35 months after a previous screening
12 fecal-occult blood test or previous qualifying
13 colorectal cancer screening blood-based test” after
14 “sigmoidoscopy”;

15 (3) by amending subparagraph (E) of para-
16 graph (3) to read as follows:

17 “(E) FREQUENCY LIMIT.—No payment
18 may be made under this part for a colorectal
19 cancer screening test consisting of a screening
20 colonoscopy—

21 “(i) if the procedure is performed
22 within the 11 months after a previous
23 screening fecal-occult blood test or previous
24 qualifying colorectal cancer screening
25 blood-based test;

1 “(ii) for individuals at high risk for
2 colorectal cancer if the procedure is per-
3 formed within the 23 months after a pre-
4 vious screening colonoscopy; or

5 “(iii) for individuals not at high risk
6 for colorectal cancer if the procedure is
7 performed within the 119 months after a
8 previous screening colonoscopy or within
9 the 47 months after a previous screening
10 flexible sigmoidoscopy.”; and

11 (4) by adding at the end the following new
12 paragraph:

13 “(4) QUALIFYING COLORECTAL CANCER
14 SCREENING BLOOD-BASED TESTS.—

15 “(A) PAYMENT AMOUNT.—The payment
16 amount for colorectal cancer screening tests
17 consisting of qualifying colorectal cancer screen-
18 ing blood-based tests shall be established by the
19 Secretary in accordance with section 1833(h)
20 and section 1834A, as applicable.

21 “(B) FREQUENCY LIMIT.—Paragraph
22 (1)(B) shall apply to colorectal cancer screening
23 tests consisting of qualifying colorectal cancer
24 screening blood-based tests in the same manner
25 as such paragraph applies to colorectal cancer

1 screening tests consisting of fecal-occult blood
2 tests.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to colorectal cancer screening tests
5 furnished in a year beginning more than 6 months after
6 the date of the enactment of this Act.

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