

Union Calendar No. 331

115TH CONGRESS
1ST SESSION

H. R. 2557

[Report No. 115–449, Part I]

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain DNA Specimen Provenance Assay clinical diagnostic laboratory tests.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2017

Mr. BUCSHON (for himself, Mr. PAYNE, Mr. CARSON of Indiana, Mr. MULLIN, and Mr. RUSH) 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

DECEMBER 6, 2017

Additional sponsors: Mrs. WALORSKI and Mrs. BROOKS of Indiana

DECEMBER 6, 2017

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 6, 2017

The Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 19, 2017]

A BILL

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain DNA Specimen Provenance Assay clinical diagnostic laboratory tests.

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 “Prostate Cancer Mis-*
 5 *diagnosis Elimination Act of 2017”.*

6 **SEC. 2. COVERAGE OF CERTAIN DNA SPECIMEN PROVE-**
 7 **NANCE ASSAY CLINICAL DIAGNOSTIC LAB-**
 8 **ORATORY TESTS UNDER MEDICARE.**

9 *(a) COVERAGE.—Section 1862(a)(1) of the Social Se-*
 10 *curity Act (42 U.S.C. 1395y(a)(1)) is amended—*

11 *(1) in subparagraph (O), by striking “and” at*
 12 *the end;*

13 *(2) in subparagraph (P), by striking the semi-*
 14 *colon at the end and inserting “, and”; and*

15 *(3) by adding at the end the following new sub-*
 16 *paragraph:*

17 *“(Q) in the case of a DNA Specimen Provenance*
 18 *Assay clinical diagnostic laboratory test (DSPA test)*
 19 *furnished on or after the date specified in section*
 20 *1834A(j)(4), unless the DSPA test is furnished to an*
 21 *individual enrolled under part B who has had a pros-*
 22 *tate cancer biopsy the results of which are positive,*
 23 *the DSPA test is furnished with respect to such bi-*
 24 *opsy, and the DSPA test is ordered by the physician*

1 *who furnished the prostate cancer biopsy that ob-*
 2 *tained the specimen tested;”.*

3 *(b) TEMPORARY PAYMENT AMOUNT FOR CERTAIN*
 4 *TESTS FURNISHED BEFORE 2028 AND RELATED REQUIRE-*
 5 *MENTS.—Section 1834A of the Social Security Act (42*
 6 *U.S.C. 1395m–1) is amended—*

7 *(1) in subsection (b)(1)(A), by striking “and (d)”*
 8 *and inserting “, (d), and (j)”;* and

9 *(2) by adding at the end the following new sub-*
 10 *section:*

11 *“(j) DNA SPECIMEN PROVENANCE ASSAY CLINICAL*
 12 *DIAGNOSTIC LABORATORY TESTS.—*

13 *“(1) TEMPORARY PAYMENT AMOUNT FOR CER-*
 14 *TAIN TESTS FURNISHED BEFORE 2028.—With respect*
 15 *to a DNA Specimen Provenance Assay clinical diag-*
 16 *nostic laboratory test furnished on or after the date*
 17 *specified in paragraph (4) and before January 1,*
 18 *2028, the payment amount under this section for such*
 19 *test shall be equal to \$200.*

20 *“(2) HCPCS CODE AND MODIFIER ASSIGN-*
 21 *MENT.—*

22 *“(A) IN GENERAL.—The Secretary shall as-*
 23 *sign one or more HCPCS codes to the DNA*
 24 *Specimen Provenance Assay clinical diagnostic*
 25 *laboratory test and may use a modifier to facili-*

1 *tate making payment under this section with re-*
2 *spect to such test.*

3 “(B) *IDENTIFICATION OF DNA MATCH ON*
4 *CLAIM.—The Secretary shall require an indica-*
5 *tion on a claim for a DNA Specimen Provenance*
6 *Assay clinical diagnostic laboratory test of*
7 *whether the DNA of the prostate biopsy specimen*
8 *for such test matches the DNA of the individual*
9 *with respect to whom the test was ordered. Such*
10 *indication may be made through use of a*
11 *HCPCS code, a modifier, or other means, as de-*
12 *termined appropriate by the Secretary.*

13 “(3) *DNA MATCH REVIEW.—*

14 “(A) *IN GENERAL.—The Secretary shall re-*
15 *view at least three years of claims under part B*
16 *for DNA Specimen Provenance Assay clinical di-*
17 *agnostic laboratory tests to identify whether the*
18 *DNA of the prostate biopsy specimens for such*
19 *tests matched the DNA of the individuals with*
20 *respect to whom such tests were ordered.*

21 “(B) *POSTING ON INTERNET WEBSITE.—Not*
22 *later than July 1, 2024, the Secretary shall post*
23 *on the Internet website of the Centers for Medi-*
24 *care & Medicaid Services the findings of the re-*
25 *view conducted under subparagraph (A).*

1 “(4) *DATE SPECIFIED.*—*For purposes of para-*
2 *graph (1) and section 1862(a)(1)(Q), the date speci-*
3 *fied in this paragraph is the first day of the second*
4 *calendar quarter that begins at least 180 days after*
5 *the date of the enactment of this subsection.*”.

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