

115TH CONGRESS
1ST SESSION

H. R. 2557

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

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”.

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

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

6 (1) in subparagraph (O), by striking “and” at
7 the end;

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

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(Q) in the case of a DNA Specimen Prove-
13 nance Assay clinical diagnostic laboratory test
14 (DSPA test), unless the DSPA test is furnished to
15 an individual enrolled under part B who has had a
16 prostate cancer biopsy the results of which are posi-
17 tive, the DSPA test is furnished with respect to such
18 biopsy, and the DSPA test is ordered by the physi-
19 cian who furnished the prostate cancer biopsy that
20 obtained the specimen tested;”.

21 (b) TEMPORARY PAYMENT AMOUNT FOR TESTS
22 FURNISHED DURING 2018 THROUGH 2020 AND RE-
23 LATED REQUIREMENTS.—Section 1834A of the Social Se-
24 curity Act (42 U.S.C. 1395m–1) is amended—

25 (1) in subsection (b)(1)(A), by striking “and
26 (d)” and inserting “, (d), and (j)”; and

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

3 “(j) DNA SPECIMEN PROVENANCE ASSAY CLINICAL
4 DIAGNOSTIC LABORATORY TESTS.—

5 “(1) TEMPORARY PAYMENT AMOUNT FOR
6 TESTS FURNISHED DURING 2018 THROUGH 2020.—
7 Notwithstanding the payment amount that would
8 otherwise apply under this section, with respect to a
9 DNA Specimen Provenance Assay clinical diagnostic
10 laboratory test furnished on or after January 1,
11 2018, and before January 1, 2021, the payment
12 amount under this section shall be equal to 85 per-
13 cent of the amount determined under the fee sched-
14 ule under section 1833(h)(1) for 2016 for HCPCS
15 code 81265.

16 “(2) HCPCS CODE ASSIGNMENT.—The Sec-
17 retary shall assign an HCPCS code to the DNA
18 Specimen Provenance Assay clinical diagnostic lab-
19 oratory test.

20 “(3) ENSURING PROPER BILLING AND PAY-
21 MENT.—

22 “(A) USE OF MODIFIER TO ENSURE PROP-
23 ER PAYMENT.—The Secretary may use a modi-
24 fier to facilitate making payment under this

1 section with respect to a DNA Specimen Prove-
2 nance Assay clinical diagnostic laboratory test.

3 “(B) PAID CLAIMS SAMPLE ERROR
4 RATE.—

5 “(i) IN GENERAL.—The Secretary
6 shall conduct a post-payment review of a
7 sample of not less than 50 claims for DNA
8 Specimen Provenance Assay clinical diag-
9 nostic laboratory tests for which payment
10 is made under this part. The sample re-
11 viewed under the preceding sentence may
12 be taken from claims paid to more than
13 one supplier.

14 “(ii) POSTING ON INTERNET
15 WEBSITE.—Not later than July 1, 2019,
16 the Secretary shall post on the Internet
17 website of the Centers for Medicare &
18 Medicaid Services the number of claims
19 with errors identified based on the reviews
20 conducted under clause (i).”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to DNA Specimen Provenance
23 Assay clinical diagnostic laboratory tests furnished on or
24 after January 1, 2018.

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