

1 “(d) FREQUENCY AND PAYMENT LIMITS FOR
2 SCREENING FECAL-OCCULT BLOOD TESTS, SCREENING
3 FLEXIBLE SIGMOIDOSCOPIES, AND SCREENING
4 COLONOSCOPY.—

5 “(1) SCREENING FECAL-OCCULT BLOOD
6 TESTS.—

7 “(A) PAYMENT LIMIT.—In establishing fee
8 schedules under section 1833(h) with respect to
9 screening fecal-occult blood tests provided for
10 the purpose of early detection of colon cancer,
11 except as provided by the Secretary under para-
12 graph (3)(A), the payment amount established
13 for tests performed—

14 “(i) in 1995 shall not exceed \$5; and

15 “(ii) in a subsequent year, shall not
16 exceed the limit on the payment amount
17 established under this subsection for such
18 tests for the preceding year, adjusted by
19 the applicable adjustment under section
20 1833(h) for tests performed in such year.

21 “(B) FREQUENCY LIMIT.—Subject to revi-
22 sion by the Secretary under paragraph (3)(B),
23 no payment may be made under this part for
24 a screening fecal-occult blood test provided to

1 an individual for the purpose of early detection
2 of colon cancer—

3 “(i) if the individual is under 50 years
4 of age; or

5 “(ii) if the test is performed within
6 the 11 months after a previous screening
7 fecal-occult blood test.

8 “(2) SCREENING FLEXIBLE SIGMOID-
9 OSCOPIES.—

10 “(A) PAYMENT AMOUNT.—The Secretary
11 shall establish a payment amount under section
12 1848 with respect to screening flexible
13 sigmoidoscopies provided for the purpose of
14 early detection of colon cancer that is consistent
15 with payment amounts under such section for
16 similar or related services, except that such
17 payment amount shall be established without
18 regard to subsection (a)(2)(A) of such section.

19 “(B) FREQUENCY LIMIT.—Subject to revi-
20 sion by the Secretary under paragraph (4)(B),
21 no payment may be made under this part for
22 a screening flexible sigmoidoscopy provided to
23 an individual for the purpose of early detection
24 of colon cancer—

1 “(i) if the individual is under 50 years
2 of age; or

3 “(ii) if the procedure is performed
4 within the 47 months after a previous
5 screening flexible sigmoidoscopy.

6 “(3) SCREENING COLONOSCOPY FOR INDIVID-
7 UALS AT HIGH RISK FOR COLORECTAL CANCER.—

8 “(A) PAYMENT AMOUNT.—The Secretary
9 shall establish a payment amount under section
10 1848 with respect to screening colonoscopy for
11 individuals at high risk for colorectal cancer (as
12 determined in accordance with criteria estab-
13 lished by the Secretary) provided for the pur-
14 pose of early detection of colon cancer that is
15 consistent with payment amounts under such
16 section for similar or related services, except
17 that such payment amount shall be established
18 without regard to subsection (a)(2)(A) of such
19 section.

20 “(B) FREQUENCY LIMIT.—Subject to revi-
21 sion by the Secretary under paragraph (4)(B),
22 no payment may be made under this part for
23 a screening colonoscopy for individuals at high
24 risk for colorectal cancer provided to an individ-
25 ual for the purpose of early detection of colon

1 cancer if the procedure is performed within the
2 23 months after a previous screening
3 colonoscopy.

4 “(C) FACTORS CONSIDERED IN ESTAB-
5 LISHING CRITERIA FOR DETERMINING INDIVID-
6 UALS AT HIGH RISK.—In establishing criteria
7 for determining whether an individual is at high
8 risk for colorectal cancer for purposes of this
9 paragraph, the Secretary shall take into consid-
10 eration family history, prior experience of can-
11 cer or precursor neoplastic polyps, a history of
12 chronic digestive disease condition (including in-
13 flammatory bowel disease, Crohn’s Disease, or
14 ulcerative colitis), the presence of any appro-
15 priate recognized gene markers for colorectal
16 cancer, and other appropriate factors.

17 “(4) REDUCTIONS IN PAYMENT LIMIT AND RE-
18 VISION OF FREQUENCY.—

19 “(A) REDUCTIONS IN PAYMENT LIMIT.—
20 The Secretary shall review from time to time
21 the appropriateness of the amount of the pay-
22 ment limit established for screening fecal-occult
23 blood tests under paragraph (1)(A). The Sec-
24 retary may, with respect to tests performed in
25 a year after 1997, reduce the amount of such

1 limit as it applies nationally or in any area to
2 the amount that the Secretary estimates is re-
3 quired to assure that such tests of an appro-
4 priate quality are readily and conveniently
5 available during the year.

6 “(B) REVISION OF FREQUENCY.—

7 “(i) REVIEW.—The Secretary shall re-
8 view periodically the appropriate frequency
9 for performing screening fecal-occult blood
10 tests, screening flexible sigmoidoscopies,
11 and screening colonoscopy based on age
12 and such other factors as the Secretary be-
13 lieves to be pertinent.

14 “(ii) REVISION OF FREQUENCY.—The
15 Secretary, taking into consideration the re-
16 view made under clause (i), may revise
17 from time to time the frequency with
18 which such tests and procedures may be
19 paid for under this subsection, but no such
20 revision shall apply to tests or procedures
21 performed before January 1, 1998.

22 “(5) LIMITING CHARGES OF NONPARTICIPATING
23 PHYSICIANS.—

24 “(A) IN GENERAL.—In the case of a
25 screening flexible sigmoidoscopy provided to an

1 individual for the purpose of early detection of
2 colon cancer or a screening colonoscopy pro-
3 vided to an individual at high risk for colorectal
4 cancer for the purpose of early detection of
5 colon cancer for which payment may be made
6 under this part, if a nonparticipating physician
7 provides the procedure to an individual enrolled
8 under this part, the physician may not charge
9 the individual more than the limiting charge (as
10 defined in section 1848(g)(2)).

11 “(B) ENFORCEMENT.—If a physician or
12 supplier knowing and willfully imposes a charge
13 in violation of subparagraph (A), the Secretary
14 may apply sanctions against such physician or
15 supplier in accordance with section
16 1842(j)(2).”.

17 (b) CONFORMING AMENDMENTS.—(1) Paragraphs
18 (1)(D) and (2)(D) of section 1833(a) of such Act (42
19 U.S.C. 1395l(a)) are each amended by striking “sub-
20 section (h)(1),” and inserting “subsection (h)(1) or section
21 1834(d)(1),”.

22 (2) Section 1833(h)(1)(A) of such Act (42 U.S.C.
23 1395l(h)(1)(A)) is amended by striking “The Secretary”
24 and inserting “Subject to paragraphs (1) and (3)(A) of
25 section 1834(d), the Secretary”.

1 (3) Clauses (i) and (ii) of section 1848(a)(2)(A) of
2 such Act (42 U.S.C. 1395w-4(a)(2)(A)) are each amended
3 by striking “a service” and inserting “a service (other
4 than a screening flexible sigmoidoscopy provided to an in-
5 dividual for the purpose of early detection of colon cancer
6 or a screening colonoscopy provided to an individual at
7 high risk for colorectal cancer for the purpose of early de-
8 tection of colon cancer)”.

9 (4) Section 1862(a) of such Act (42 U.S.C. 1395y(a))
10 is amended—

11 (A) in paragraph (1)—

12 (i) in subparagraph (E), by striking “and”
13 at the end,

14 (ii) in subparagraph (F), by striking the
15 semicolon at the end and inserting “, and”, and

16 (iii) by adding at the end the following new
17 subparagraph:

18 “(G) in the case of screening fecal-occult blood
19 tests, screening flexible sigmoidoscopies, and screen-
20 ing colonoscopy provided for the purpose of early de-
21 tection of colon cancer, which are performed more
22 frequently than is covered under section 1834(d);”;
23 and

1 (B) in paragraph (7), by striking “paragraph
2 (1)(B) or under paragraph (1)(F)” and inserting
3 “subparagraphs (B), (F), or (G) of paragraph (1)”.

4 **SEC. 3. EFFECTIVE DATE.**

5 The amendments made by section 2 shall apply to
6 screening fecal-occult blood tests, screening flexible
7 sigmoidoscopies, and screening colonoscopy performed on
8 or after January 1, 1995.

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