To provide for health coverage with no cost-sharing for additional breast screenings for certain individuals at greater risk for breast cancer.

IN THE HOUSE OF REPRESENTATIVES

December 13, 2022

Ms. DeLauro (for herself, Mr. Fitzpatrick, Ms. Kaptur, Mr. Courtney, Mr. Bishop of Georgia, Ms. Schakowsky, Mr. Trone, Ms. Jackson Lee, and Mr. Kahele) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Armed Services, and Veterans’ Affairs, 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 provide for health coverage with no cost-sharing for additional breast screenings for certain individuals at greater risk for breast cancer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Find It Early Act”.

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SEC. 2. COVERAGE WITH NO COST-SHARING FOR ADDITIONAL BREAST SCREENINGS FOR CERTAIN INDIVIDUALS AT GREATER RISK FOR BREAST CANCER.

(a) COVERAGE UNDER GROUP HEALTH PLANS AND GROUP AND INDIVIDUAL HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Section 2713(a) of the Public Health Service Act (42 U.S.C. 300gg–13(a)) is amended—

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

(B) in paragraph (3), by striking at the end the period and inserting a semicolon;

(C) in paragraph (4), by striking at the end the period and inserting “; and”;

(D) by striking “(5) for the purposes of this Act,” and inserting:

“For the purposes of this Act, subject to paragraph (5)”;

and

(E) by inserting after paragraph (4) the following:

“(5) for plan years beginning on or after January 1, 2023, in addition to any items or services otherwise described in this subsection—
“(A) with respect to an individual who is
at increased risk of breast cancer (as deter-
mined in accordance with the most recent appli-
cable American College of Radiology Approp-
riateness Criteria or the most recent applicable
guidelines of the National Comprehensive Can-
cer Network) or with heterogeneously or ex-
tremely dense breast tissue (as defined by the
Breast Imaging Reporting and Data System es-
tablished by the American College of Radi-
ology), screening and diagnostic imaging (with
no limitation applied on frequency) for the de-
tection of breast cancer, including 2D or 3D
mammograms, breast ultrasounds, breast mag-
netic resonance imaging, or other technologies
(as determined in accordance with such applica-
ble criteria or guidelines); and

“(B) with respect to an individual who is
not described in subparagraph (A) and who is
determined by a health care provider (in ac-
cordance with such most recent applicable cri-
teria or guidelines) to require screening or diag-
nostic breast imaging by reason of factors, in-
cluding age, race, ethnicity, or personal or fam-
ily medical history, screening and diagnostic im-
aging (with no limitation applied on frequency)
for the detection of breast cancer, including 2D
or 3D mammograms, breast ultrasounds, breast
magnetic resonance imaging, or other tech-
ologies (as determined in accordance with such
applicable criteria or guidelines).”.

(2) APPLICATION TO GRANDFATHERED
PLANS.—Notwithstanding section 1251 of the Pa-
tient Protection and Affordable Care Act, the provi-
sions of paragraph (5) of section 2713(a) of the
Public Health Service Act, as added by paragraph
(1)(E), shall apply to grandfathered health plans de-
scribed in such section 1251 for plan years begin-
ning on or after January 1, 2023.

(b) COVERAGE UNDER MEDICARE.—

(1) IN GENERAL.—Section 1861(ddd)(1)(B) of
the Social Security Act (42 U.S.C.
1395x(ddd)(1)(B)) is amended—

(A) by striking “(B) recommended” and
inserting “(B)(i) recommended”;

(B) by striking “Task Force; and” and in-
serting “Task Force; or”; and

(C) by adding at the end the following new
clause:
“(ii) beginning on January 1, 2023, in addition to any other items or services described in this subsection—

“(I) with respect to an individual who is at increased risk of breast cancer (as determined in accordance with the most recent applicable American College of Radiology Appropriateness Criteria or the most recent applicable guidelines of the National Comprehensive Cancer Network) or with heterogeneously or extremely dense breast tissue (as defined by the Breast Imaging Reporting and Data System established by the American College of Radiology), screening and diagnostic imaging (with no limitation applied on frequency) for the detection of breast cancer, including 2D or 3D mammograms, breast ultrasounds, breast magnetic resonance imaging, or other technologies (as determined in accordance with such applicable criteria or guidelines); and

“(II) with respect to an individual who is not described in subclause (I) and who is determined by a health care pro-
vider (in accordance with such most recent applicable criteria or guidelines) to require screening or diagnostic breast imaging by reason of factors, including age, race, ethnicity, or personal or family medical history, screening and diagnostic imaging (with no limitation applied on frequency) for the detection of breast cancer, including 2D or 3D mammograms, breast ultrasounds, breast magnetic resonance imaging, or other technologies (as determined in accordance with such applicable criteria or guidelines); and”.

(2) APPLICATION OF NO COST-SHARING UNDER MEDICARE ADVANTAGE PLANS.—Section 1852(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended—

(A) in clause (iv)—

(i) by redesignating subclause (VIII) as subclause (IX); and

(ii) inserting after subclause (VII) the following:

“(VIII) Beginning on January 1, 2023, screening and diagnostic imaging and other technologies described
in subclause (I) or (II) of section 1861(ddd)(1)(B)(ii) furnished to an individual described in such subclause (I) or (II), respectively.”; and

(B) in clause (v), by striking “and (VI)” and inserting “(VI), and (VIII)”.

(c) COVERAGE UNDER MEDICAID.—

(1) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) in paragraph (4)—

(i) by striking “; and (D)” and inserting “; (D)”;

(ii) by striking “; and (E)” and inserting “; (E)”;

(iii) by striking “; and (F)” and inserting “; (F)”;

(iv) by inserting before the semicolon at the end the following: “; and (G)(i) with respect to an individual who is at increased risk of breast cancer (as determined in accordance with the most recent applicable American College of Radiology Appropriateness Criteria or the most recent applicable guidelines of the National Com-
prehensive Cancer Network) or with heterogeneously or extremely dense breast tissue (as defined by the Breast Imaging Reporting and Data System established by the American College of Radiology), in addition to any other item or service described in this subsection, screening and diagnostic imaging (with no limitation applied on frequency) for the detection of breast cancer, including 2D or 3D mammograms, breast ultrasounds, breast magnetic resonance imaging, or other technologies (as determined in accordance with such applicable criteria or guidelines); and (ii) with respect to an individual who is not described in clause (i) and who is determined by a health care provider (in accordance with such most recent applicable criteria or guidelines) to require screening or diagnostic breast imaging by reason of factors, including age, race, ethnicity, or personal or family medical history, screening and diagnostic imaging (with no limitation applied on frequency) for the detection of breast cancer, including 2D or 3D mam-
mograms, breast ultrasounds, breast magnetic resonance imaging, or other technologies (as determined in accordance with such applicable criteria or guidelines); and

(B) in paragraph (13), in the matter preceding subparagraph (A), by inserting “(other than an item or service for which medical assistance is provided pursuant to paragraph (4)(G))” after “services”.

(2) No cost-sharing for certain breast cancer screening and diagnostic imaging.—

(A) In general.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o(a)(2)(D)) are each amended—

(i) in the last subparagraph, by striking at the end “; and” and inserting “, or”; and

(ii) by adding at the end the following subparagraph:

“(K) with respect to an individual described in clause (i) or (ii) of section 1905(a)(4)(G), screening and diagnostic imag-
ing and other technologies described in such clause (i) or (ii), respectively; and”.

(B) Application to alternative cost-sharing.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by adding at the end the following new clause:

“(xv) With respect to an individual described in clause (i) or (ii) of section 1905(a)(4)(G), screening and diagnostic imaging and other technologies described in such clause (i) or (ii), respectively.”.

(3) Inclusion in benchmark coverage.—Section 1937(b) of the Social Security Act (42 U.S.C. 1396u–7(b)) is amended by adding at the end the following new paragraph:

“(9) Coverage of certain breast cancer screening and diagnostic imaging for certain individuals.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless such coverage includes medical assistance, with respect to an individual described in clause (i) or (ii) of section
1905(a)(4)(G), for screening and diagnostic imaging
and other technologies described in such clause (i) or
(ii), respectively.”.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in
subparagraph (B), the amendments made by
this subsection shall take effect on January 1,
2023.

(B) DELAY PERMITTED IF STATE LEGISLA-
TION REQUIRED.—In the case of a State plan
approved under title XIX of the Social Security
Act which the Secretary of Health and Human
Services determines requires State legislation
(other than legislation appropriating funds) in
order for the plan to meet the additional re-
quirements imposed by this section, the State
plan shall not be regarded as failing to comply
with the requirements of such title solely on the
basis of the failure of the plan to meet such ad-
ditional requirements before the first day of the
first calendar quarter beginning after the close
of the first regular session of the State legisla-
ture that ends after the 1-year period beginning
with the date of the enactment of this section.

For purposes of the preceding sentence, in the
case of a State that has a 2-year legislative ses-

sion, each year of the session is deemed to be

a separate regular session of the State legisla-
ture.

(d) **Coverage and Elimination of Cost-Sharing**

Under TRICARE.—

(1) **Coverage.**—Title 10, United States Code,

is amended—

(A) in section 1074d(a), by adding at the

d end the following new paragraph:

“(3) Any member or former member of the uniformed

services who is entitled to medical care under section 1074

or 1074a of this title and is an individual described in

subparagraph (B) of section 1079(a)(20) of this title shall

also be entitled to the items and services described in sub-

paragraph (A) of such section (subject to the same limita-

tions specified in such subparagraph), as part of such

medical care.”; and

(B) in section 1079(a), by adding at the

d end the following new paragraph:

“(20)(A) Screening and diagnostic imaging

(with no limitation applied on frequency) for the de-
tection of breast cancer, including 2D or 3D mam-
mograms, breast ultrasounds, breast magnetic reso-
nance imaging, or other technologies (as determined
in accordance with the most recent applicable criteria or guidelines described in subparagraph (B)), shall be provided if the patient is an individual described in subparagraph (B).

“(B) An individual described in this subparagraph is—

“(i) an individual who is at increased risk of breast cancer (as determined in accordance with the most recent applicable American College of Radiology Appropriateness Criteria or the most recent applicable guidelines of the National Comprehensive Cancer Network) or with heterogeneously or extremely dense breast tissue (as defined by the Breast Imaging Reporting and Data System established by the American College of Radiology); or

“(ii) an individual who is not described in clause (i) and who is determined by a health care provider (in accordance with such most recent applicable criteria or guidelines) to require screening or diagnostic breast imaging by reason of factors including age, race, ethnicity, or personal or family medical history.”.

(2) Elimination of cost-sharing.—Such title is further amended—
(A) in section 1075a, by adding at the end
the following new subsection:

“(d) **Elimination of Cost-Sharing for Certain Breast Cancer-Related Items and Services.**—Notwithstanding any other provision under this section, cost-sharing may not be imposed or collected with respect to any beneficiary enrolled in TRICARE Prime for any item or service described in subparagraph (A) of section 1079(a)(20) of this title provided under TRICARE Prime, in accordance with the limitations specified in such subparagraph, if the beneficiary is an individual described in subparagraph (B) of such section.”;

(B) in section 1075(c), by adding at the end the following new paragraph:

“(4) Notwithstanding any other provision under this section, cost-sharing may not be imposed or collected with respect to any beneficiary enrolled in TRICARE Select for any item or service described in subparagraph (A) of section 1079(a)(20) of this title provided under TRICARE Select, in accordance with the limitations specified in such subparagraph, if the beneficiary is an individual described in subparagraph (B) of such section.”; and

(C) in section 1086(d)(3)—
(i) by redesignating subparagraph (C) as subparagraph (D); and
(ii) by inserting after subparagraph (B) the following new subparagraph:

“(C) Notwithstanding any other provision under this section, cost-sharing may not be imposed or collected under subsection (a) with respect to any individual described in subparagraph (B) of section 1079(a)(20) of this title for an item or service described in subparagraph (A) of such section and provided in accordance with the limitations specified in such subparagraph.”.

(3) Effective date.—The amendments made by this subsection shall take effect on January 1, 2023.

(c) Coverage and Elimination of Cost-Sharing With Respect to Veterans.—

(1) Coverage and elimination of cost-sharing.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1720J the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

“§ 1720K. Breast screenings for certain individuals at increased risk for breast cancer

“(a) Coverage of items and services.—
“(1) COVERAGE.—The Secretary shall furnish to a veteran described in paragraph (2) screening and diagnostic imaging (with no limitation applied on frequency) for the detection of breast cancer, including 2D or 3D mammograms, breast ultrasounds, breast magnetic resonance imaging, or other technologies (as determined in accordance with the most recent applicable criteria or guidelines described in such paragraph) pursuant to this section.

“(2) ELIGIBILITY.—A veteran described in this subparagraph is—

“(A) a veteran who is at increased risk of breast cancer (as determined in accordance with the most recent applicable American College of Radiology Appropriateness Criteria or the most recent applicable guidelines of the National Comprehensive Cancer Network) or with heterogeneously or extremely dense breast tissue (as defined by the Breast Imaging Reporting and Data System established by the American College of Radiology), without regard to whether the veteran is enrolled in the system of annual patient enrollment established under section 1705(a) of this title; or
“(B) a veteran who is not described in subparagraph (A) and who is determined by a health care provider (in accordance with such most recent applicable criteria or guidelines) to require screening or diagnostic breast imaging by reason of factors including age, race, ethnicity, or personal or family medical history, without regard to whether the veteran is enrolled in the system of annual patient enrollment established under section 1705(a) of this title.

“(b) Prohibition on Cost-Sharing.—Notwithstanding subsections (f) and (g) of section 1710 and section 1722A of this title, the Secretary may not require any veteran described in paragraph (2) of subsection (a) to make any copayment for, or charge the veteran for any other cost of, the receipt of any item or service furnished pursuant to paragraph (1) of such subsection.”.

(2) Effective Date.—The amendments made by this subsection shall take effect on January 1, 2023.