

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2557
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Prostate Cancer Mis-
3 diagnosis Elimination Act of 2017”.

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

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

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

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

13 (3) by adding at the end the following new sub-
14 paragraph:

15 “(Q) in the case of a DNA Specimen Prove-
16 nance Assay clinical diagnostic laboratory test
17 (DSPA test) furnished on or after the date specified
18 in section 1834A(j)(4), unless the DSPA test is fur-

1 nished to an individual enrolled under part B who
2 has had a prostate cancer biopsy the results of
3 which are positive, the DSPA test is furnished with
4 respect to such biopsy, and the DSPA test is or-
5 dered by the physician who furnished the prostate
6 cancer biopsy that obtained the specimen tested;”.

7 (b) TEMPORARY PAYMENT AMOUNT FOR CERTAIN
8 TESTS FURNISHED BEFORE 2028 AND RELATED RE-
9 QUIREMENTS.—Section 1834A of the Social Security Act
10 (42 U.S.C. 1395m–1) is amended—

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

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

15 “(j) DNA SPECIMEN PROVENANCE ASSAY CLINICAL
16 DIAGNOSTIC LABORATORY TESTS.—

17 “(1) TEMPORARY PAYMENT AMOUNT FOR CER-
18 TAIN TESTS FURNISHED BEFORE 2028.—With re-
19 spect to a DNA Specimen Provenance Assay clinical
20 diagnostic laboratory test furnished on or after the
21 date specified in paragraph (4) and before January
22 1, 2028, the payment amount under this section for
23 such test shall be equal to \$200.

24 “(2) HCPCS CODE AND MODIFIER ASSIGN-
25 MENT.—

1 “(A) IN GENERAL.—The Secretary shall
2 assign one or more HCPCS codes to the DNA
3 Specimen Provenance Assay clinical diagnostic
4 laboratory test and may use a modifier to facili-
5 tate making payment under this section with
6 respect to such test.

7 “(B) IDENTIFICATION OF DNA MATCH ON
8 CLAIM.—The Secretary shall require an indica-
9 tion on a claim for a DNA Specimen Prove-
10 nance Assay clinical diagnostic laboratory test
11 of whether the DNA of the prostate biopsy
12 specimen for such test matches the DNA of the
13 individual with respect to whom the test was or-
14 dered. Such indication may be made through
15 use of a HCPCS code, a modifier, or other
16 means, as determined appropriate by the Sec-
17 retary.

18 “(3) DNA MATCH REVIEW.—

19 “(A) IN GENERAL.—The Secretary shall
20 review at least three years of claims under part
21 B for DNA Specimen Provenance Assay clinical
22 diagnostic laboratory tests to identify whether
23 the DNA of the prostate biopsy specimens for
24 such tests matched the DNA of the individuals
25 with respect to whom such tests were ordered.

1 “(B) POSTING ON INTERNET WEBSITE.—
2 Not later than July 1, 2024, the Secretary shall
3 post on the Internet website of the Centers for
4 Medicare & Medicaid Services the findings of
5 the review conducted under subparagraph (A).

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

