

119TH CONGRESS
2D SESSION

S. _____

To amend title XVIII of the Social Security Act to provide for expanded coverage of services furnished by genetic counselors under part B of the Medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BARRASSO (for himself, Mr. WELCH, Mrs. CAPITO, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title XVIII of the Social Security Act to provide for expanded coverage of services furnished by genetic counselors under part B of the Medicare program, and for other purposes.

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 “Access to Genetic
5 Counselor Services Act of 2026”.

1 **SEC. 2. MEDICARE COVERAGE OF GENETIC COUNSELING**2 **SERVICES.**3 (a) IN GENERAL.—Section 1861 of the Social Secu-
4 rity Act (42 U.S.C. 1395x) is amended—

5 (1) in subsection (s)(2)—

6 (A) by striking “and” at the end of sub-
7 paragraph (II);8 (B) by adding “and” at the end of sub-
9 paragraph (JJ); and10 (C) by adding at the end the following new
11 subparagraph:12 “(KK) covered genetic counseling services (as
13 defined in subsection (nnn)(1)); and14 (2) by adding at the end the following new sub-
15 section:

16 “Covered Genetic Counseling Services

17 “(nnn)(1) The term ‘covered genetic counseling serv-
18 ices’ means genetic counseling services furnished on or
19 after January 1, 2027, by a genetic counselor (as defined
20 in paragraph (2)) and such services and supplies furnished
21 as an incident to the provision of such services which the
22 genetic counselor is legally authorized to perform under
23 State law (or the State regulatory mechanism provided by
24 State law) as would otherwise be covered if furnished by
25 a physician (or as incident to a physician’s service).

1 “(2) The term ‘genetic counselor’ means an individual who—

3 “(A) is licensed as a genetic counselor by the
4 State in which the individual furnishes genetic counseling services; or

6 “(B) in the case of an individual practicing in
7 a State that does not license genetic counselors, is certified by the American Board of Genetic Counseling and meets such other criteria as the Secretary establishes.”.

11 (b) BALANCE BILLING.—Section 1842(b)(18)(C) of
12 the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is
13 amended by adding at the end the following new clause:

14 “(ix) A genetic counselor (as defined in section
15 1861(nn)(2)).”.

16 (c) PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

18 (1) by striking “and (HH)” and inserting
19 “(HH)”; and

20 (2) by inserting before the semicolon at the end
21 the following: “, and (II) with respect to covered genetic counseling services (as defined in section
22 1861(nn)(1)), the amount paid shall be equal to 80
23 percent of the lesser of (i) the actual charge for the
24 services or (ii) 85 percent of the fee schedule

1 amount provided under section 1848 that would
2 have applied had the genetic counseling services been
3 furnished by a physician".

4 (d) CONFORMING AMENDMENT.—Section
5 1862(a)(14) of the Social Security Act (42 U.S.C.
6 1395(y)(a)(14)) is amended by inserting "covered genetic
7 counseling services," after "qualified psychologist serv-
8 ices,".

9 (e) RULE OF CONSTRUCTION.—The amendments
10 made by this section shall not be construed as preventing
11 physicians and health care providers other than genetic
12 counselors from billing for genetic counseling services
13 under the Medicare program which are otherwise covered
14 under such program.

15 (f) IMPLEMENTATION.—Notwithstanding any other
16 provision of law, the Secretary of Health and Human
17 Services may implement the amendments made by this
18 section by interim final rule with comment period.