The Metastatic Breast Cancer Access to Care Act (S. 1374/H.R. 2178)

Background

Individuals diagnosed with metastatic breast cancer automatically qualify for disability benefits from the Social Security Administration (SSA) as long as they apply and meet the SSA’s technical qualification rules. An individual must have been employed within the last ten years, and currently, be unable to work due to her disability to earn Social Security disability insurance benefits (SSDI). Once an individual is approved for SSDI, there is a five-month waiting period to begin receiving benefits. Following approval of SSDI, individuals with metastatic breast cancer are eligible for Medicare coverage based on their disability.

Eligibility for Medicare includes individuals over the age of 65, those with disabilities, and those with two specific diseases, End-Stage Renal Disease, or Amyotrophic Lateral Sclerosis (ALS). Individuals under age 65 with disabilities other than ESRD or ALS must have received Social Security Disability Insurance (SSDI) benefits for 24 months before gaining eligibility for Medicare. These eligibility rules include individuals diagnosed with metastatic breast cancer.

Metastatic breast cancer is cancer that has spread from the breast to the bones, lungs or other distant parts of the body. 90% of breast cancer deaths are as a result of metastatic disease. There are treatments, some of which have extended survival for women and men with metastatic breast cancer. There is no cure.

Extended Coverage is Based on Federal Precedent

The National Breast Cancer Coalition urges Congress to enact The Metastatic Breast Cancer Access to Care Act, S. 1374 introduced by Senators Martha McSally (R-AZ) and Chris Murphy (D-CT) and H.R. 2178, introduced by Representatives Peter King (R-NY) and Kathy Castor (D-FL). This legislation would amend the Social Security Act to eliminate waiting periods for disability insurance benefits and Medicare coverage for individuals with metastatic breast cancer.

In 2001, Congress passed a bill to add Amyotrophic Lateral Sclerosis (ALS) as a qualifying condition for automatic Medicare coverage, thus creating a federal precedent. Based on the limited life expectancy of individuals with metastatic disease, an average of 3 years, NBCC believes the 24-month waiting period waiver should extend to these individuals. More recently, legislation has been introduced which would build on that precedent to allow patients with ALS who qualify for SSDI to immediately be eligible for SSDI (thus waiving the five-month waiting period), making them automatically eligible for Medicare as well. NBCC believes that both automatic SSDI and Medicare coverage should also apply to metastatic breast cancer patients who qualify.

Coverage accommodations for individuals diagnosed with breast cancer were also made with the passage of legislation in 2001 to allow states to offer women diagnosed with
cancer in the National Breast and Cervical Cancer Early Intervention Program automatic eligibility for treatment under Medicaid.

**Metastatic Breast Cancer Patients Deserve Access to Timely Treatment**

In 2020, about 276,480 women will be diagnosed with invasive breast cancer, as will 2,620 men in the United States. About 62,930 new cases of ductal carcinoma in situ (DCIS) will be diagnosed. In 2020, about 42,170 women and 520 men will die from breast cancer. Approximately 168,000 women are living in the United States today with metastatic breast cancer. While statistics are not collected for metastatic recurrences, which comprise the more significant portion of metastatic breast cancer cases, it is estimated that 20 to 30% of women with breast cancer recur with metastatic disease. 6 to 10% are diagnosed initially with metastatic breast cancer. The average age of breast cancer diagnosis is 62; the average age of death from breast cancer is 68.

Currently, individuals diagnosed with metastatic breast cancer can apply for SSDI if they:

- Are under 65
- Have worked and paid into Social Security
- Are no longer able to work due to disability

The amount qualifying individuals with metastatic breast cancer receive from SSDI is based on how long they worked, and how much social security tax (FICA) was taken from their pay. If an individual’s claim is approved, there is a five-month waiting period before SSDI benefits begin. Recipients who qualify for SSDI can be eligible for Medicare, but under current law, qualified individuals with metastatic breast cancer must wait 24 months before receiving benefits.

**Action Requested**

NBCC urges Congress to enact S. 1374/H.R. 2178, so individuals with metastatic breast cancer have access to the care for which they are entitled and deserve.