

## **A bill to waive the 24 month waiting period for Medicare eligibility and the 5 month waiting period for Social Security Disability Insurance benefits for individuals with Metastatic Breast Cancer**

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### **Background**

Individuals diagnosed with metastatic breast cancer automatically qualify for disability benefits from the Social Security Administration as long as they apply and meet the SSA's technical qualification rules. To earn Social Security disability benefits (SSDI), the individual must have been employed within the last ten years, and currently be unable to work due to her disability. For Supplemental Security Income (SSI), there is no prior employment history required, but applicant must have very limited financial resources. Once an individual is approved for SSDI or SSI, there is a five month waiting period to begin receiving benefits. Following approval of SSDI or SSI, 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. This would 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 legislation to add metastatic breast cancer as a qualifying condition for Medicare coverage, thereby waiving the 24 month waiting period that would otherwise be required. In addition, it urges Congress to waive the SSDI five- month waiting period for patients with metastatic breast cancer.

In 2001, Congress passed legislation 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 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 2018, about 266,120 women will be diagnosed with invasive breast cancer, as will 2,550 men in the United States. About 63,960 new cases of carcinoma in situ (CIS) will be diagnosed. In 2018, about 40,920 women and 480 men will die from breast cancer. There are approximately 150,000 women living in the United States today with metastatic breast cancer. While statistics are not collected for metastatic recurrences which comprise the larger 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 are able to qualify 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 legislation which would waive all waiting periods for Medicare and Social Security Disability Insurance for individuals with metastatic breast cancer, and provide Medicare coverage including drugs and biologicals and all interventions used for the treatment and alleviation of symptoms relating to metastatic breast cancer.