

112TH CONGRESS
1ST SESSION

S. 648

To require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2011

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

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 "Huntington's Disease
5 Parity Act of 2011".

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Huntington's Disease is a progressive de-
4 generative neurological disease that causes total
5 physical and mental deterioration. In the United
6 States, approximately 30,000 individuals are af-
7 fected by Huntington's Disease, along with another
8 200,000 individuals who are genetically "at risk".
9 There is no effective treatment in terms of halting
10 or slowing the progression of the disease.

11 (2) Clinical indicators of Huntington's Disease
12 include—

13 (A) loss of ability to control bodily move-
14 ments;

15 (B) loss of ability to think or act quickly,
16 inability to learn new material, and loss of
17 memory; and

18 (C) behavioral or psychological problems,
19 including personality changes, irritability, mood
20 swings, anxiety, obsessive-compulsive behavior,
21 inability to concentrate, decreased motivation,
22 and severe depression.

23 (3) Adult-onset Huntington's Disease typically
24 results in the development of symptoms in individ-
25 uals between 30 and 50 years of age. Late-onset
26 Huntington's Disease is characterized by develop-

1 ment of symptoms after 50 years of age and is usu-
2 ally associated with a milder course of the disease.
3 Juvenile Huntington’s Disease affects individuals
4 who have yet to attain 19 years of age and pro-
5 gresses at a more rapid rate.

6 (4) Because of the incapacitating nature of
7 Huntington’s Disease, individuals living with this ill-
8 ness, including those in the early stages of the dis-
9 ease, are unable to retain employment. As a result,
10 many such individuals rely solely on Social Security
11 Disability Insurance.

12 (5) Despite significant advances in medicine
13 and a greater understanding of Huntington’s Dis-
14 ease, the Social Security Administration has not
15 comprehensively revised its rules for the medical
16 evaluation of neurological disabilities since 1985.
17 The designation of this disease by the Social Secu-
18 rity Administration as “Huntington’s Chorea” is
19 both outdated and medically inaccurate, as this term
20 fails to recognize the behavioral and cognitive impact
21 of Huntington’s Disease, while also providing an in-
22 complete characterization of the full spectrum of
23 Huntington’s Disease for purposes of Social Security
24 Disability Insurance and the Medicare program.

1 (6) After qualifying for Social Security Dis-
2 ability Insurance, individuals with Huntington’s Dis-
3 ease must wait another 24 months before receiving
4 benefits under the Medicare program, despite the
5 fact that such individuals often become incapacitated
6 before reaching the age-eligibility requirement under
7 the Medicare program of 65 years of age.

8 (7) In 2000, the Centers for Medicaid & Medi-
9 care Services waived the 24-month waiting period re-
10 quirement for people disabled by amyotrophic lateral
11 sclerosis (“ALS”), a degenerative neurological condi-
12 tion that is similar to Huntington’s Disease.

13 (8) In light of the outdated Social Security Dis-
14 ability Insurance guidelines for Huntington’s Dis-
15 ease and the significant cognitive, behavioral, and
16 physical incapacitation faced by individuals with this
17 disease, there is an urgent need for a revision of the
18 medical and evaluation criteria used by the Social
19 Security Administration in determining whether
20 such individuals are disabled, as well as removal of
21 the 24-month waiting period for coverage under the
22 Medicare program for such individuals, similar to
23 the existing exemption for individuals who have been
24 diagnosed with ALS.

1 **SEC. 3. REVISION OF MEDICAL AND EVALUATION CRITERIA**
2 **FOR EVALUATING DISABILITY CAUSED BY**
3 **ADULT-ONSET AND JUVENILE HUNTINGTON'S**
4 **DISEASE.**

5 (a) IN GENERAL.—For purposes of determinations of
6 cognitive, behavioral, and physical disability under titles
7 II and XVI of the Social Security Act, the Commissioner
8 of Social Security, in consultation with the National Insti-
9 tute of Neurological Disorders and Stroke, the National
10 Institutes of Health, and other relevant organizations with
11 medical expertise relating to Adult-Onset and Juvenile
12 Huntington's Disease, shall, not later than 6 months after
13 the date of enactment of this Act—

14 (1) amend section 11.00 of part A of the List-
15 ing of Impairments (relating to neurological impair-
16 ments of adults) by—

17 (A) providing medical and evaluation cri-
18 teria for Huntington's Disease; and

19 (B) striking "Huntington's Chorea" each
20 place it appears;

21 (2) amend section 12.00 of part A of the List-
22 ing of Impairments (relating to mental disorders of
23 adults) by providing medical and evaluation criteria
24 for Huntington's Disease;

25 (3) amend section 111.00 of part B of the List-
26 ing of Impairments (relating to neurological impair-

1 ments of children) by providing medical and evalua-
 2 tion criteria for Juvenile Huntington’s Disease; and
 3 (4) amend section 112.00 of part B of the List-
 4 ing of Impairments (relating to mental disorders of
 5 children) by providing medical and evaluation cri-
 6 teria for Juvenile Huntington’s Disease.

7 (b) LISTING OF IMPAIRMENTS.—For purposes of this
 8 section, the term “Listing of Impairments” means appen-
 9 dix 1 to subpart P of part 404 of title 20, Code of Federal
 10 Regulations.

11 **SEC. 4. WAIVER OF 24-MONTH WAITING PERIOD FOR COV-**
 12 **ERAGE UNDER MEDICARE PROGRAM FOR IN-**
 13 **DIVIDUALS DIAGNOSED WITH HUNTINGTON’S**
 14 **DISEASE.**

15 (a) IN GENERAL.—Section 226(h) of the Social Secu-
 16 rity Act (42 U.S.C. 426(h)) is amended, in the matter pre-
 17 ceding paragraph (1), by inserting “or Huntington’s Dis-
 18 ease (HD)” after “amyotrophic lateral sclerosis (ALS)”.

19 (b) EFFECTIVE DATE.—The amendment made by
 20 subsection (a) shall apply to benefits under title XVIII of
 21 the Social Security Act with respect to items and services
 22 furnished in months beginning after the date of the enact-
 23 ment of this Act.

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