

113TH CONGRESS
1ST SESSION

H. R. 1761

To amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2013

Mr. TERRY introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Helping Ensure Life-
3 and Limb-Saving Access to Podiatric Physicians Act” or
4 the “HELLPP Act”.

5 **SEC. 2. INCLUDING PODIATRISTS AS PHYSICIANS UNDER**
6 **THE MEDICAID PROGRAM.**

7 (a) IN GENERAL.—Section 1905(a)(5)(A) of the So-
8 cial Security Act (42 U.S.C. 1396d(a)(5)(A)) is amended
9 by striking “section 1861(r)(1)” and inserting “para-
10 graphs (1) and (3) of section 1861(r)”.

11 (b) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), the amendment made by subsection (a)
14 shall apply to services furnished on or after January
15 1, 2014.

16 (2) EXTENSION OF EFFECTIVE DATE FOR
17 STATE LAW AMENDMENT.—In the case of a State
18 plan under title XIX of the Social Security Act (42
19 U.S.C. 1396 et seq.) which the Secretary of Health
20 and Human Services determines requires State legis-
21 lation in order for the plan to meet the additional
22 requirement imposed by the amendment made by
23 subsection (a), the State plan shall not be regarded
24 as failing to comply with the requirements of such
25 title solely on the basis of its failure to meet these
26 additional requirements before the first day of the

1 first calendar quarter beginning after the close of
2 the first regular session of the State legislature that
3 begins after the date of enactment of this Act. For
4 purposes of the previous sentence, in the case of a
5 State that has a 2-year legislative session, each year
6 of the session is considered to be a separate regular
7 session of the State legislature.

8 **SEC. 3. MODIFICATIONS TO REQUIREMENTS FOR DIABETIC**
9 **SHOES TO BE INCLUDED UNDER MEDICAL**
10 **AND OTHER HEALTH SERVICES UNDER MEDI-**
11 **CARE.**

12 (a) IN GENERAL.—Section 1861(s)(12) of the Social
13 Security Act (42 U.S.C. 1395x(s)(12)) is amended to read
14 as follows:

15 “(12) subject to section 4072(e) of the Omni-
16 bus Budget Reconciliation Act of 1987, extra-depth
17 shoes with inserts or custom molded shoes (in this
18 paragraph referred to as ‘therapeutic shoes’) with
19 inserts for an individual with diabetes, if—

20 “(A) the physician who is managing the in-
21 dividual’s diabetic condition—

22 “(i) documents that the individual has
23 diabetes;

1 “(ii) certifies that the individual is
2 under a comprehensive plan of care related
3 to the individual’s diabetic condition; and

4 “(iii) documents agreement with the
5 prescribing podiatrist or other qualified
6 physician (as established by the Secretary)
7 that it is medically necessary for the indi-
8 vidual to have such extra-depth shoes with
9 inserts of custom molded shoes with in-
10 serts;

11 “(B) the therapeutic shoes are prescribed
12 by a podiatrist or other qualified physician (as
13 established by the Secretary) who—

14 “(i) examines the individual and de-
15 termines the medical necessity for the indi-
16 vidual to receive the therapeutic shoes; and

17 “(ii) communicates in writing the
18 medical necessity to a certifying doctor of
19 medicine or osteopathy for the individual
20 to have therapeutic shoes along with find-
21 ings that the individual has peripheral neu-
22 ropathy with evidence of callus formation,
23 a history of pre-ulcerative calluses, a his-
24 tory of previous ulceration, foot deformity,

1 previous amputation, or poor circulation;
2 and

3 “(C) the therapeutic shoes are fitted and
4 furnished by a podiatrist or other qualified sup-
5 plier individual (as established by the Sec-
6 retary), such as a pedorthist or orthotist, who
7 is not the physician described in subparagraph
8 (A) (unless the Secretary finds that the physi-
9 cian is the only such qualified individual in the
10 area);”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply with respect to items and serv-
13 ices furnished on or after January 1, 2014.

14 **SEC. 4. BUDGET SAVINGS: STRENGTHENING MEDICAID**
15 **PROGRAM INTEGRITY THROUGH CONTIN-**
16 **UOUS LEVY ON PAYMENTS TO MEDICAID**
17 **PROVIDERS AND SUPPLIERS.**

18 (a) IN GENERAL.—Section 6331(h)(2) of the Inter-
19 nal Revenue Code of 1986 (defining specified payment)
20 is amended by striking “and” at the end of subparagraph
21 (B), by striking the period at the end of subparagraph
22 (C) and inserting “, and”, and by adding at the end the
23 following new subparagraph:

1 “(D) any payment to any medicaid pro-
2 vider or supplier under a State plan under title
3 XIX of the Social Security Act.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to levies issued after the date of
6 the enactment of this Act.

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