

105TH CONGRESS  
1ST SESSION

# H. R. 288

To amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of medical nutrition therapy services of registered dietitians and nutrition professionals.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. SERRANO introduced the following bill; which was referred to the Committee on 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

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## A BILL

To amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of medical nutrition therapy services of registered dietitians and nutrition professionals.

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 “Medical Nutrition  
5 Therapy Act of 1997”.

1 **SEC. 2. MEDICARE COVERAGE OF MEDICAL NUTRITION**  
2 **THERAPY SERVICES.**

3 (a) **COVERAGE.**—Section 1861(s)(2) of the Social Se-  
4 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

5 (1) by striking “and” at the end of subpara-  
6 graphs (N) and (O), and

7 (2) by inserting after subparagraph (O) the fol-  
8 lowing new subparagraph:

9 “(P) medical nutrition therapy services (as de-  
10 fined in subsection (oo));”.

11 (b) **SERVICES DESCRIBED.**—Section 1861 of such  
12 Act (42 U.S.C. 1395x) is amended by adding at the end  
13 the following new subsection:

14 “Medical Nutrition Therapy Services

15 “(oo) The term ‘medical nutrition therapy services’  
16 means nutritional diagnostic, therapy, and counseling  
17 services which are furnished by or under the supervision  
18 of a registered dietitian or nutrition professional who is  
19 legally authorized to furnish such services under State law  
20 (or the State regulatory mechanism provided by State law)  
21 of the State in which the services are furnished, as would  
22 otherwise be covered if furnished by a physician or as an  
23 incident to a physician’s professional service.”.

24 (c) **PAYMENT.**—Section 1833(a)(1) of such Act (42  
25 U.S.C. 1395l(a)(1)) is amended—

26 (1) by striking “and” before “(P)”, and

1           (2) by inserting before the semicolon at the end  
2           the following: “, and (Q) with respect to medical nu-  
3           trition therapy services (as defined in section  
4           1861(oo)), the amount paid shall be 80 percent of  
5           the lesser of the actual charge for the services or the  
6           amount determined by a fee schedule established by  
7           the Secretary for the purposes of this clause”.

8   **SEC. 3. EFFECTIVE DATE.**

9           The amendments made by section 2 shall apply to  
10          services furnished on or after January 1, 1998.

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