

105TH CONGRESS  
1ST SESSION

# S. 597

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 furnished by registered dietitians and nutrition professionals.

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## IN THE SENATE OF THE UNITED STATES

APRIL 16, 1997

Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. HOLLINGS, Mr. REID, Mr. AKAKA, Mr. COCHRAN, Mr. DORGAN, Mr. INOUE, Mrs. BOXER, Ms. SNOWE, Mr. TORRICELLI, and Mr. MACK) introduced the following bill; which was read twice and referred to the Committee on Finance

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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 furnished by 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 “Medicare Medical Nu-  
5 trition 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:

9 “(P) medical nutrition therapy services (as de-  
 10 fined in subsection (oo)(1));”.

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

14 “Medical Nutrition Therapy Services; Registered  
 15 Dietitian or Nutrition Professional

16 “(oo)(1) The term ‘medical nutrition therapy serv-  
 17 ices’ means nutritional diagnostic, therapy, and counseling  
 18 services which are furnished by a registered dietitian or  
 19 nutrition professional (as defined in paragraph (2)) pursu-  
 20 ant to a referral by a physician (as defined in subsection  
 21 (r)(1)).

22 “(2) Subject to paragraph (3), the term ‘registered  
 23 dietitian or nutrition professional’ means an individual  
 24 who—

25 “(A) holds a baccalaureate or higher degree  
 26 granted by a regionally accredited college or univer-

1       sity in the United States (or an equivalent foreign  
 2       degree) with completion of the academic require-  
 3       ments of a program in nutrition or dietetics, as ac-  
 4       credited by an appropriate national accreditation or-  
 5       ganization recognized by the Secretary for this pur-  
 6       pose;

7               “(B) has completed at least 900 hours of super-  
 8       vised dietetics practice under the supervision of a  
 9       registered dietitian or nutrition professional; and

10              “(C)(i) is licensed or certified as a dietitian or  
 11       nutrition professional by the State in which the serv-  
 12       ices are performed; or

13              “(ii) in the case of an individual in a State  
 14       which does not provide for such licensure or certifi-  
 15       cation, meets such other criteria as the Secretary es-  
 16       tablishes.

17       “(3) Subparagraphs (A) and (B) of paragraph (2)  
 18       shall not apply in the case of an individual who as of the  
 19       date of the enactment of this subsection is licensed or cer-  
 20       tified as a dietitian or nutrition professional by the State  
 21       in which medical nutrition therapy services are per-  
 22       formed.”.

23       (c) PAYMENT.—Section 1833(a)(1) of the Social Se-  
 24       curity Act (42 U.S.C. 1395l(a)(1)) is amended—

25              (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 under the fee schedule estab-  
7           lished under section 1848(b) for the same services if  
8           furnished by a physician”.

9           (d) EFFECTIVE DATE.—The amendments made by  
10          this section shall apply to services furnished on or after  
11          January 1, 1998.

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