

106TH CONGRESS
1ST SESSION

H. R. 1187

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1999

Mrs. JOHNSON of Connecticut (for herself, Mr. BROWN of Ohio, Mr. UPTON, Mrs. THURMAN, Mr. SERRANO, Mr. McCRERY, Mr. KLECZKA, Ms. DUNN, Mr. COYNE, Mr. ENGLISH, Mr. MATSUI, Mr. FOLEY, Mr. NEAL of Massachusetts, Mr. NUSSLE, Mr. TANNER, Mr. PORTMAN, Mr. McNULTY, Mr. TAUZIN, Mr. WAXMAN, Mr. LAZIO, Mr. TOWNS, Mr. PICKERING, Ms. ESHOO, Mr. BOUCHER, Ms. DeGETTE, Mr. GREEN of Texas, Mr. PALLONE, Mr. SAWYER, Mr. STRICKLAND, Ms. PRYCE of Ohio, Mr. FROST, Mr. SESSIONS, Mr. HALL of Ohio, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. ALLEN, Mr. BAIRD, Mr. BAKER, Mr. BALDACCI, Mr. BARCIA, Mr. BENTSEN, Ms. BERKLEY, Mr. BISHOP, Mr. BOEHLERT, Mr. BONIOR, Mr. BORSKI, Ms. BROWN of Florida, Mr. BROWN of California, Mr. CANADY of Florida, Mr. CLAY, Ms. DANNER, Mr. DEFazio, Mr. DELAHUNT, Ms. DELAURO, Mr. EHLERS, Mr. FARR of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. GIBBONS, Mr. GILLMOR, Mr. GONZALEZ, Mr. GRAHAM, Mr. GUTIERREZ, Mr. HILLEARY, Mr. HILLIARD, Mr. HINCHEY, Mr. HOEFFEL, Mr. ISTOOK, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KIND, Mr. KING, Mr. KUCINICH, Mr. LaFALCE, Mr. LAMPSON, Mr. LARSON, Mr. LEACH, Mr. LUCAS of Oklahoma, Mr. LUCAS of Kentucky, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MASCARA, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mrs. MORELLA, Mr. NADLER, Mr. NEY, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. PAUL, Mr. PAYNE, Mr. PETERSON of Pennsylvania, Mr. POMEROY, Mr. PRICE of North Carolina, Ms. RIVERS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mr. SANDLIN, Mr. SCHAFER, Mr. SHAYS, Mr. SHOWS, Mr. SIMPSON, Ms. STABENOW, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. THUNE, Mr. VENTO, Mr. WALSH, Mr. WAMP, Mr. WATKINS, Mr. WATT of North Carolina, Mr. WEYGAND, Mr. WISE, and Mr. CAMP) 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 de-

terminated 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 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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Medicare Medical Nutrition Therapy Act of 1999”.

6 (b) FINDINGS.—Congress finds as follows:

7 (1) Medical nutrition therapy is a medically
 8 necessary and cost-effective way of treating and con-
 9 trolling many diseases and medical conditions affect-
 10 ing the elderly, including HIV/AIDS, cancer, kidney
 11 disease, diabetes, heart disease, pressure ulcers, se-
 12 vere burns, and surgical wounds.

13 (2) Medical nutrition therapy saves health care
 14 costs by speeding recovery and reducing the inci-
 15 dence of complications, resulting in fewer hos-
 16 pitalizations, shorter hospital stays, and reduced
 17 drug, surgery, and treatment needs.

1 (3) A study conducted by The Lewin Group
2 shows that, after the third year of coverage, savings
3 would be greater than costs for coverage of medical
4 nutrition therapy for all medicare beneficiaries, with
5 savings projected to grow steadily in following years.

6 (4) The Agency for Health Care Policy and Re-
7 search has indicated in its practice guidelines that
8 nutrition is key to both the prevention and the treat-
9 ment of pressure ulcers (also called bed sores) which
10 annually cost the health care system an estimated
11 \$1.3 billion for treatment.

12 (5) Almost 17 million patients each year are
13 treated for illnesses or injuries that stem from or
14 place them at risk of malnutrition.

15 (6) Because medical nutrition therapy is not
16 covered under part B of the medicare program and
17 because more and more health care is delivered on
18 an outpatient basis, many patients are denied access
19 to the effective, low-tech treatment they need, result-
20 ing in an increased incidence of complications and a
21 need for higher cost treatments.

22 **SEC. 2. MEDICARE COVERAGE OF MEDICAL NUTRITION**
23 **THERAPY SERVICES.**

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

1 (1) by striking “and” at the end of subpara-
2 graph (S);

3 (2) by striking the period at the end of sub-
4 paragraph (T) and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(U) medical nutrition therapy services (as de-
8 fined in subsection (uu)(1));”.

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

12 “Medical Nutrition Therapy Services; Registered
13 Dietitian or Nutrition Professional

14 “(uu)(1) The term ‘medical nutrition therapy serv-
15 ices’ means nutritional diagnostic, therapy, and counseling
16 services for the purpose of disease management which are
17 furnished by a registered dietitian or nutrition profes-
18 sional (as defined in paragraph (2)) pursuant to a referral
19 by a physician (as defined in subsection (r)(1)).

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

23 “(A) holds a baccalaureate or higher degree
24 granted by a regionally accredited college or univer-
25 sity in the United States (or an equivalent foreign

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

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

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

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

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

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

24 (1) by striking “and” before “(S)”, and

1 (2) by inserting before the semicolon at the end
2 the following: “, and (T) with respect to medical nu-
3 trition therapy services (as defined in section
4 1861(uu)), 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 apply to services furnished on or after Janu-
11 ary 1, 2000.

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