

106TH CONGRESS  
1ST SESSION

# S. 660

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

MARCH 18, 1999

Mr. BINGAMAN (for himself, Mr. CRAIG, Ms. MIKULSKI, Mr. THURMOND, Mr. DASCHLE, Ms. COLLINS, Mr. JOHNSON, Ms. SNOWE, Mr. DORGAN, Mr. MACK, Mr. HOLLINGS, Mr. REED, Mr. CONRAD, and Mr. CRAPO) 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; 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:

1           (1) Medical nutrition therapy is a medically  
2           necessary and cost-effective way of treating and con-  
3           trolling many diseases and medical conditions affect-  
4           ing the elderly, including HIV, AIDS, cancer, kidney  
5           disease, diabetes, heart disease, pressure ulcers, se-  
6           vere burns, and surgical wounds.

7           (2) Medical nutrition therapy saves health care  
8           costs by speeding recovery and reducing the inci-  
9           dence of complications, resulting in fewer hos-  
10          pitalizations, shorter hospital stays, and reduced  
11          drug, surgery, and treatment needs.

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

17          (4) The Agency for Health Care Policy and Re-  
18          search has indicated in its practice guidelines that  
19          nutrition is key to both the prevention and the treat-  
20          ment of pressure ulcers (also called bed sores) which  
21          annually cost the health care system an estimated  
22          \$1,300,000,000 for treatment.

23          (5) Almost 17,000,000 patients each year are  
24          treated for illnesses or injuries that stem from or  
25          place them at risk of malnutrition.

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

8   **SEC. 2. MEDICARE COVERAGE OF MEDICAL NUTRITION**  
 9                           **THERAPY SERVICES.**

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

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

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

16                   (3) by adding at the end the following new sub-  
 17                   paragraph:

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

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

1       “Medical Nutrition Therapy Services; Registered  
 2                   Dietitian or Nutrition Professional

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

9       “(2) Subject to paragraph (3), the term ‘registered  
 10 dietitian or nutrition professional’ means an individual  
 11 who—

12               “(A) holds a baccalaureate or higher degree  
 13 granted by a regionally accredited college or univer-  
 14 sity in the United States (or an equivalent foreign  
 15 degree) with completion of the academic require-  
 16 ments of a program in nutrition or dietetics, as ac-  
 17 credited by an appropriate national accreditation or-  
 18 ganization recognized by the Secretary for this pur-  
 19 pose;

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

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

1           “(ii) in the case of an individual in a State that  
 2           does not provide for such licensure or certification,  
 3           meets such other criteria as the Secretary estab-  
 4           lishes.

5           “(3) Subparagraphs (A) and (B) of paragraph (2)  
 6           shall not apply in the case of an individual who, as of the  
 7           date of enactment of this subsection, is licensed or cer-  
 8           tified as a dietitian or nutrition professional by the State  
 9           in which medical nutrition therapy services are per-  
 10          formed.”.

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

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

14                 (2) by inserting before the semicolon at the end  
 15                 the following: “, and (T) with respect to medical nu-  
 16                 trition therapy services (as defined in section  
 17                 1861(uu)), the amount paid shall be 80 percent of  
 18                 the lesser of the actual charge for the services or the  
 19                 amount determined under the fee schedule estab-  
 20                 lished under section 1848(b) for the same services if  
 21                 furnished by a physician”.

22          (d) EFFECTIVE DATE.—The amendments made by  
 23          this section apply to services furnished on or after Janu-  
 24          ary 1, 2000.

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