

108TH CONGRESS
1ST SESSION

S. 1114

To amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the medicare program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2003

Mrs. LINCOLN (for herself and Ms. COLLINS) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the medicare program, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kidney Disease Edu-
5 cational Benefits Act of 2003”.

6 **SEC. 2. MEDICARE COVERAGE OF KIDNEY DISEASE EDU-**
7 **CATION SERVICES.**

8 (a) COVERAGE OF KIDNEY DISEASE EDUCATION
9 SERVICES.—

1 (1) IN GENERAL.—Section 1861 of the Social
2 Security Act (42 U.S.C.1395x) is amended—

3 (A) in subsection (s)(2)—

4 (i) in subparagraph (U), by striking
5 “and” at the end;

6 (ii) in subparagraph (V)(iii), by add-
7 ing “and” at the end; and

8 (iii) by adding at the end the fol-
9 lowing new subparagraph:

10 “(W) kidney disease education services (as de-
11 fined in subsection (ww));”; and

12 (B) by adding at the end the following new
13 subsection:

14 “Kidney Disease Education Services

15 “(ww)(1) The term ‘kidney disease education serv-
16 ices’ means educational services that are—

17 “(A) furnished to an individual with kidney dis-
18 ease who, according to accepted clinical guidelines
19 identified by the Secretary, will require dialysis or a
20 kidney transplant;

21 “(B) furnished, upon the referral of the physi-
22 cian managing the individual’s kidney condition, by
23 a qualified person (as defined in paragraph (2)); and

24 “(C) designed—

1 “(i) to provide comprehensive information
2 regarding—

3 “(I) the management of comorbidities;

4 “(II) the prevention of uremic com-
5 plications; and

6 “(III) each option for renal replace-
7 ment therapy (including peritoneal dialysis,
8 hemodialysis (including vascular access op-
9 tions), and transplantation); and

10 “(ii) to ensure that the individual has the
11 opportunity to actively participate in the choice
12 of therapy.

13 “(2) The term ‘qualified person’ means—

14 “(A) a physician (as described in subsection
15 (r)(1));

16 “(B) an individual who—

17 “(i) is—

18 “(I) a registered nurse;

19 “(II) a registered dietitian or nutri-
20 tion professional (as defined in subsection
21 (vv)(2));

22 “(III) a clinical social worker (as de-
23 fined in subsection (hh)(1));

24 “(IV) a physician assistant, nurse
25 practitioner, or clinical nurse specialist (as

1 those terms are defined in subsection
2 (aa)(5)); or

3 “(V) a transplant coordinator; and

4 “(ii) meets such requirements related to
5 experience and other qualifications that the
6 Secretary finds necessary and appropriate for
7 furnishing the services described in paragraph
8 (1); or

9 “(C) a renal dialysis facility subject to the re-
10 quirements of section 1881(b)(1) with personnel
11 who—

12 “(i) provide the services described in para-
13 graph (1); and

14 “(ii) meet the requirements of subpara-
15 graph (A) or (B).

16 “(3) The Secretary shall develop the requirements
17 under paragraph (2)(B)(ii) after consulting with physi-
18 cians, health educators, professional organizations, accred-
19 iting organizations, kidney patient organizations, dialysis
20 facilities, transplant centers, network organizations de-
21 scribed in section 1881(c)(2), and other knowledgeable
22 persons.

23 “(4) In promulgating regulations to carry out this
24 subsection, the Secretary shall ensure that such regula-
25 tions ensure that each beneficiary who is entitled to kidney

1 disease education services under this title receives such
2 services in a timely manner that ensures that the bene-
3 ficiary receives the maximum benefit of those services.

4 “(5) The Secretary shall monitor the implementation
5 of this subsection to ensure that beneficiaries who are eli-
6 gible for kidney disease education services receive such
7 services in the manner described in paragraph (4).”.

8 (2) PAYMENT UNDER PHYSICIAN FEE SCHED-
9 ULE.—Section 1848(j)(3) of such Act (42 U.S.C.
10 1395w-4(j)(3)) is amended by inserting “, (2)(W)”,
11 after “(2)(S)”.

12 (3) PAYMENT TO RENAL DIALYSIS FACILI-
13 TIES.—Section 1881(b) of such Act (42 U.S.C.
14 1395rr(b)) is amended by adding at the end the fol-
15 lowing new paragraph:

16 “(12) For purposes of paragraph (7), the single
17 composite weighted formulas determined under such
18 paragraph shall not take into account the amount of
19 payment for kidney disease education services (as
20 defined in section 1861(w)). Instead, payment for
21 such services shall be made to the renal dialysis fa-
22 cility on an assignment-related basis under section
23 1848.”.

24 (4) ANNUAL REPORT TO CONGRESS.—Not later
25 than April 1, 2004, and annually thereafter, the

1 Secretary of Health and Human Services shall sub-
2 mit to Congress a report on the number of medicare
3 beneficiaries who are entitled to kidney disease edu-
4 cation services (as defined in section 1861(ww) of
5 the Social Security Act, as added by paragraph (1))
6 under title XVIII of such Act and who receive such
7 services, together with such recommendations for
8 legislative and administrative action as the Secretary
9 determines to be appropriate to fulfill the legislative
10 intent that resulted in the enactment of that sub-
11 section.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to services furnished on or after
14 the date that is 6 months after the date of enactment of
15 this Act.

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