

110TH CONGRESS  
1ST SESSION

# S. 1161

To amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

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## IN THE SENATE OF THE UNITED STATES

APRIL 19, 2007

Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. CONRAD, Mr. SCHUMER, and Ms. CANTWELL) 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 authorize the expansion of medicare coverage of medical nutrition therapy services.

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 2007”.

1 **SEC. 2. AUTHORIZING EXPANSION OF MEDICARE COV-**  
 2 **ERAGE OF MEDICAL NUTRITION THERAPY**  
 3 **SERVICES.**

4 (a) AUTHORIZING EXPANDED ELIGIBLE POPU-  
 5 LATION.—Section 1861(s)(2)(V) of the Social Security  
 6 Act (42 U.S.C. 1395x(s)(2)(V)) is amended—

7 (1) by redesignating clauses (i) through (iii) as  
 8 subclauses (I) through (III), respectively, and in-  
 9 denting each such clause an additional 2 ems;

10 (2) by striking “in the case of a beneficiary  
 11 with diabetes or a renal disease who—” and insert-  
 12 ing “in the case of a beneficiary—

13 “(i) with diabetes or a renal disease  
 14 who—”;

15 (3) by adding “or” at the end of subclause (III)  
 16 of clause (i), as so redesignated; and

17 (4) by adding at the end the following new  
 18 clause:

19 “(ii) who is not described in clause (i) but  
 20 who has another disease, condition, or disorder  
 21 for which the Secretary has made a national  
 22 coverage determination (as defined in section  
 23 1869(f)(1)(B)) for the coverage of such serv-  
 24 ices;”.

25 (b) COVERAGE OF SERVICES FURNISHED BY PHYSI-  
 26 CIANS.—Section 1861(vv)(1) of the Social Security Act

1 (42 U.S.C. 1395x(vv)(1)) is amended by inserting “or  
 2 which are furnished by a physician” before the period at  
 3 the end.

4 (c) NATIONAL COVERAGE DETERMINATION PROC-  
 5 ESS.—In making a national coverage determination de-  
 6 scribed in section 1861(s)(2)(V)(ii) of the Social Security  
 7 Act, as added by subsection (a)(4), the Secretary of  
 8 Health and Human Services, acting through the Adminis-  
 9 trator of the Centers for Medicare & Medicaid Services,  
 10 shall—

11 (1) consult with dietetic and nutrition profes-  
 12 sional organizations in determining appropriate pro-  
 13 tocols for coverage of medical nutrition therapy serv-  
 14 ices for individuals with different diseases, condi-  
 15 tions, and disorders; and

16 (2) consider the degree to which medical nutri-  
 17 tion therapy interventions prevent or help prevent  
 18 the onset or progression of more serious diseases,  
 19 conditions, or disorders.

20 (d) EFFECTIVE DATE.—The amendments made by  
 21 this section shall apply to services furnished on or after  
 22 January 1, 2008.

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