

113TH CONGRESS
1ST SESSION

S. 1318

To amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2013

Mr. SCHUMER (for himself and Mr. GRASSLEY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, 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 “Helping Ensure Life-
5 and Limb-Saving Access to Podiatric Physicians Act” or
6 the “HELLPP Act”.

1 **SEC. 2. INCLUDING PODIATRISTS AS PHYSICIANS UNDER**
 2 **THE MEDICAID PROGRAM.**

3 (a) IN GENERAL.—Section 1905(a)(5)(A) of the So-
 4 cial Security Act (42 U.S.C. 1396d(a)(5)(A)) is amended
 5 by striking “section 1861(r)(1)” and inserting “para-
 6 graphs (1) and (3) of section 1861(r)”.

7 (b) EFFECTIVE DATE.—

8 (1) IN GENERAL.—Except as provided in para-
 9 graph (2), the amendment made by subsection (a)
 10 shall apply to services furnished on or after January
 11 1, 2014.

12 (2) EXTENSION OF EFFECTIVE DATE FOR
 13 STATE LAW AMENDMENT.—In the case of a State
 14 plan under title XIX of the Social Security Act (42
 15 U.S.C. 1396 et seq.) which the Secretary of Health
 16 and Human Services determines requires State legis-
 17 lation in order for the plan to meet the additional
 18 requirement imposed by the amendment made by
 19 subsection (a), the State plan shall not be regarded
 20 as failing to comply with the requirements of such
 21 title solely on the basis of its failure to meet these
 22 additional requirements before the first day of the
 23 first calendar quarter beginning after the close of
 24 the first regular session of the State legislature that
 25 begins after the date of enactment of this Act. For
 26 purposes of the previous sentence, in the case of a

1 State that has a 2-year legislative session, each year
 2 of the session is considered to be a separate regular
 3 session of the State legislature.

4 **SEC. 3. MODIFICATIONS TO REQUIREMENTS FOR DIABETIC**
 5 **SHOES TO BE INCLUDED UNDER MEDICAL**
 6 **AND OTHER HEALTH SERVICES UNDER MEDI-**
 7 **CARE.**

8 (a) IN GENERAL.—Section 1861(s)(12) of the Social
 9 Security Act (42 U.S.C. 1395x(s)(12)) is amended to read
 10 as follows:

11 “(12) subject to section 4072(e) of the Omni-
 12 bus Budget Reconciliation Act of 1987, extra-depth
 13 shoes with inserts or custom molded shoes (in this
 14 paragraph referred to as ‘therapeutic shoes’) with
 15 inserts for an individual with diabetes, if—

16 “(A) the physician who is managing the in-
 17 dividual’s diabetic condition—

18 “(i) documents that the individual has
 19 diabetes;

20 “(ii) certifies that the individual is
 21 under a comprehensive plan of care related
 22 to the individual’s diabetic condition; and

23 “(iii) documents agreement with the
 24 prescribing podiatrist or other qualified
 25 physician (as established by the Secretary)

1 that it is medically necessary for the indi-
2 vidual to have such extra-depth shoes with
3 inserts of custom molded shoes with in-
4 serts;

5 “(B) the therapeutic shoes are prescribed
6 by a podiatrist or other qualified physician (as
7 established by the Secretary) who—

8 “(i) examines the individual and de-
9 termines the medical necessity for the indi-
10 vidual to receive the therapeutic shoes; and

11 “(ii) communicates in writing the
12 medical necessity to a certifying doctor of
13 medicine or osteopathy for the individual
14 to have therapeutic shoes along with find-
15 ings that the individual has peripheral neu-
16 ropathy with evidence of callus formation,
17 a history of pre-ulcerative calluses, a his-
18 tory of previous ulceration, foot deformity,
19 previous amputation, or poor circulation;
20 and

21 “(C) the therapeutic shoes are fitted and
22 furnished by a podiatrist or other qualified sup-
23 plier individual (as established by the Sec-
24 retary), such as a pedorthist or orthotist, who
25 is not the physician described in subparagraph

1 (A) (unless the Secretary finds that the physi-
 2 cian is the only such qualified individual in the
 3 area);”.

4 (b) EFFECTIVE DATE.—The amendment made by
 5 subsection (a) shall apply with respect to items and serv-
 6 ices furnished on or after January 1, 2014.

7 **SEC. 4. BUDGET SAVINGS: STRENGTHENING MEDICAID**
 8 **PROGRAM INTEGRITY THROUGH CONTIN-**
 9 **UOUS LEVY ON PAYMENTS TO MEDICAID**
 10 **PROVIDERS AND SUPPLIERS.**

11 (a) IN GENERAL.—Section 6331(h)(2) of the Inter-
 12 nal Revenue Code of 1986 (defining specified payment)
 13 is amended by striking “and” at the end of subparagraph
 14 (B), by striking the period at the end of subparagraph
 15 (C) and inserting “, and”, and by adding at the end the
 16 following new subparagraph:

17 “(D) any payment to any Medicaid pro-
 18 vider or supplier under a State plan under title
 19 XIX of the Social Security Act.”.

20 (b) EFFECTIVE DATE.—The amendments made by
 21 this section shall apply to levies issued after the date of
 22 the enactment of this Act.

○