

116TH CONGRESS
2D SESSION

S. 4504

To amend title XVIII of the Social Security Act to expand the availability of medical nutrition therapy services under the Medicare program.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

Ms. COLLINS (for herself and Mr. PETERS) 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 expand the availability of medical nutrition therapy services under the Medicare program.

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 “Medical Nutrition
5 Therapy Act of 2020”.

6 **SEC. 2. EXPANDING THE AVAILABILITY OF MEDICAL NU-**
7 **TRITION THERAPY SERVICES UNDER THE**
8 **MEDICARE PROGRAM.**

9 (a) IN GENERAL.—Section 1861 of the Social Secu-
10 rity Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)(V), by striking “in the case of” and all that follows through “organizations”; and

(2) in subsection (vv)—

(A) in paragraph (1)—

(i) by striking “disease management” and inserting “the prevention, management, or treatment of a disease or condition specified in paragraph (4)”;

(ii) by inserting “or by a physician assistant, nurse practitioner, or clinical nurse specialist (as such terms are defined in subsection (aa)(5)), or, in the case of such services furnished to manage such a disease or condition that is an eating disorder, by a clinical psychologist (as defined by the Secretary)” before the period at the end; and

(iii) by adding at the end the following new sentence: “Such term shall not include any such services furnished to an individual for the prevention, management, or treatment of a renal disease if such individual is receiving maintenance dialysis

1 for which payment is made under section
2 1881.”; and

3 (B) by adding at the end the following new
4 paragraph:

5 “(4) For purposes of paragraph (1), the diseases and
6 conditions specified in this paragraph are the following:

7 “(A) Diabetes and prediabetes.

8 “(B) A renal disease.

9 “(C) Obesity (as defined for purposes of sub-
10 section (yy)(2)(C) or as otherwise defined by the
11 Secretary).

12 “(D) Hypertension.

13 “(E) Dyslipidemia.

14 “(F) Malnutrition.

15 “(G) Eating disorders.

16 “(H) Cancer.

17 “(I) Celiac disease.

18 “(J) HIV.

19 “(K) AIDS.

20 “(L) Any other disease or condition—

21 “(i) specified by the Secretary relating to
22 unintentional weight loss;

23 “(ii) for which the Secretary determines
24 the services described in paragraph (1) to be
25 medically necessary and appropriate for the

1 prevention, management, or treatment of such
 2 disease or condition, consistent with any appli-
 3 cable recommendations of the United States
 4 Preventive Services Task Force; or

5 “(iii) for which the Secretary determines
 6 the services described in paragraph (1) are
 7 medically necessary, consistent with either pro-
 8 tocols established by registered dietitians or nu-
 9 trition professional organizations or with ac-
 10 cepted clinical guidelines identified by the Sec-
 11 retary.”.

12 (b) EXCLUSION MODIFICATION.—Section 1862(a)(1)

13 is amended—

14 (1) in subparagraph (O), by striking “and” at
 15 the end;

16 (2) in subparagraph (P), by striking the semi-
 17 colon at the end and inserting “, and”; and

18 (3) by adding at the end the following new sub-
 19 paragraph:

20 “(Q) in the case of medical nutrition therapy
 21 services (as defined in section 1861(vv)), which are
 22 not furnished for the prevention, management, or
 23 treatment of a disease or condition specified in para-
 24 graph (4) of such section;”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to items and services
3 furnished on or after January 1, 2021.

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