

117TH CONGRESS  
1ST SESSION

# S. 2173

To permit Centers for Disease Control and Prevention-recognized virtual diabetes prevention program suppliers to be included in the Medicare Diabetes Prevention Program Expanded Model conducted by the Center for Medicare and Medicaid Innovation under section 1115A of the Social Security Act (42 U.S.C. 1315a).

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## IN THE SENATE OF THE UNITED STATES

JUNE 22, 2021

Mr. SCOTT of South Carolina (for himself, Mr. WARNER, Mr. COTTON, Ms. SINEMA, Mrs. CAPITO, Mr. CRAMER, Mrs. HYDE-SMITH, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To permit Centers for Disease Control and Prevention-recognized virtual diabetes prevention program suppliers to be included in the Medicare Diabetes Prevention Program Expanded Model conducted by the Center for Medicare and Medicaid Innovation under section 1115A of the Social Security Act (42 U.S.C. 1315a).

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 “Promoting Responsible  
5 and Effective Virtual Experiences through Novel Tech-

1 nology to Deliver Improved Access and Better Engage-  
2 ment with Tested and Evidence-based Strategies Act” or  
3 the “PREVENT DIABETES Act”.

4 **SEC. 2. INCLUSION OF VIRTUAL DIABETES PREVENTION**  
5 **PROGRAM SUPPLIERS IN MDPP EXPANDED**  
6 **MODEL.**

7 (a) IN GENERAL.—Not later than January 1, 2022,  
8 the Secretary shall revise the regulations under part 410  
9 and section 424.200–.518 of title 42, Code of Federal  
10 Regulations (or any successor regulations), to permit any  
11 diabetes prevention lifestyle change program, including  
12 any online or virtual diabetes prevention program, that  
13 has met the standards for full recognition by the CDC—

14 (1) to apply to be a MDPP supplier; and

15 (2) upon a successful application, to participate  
16 in the MDPP Expanded Model described in the final  
17 rule published in the Federal Register on November  
18 15, 2017, entitled “Medicare Program; Revisions to  
19 Payment Policies Under the Physician Fee Schedule  
20 and Other Revisions to Part B for CY 2018; Medi-  
21 care Shared Savings Program Requirements; and  
22 Medicare Diabetes Prevention Program”, in accord-  
23 ance with this section.

24 (b) VIRTUAL DIABETES PREVENTION PROGRAM SUP-  
25 PLIERS.—A virtual diabetes prevention program supplier

1 participating in the MDPP Expanded Model shall be sub-  
2 ject to the same standards as in-person MDPP suppliers  
3 participating in such program, except—

4 (1) the administrative location of a virtual dia-  
5 betes prevention program supplier shall be the ad-  
6 dress of the supplier on file under the Diabetes Pre-  
7 vention Recognition Program of the CDC;

8 (2) a virtual diabetes prevention program sup-  
9 plier shall not be required to report a change in its  
10 administrative location except when such supplier's  
11 address on file under the Diabetes Prevention Rec-  
12 ognition Program has changed; and

13 (3) a virtual diabetes prevention program sup-  
14 plier shall not be prohibited from submitting or re-  
15 ceiving payment for a claim for virtual diabetes pre-  
16 vention program services because the beneficiary was  
17 not present in the same State or country as such  
18 supplier or service.

19 (c) DIABETES PREVENTION PROGRAM SUPPLIER  
20 SCREENING LEVEL.—The supplier enrollment screening  
21 level applicable to a virtual diabetes prevention program  
22 supplier shall be at a “high” categorical risk in accordance  
23 with section 424.518(c)(2) of title 42, Code of Federal  
24 Regulations (or any successor regulations).

1 (d) CLARIFICATION.—Notwithstanding any provision  
2 of this law, the MDPP Expanded Model, upon the inclu-  
3 sion of virtual diabetes prevention program suppliers, shall  
4 continue to be an expanded model under section 1115A  
5 of the Social Security Act (42 U.S.C. 1315a), unless the  
6 Secretary determines, based on performance data from the  
7 MDPP Expanded Model, that continued testing would be  
8 inconsistent with the requirements set forth in subsection  
9 (c) of such section 1115A.

10 (e) OTHER TESTING.—Nothing in this section shall  
11 limit the Secretary from developing and testing additional  
12 models that utilize virtual technology or deliver health care  
13 services through virtual means.

14 (f) DEFINITIONS.—In this section:

15 (1) CDC.—The term “CDC” means the Cen-  
16 ters for Disease Control and Prevention.

17 (2) MDPP.—The term “MDPP” means the  
18 Medicare Diabetes Prevention Program.

19 (3) SECRETARY.—The term “Secretary” means  
20 the Secretary of Health and Human Services.

21 (4) VIRTUAL DIABETES PREVENTION PROGRAM  
22 SUPPLIER.—The term “virtual diabetes prevention  
23 program supplier” means a supplier, that meets the  
24 standards for full recognition by the CDC, of diabe-  
25 tes prevention program services that are delivered

- 1 via a synchronous or asynchronous technology or
- 2 telecommunications.

