AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

II

119TH CONGRESS
2D SESSION

S. 4070

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

MARCH 12, 2026

Mr. YOUNG (for himself and Mr. WARNOCK) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Diabetes Foot Health Access and Modernization Act of 2026''.

SEC. 2. RECOGNIZING DOCTORS OF PODIATRIC MEDICINE AS PHYSICIANS UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1905(a)(5)(A) of the Social Security Act (42 U.S.C. 1396d(a)(5)(A)) is amended by striking ''section 1861(r)(1)'' and inserting ''paragraphs (1) and (3) of section 1861(r)''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to services furnished on or after January 1, 2026.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirement imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For

purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 3. CLARIFYING MEDICARE DOCUMENTATION REQUIREMENTS FOR THERAPEUTIC SHOES FOR PERSONS WITH DIABETES.

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

''(12) extra-depth shoes with inserts or custom molded shoes with inserts for an individual with diabetes, if—

''(A) a physician as defined in subsection (r) of this section—

''(i) documents that the individual has peripheral neuropathy that may include altered foot sensation, weakness, or diminished motor control of the lower extremity; a history of pre-ulcerative calluses or other ulceration of the foot; foot deformity, previous lower extremity amputation, or poor lower extremity circulation;

''(ii) attests that the individual has a diabetes diagnosis and is under a com-

prehensive plan of care related to the individual's diabetic condition; and

"(iii) attests that the individual needs such shoes; and

"(B) the shoes are fitted and furnished by a physician or other qualified individual (such as a pedorthist or orthotist) as established by the Secretary;".

(b) CONFORMING AMENDMENT.—Section 1877(h)(6) of the Social Security Act (42 U.S.C. 1395nn(h)(6)) is amended by inserting after subparagraph (L) the following:

"(M) Extra-depth shoes with inserts or custom molded shoes with inserts.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to items and services furnished on or after January 1, 2028.

○