

105TH CONGRESS
1ST SESSION

H. R. 1375

To amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1997

Mr. ENSIGN (for himself, Mr. SERRANO, Mrs. JOHNSON of Connecticut, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BAESLER, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. BOEHLERT, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Mr. BROWN of Ohio, Mr. CALVERT, Ms. CHRISTIAN-GREEN, Mrs. CLAYTON, Mr. CLYBURN, Mr. COSTELLO, Mr. COYNE, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GIBBONS, Mr. GILMAN, Mr. GONZALEZ, Mr. GORDON, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. KILDEE, Mr. KING, Mr. KLUG, Mr. KUCINICH, Mr. LAHOOD, Mr. LAZIO of New York, Mr. LEWIS of Georgia, Mr. McCRERY, Mr. MCGOVERN, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. NEAL of Massachusetts, Mr. NADLER, Mr. OLVER, Mr. ORTIZ, Ms. PELOSI, Mr. PETERSON of Minnesota, Ms. PRYCE of Ohio, Mr. RAHALL, Mr. REYES, Ms. RIVERS, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SHAYS, Ms. SLAUGHTER, Mr. ADAM SMITH of Washington, Mr. SNYDER, Mr. SOLOMON, Ms. STABENOW, Mr. TANNER, Mrs. THURMAN, Mr. TIERNEY, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. VENTO, Mr. VISCLOSKY, Mr. WALSH, Mr. WAXMAN, Mr. WELDON of Florida, Mr. WEYGAND, Mr. WISE, Mr. YATES, Mr. YOUNG of Alaska, Mr. LEACH, Ms. LOFGREN, Mr. DELAHUNT, Mr. NETHERCUTT, Ms. DELAURO, Mr. MALONEY of Connecticut, Mr. PALLONE, and Mrs. MEEK of Florida) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

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 1997”.

6 **SEC. 2. MEDICARE COVERAGE OF MEDICAL NUTRITION**
7 **THERAPY SERVICES.**

8 (a) COVERAGE.—Section 1861(s)(2) of the Social Se-
9 curity Act (42 U.S.C. 1395x(s)(2)) is amended—

10 (1) by striking “and” at the end of subpara-
11 graphs (N) and (O), and

12 (2) by inserting after subparagraph (O) the fol-
13 lowing new subparagraph:

14 “(P) medical nutrition therapy services (as de-
15 fined in subsection (oo)(1));”.

16 (b) SERVICES DESCRIBED.—Section 1861 of such
17 Act (42 U.S.C. 1395x) is amended by adding at the end
18 the following new subsection:

1 “Medical Nutrition Therapy Services; Registered
2 Dietitian or Nutrition Professional

3 “(oo)(1) The term ‘medical nutrition therapy serv-
4 ices’ means nutritional diagnostic, therapy, and counseling
5 services which are furnished by a registered dietitian or
6 nutrition professional (as defined in paragraph (2)) pursu-
7 ant to a referral by a physician (as defined in subsection
8 (r)(1)).

9 “(2) Subject to paragraph (3), the term ‘registered
10 dietitian or nutrition professional’ means an individual
11 who—

12 “(A) holds a baccalaureate or higher degree
13 granted by a regionally accredited college or univer-
14 sity in the United States (or an equivalent foreign
15 degree) with completion of the academic require-
16 ments of a program in nutrition or dietetics, as ac-
17 credited by an appropriate national accreditation or-
18 ganization recognized by the Secretary for this pur-
19 pose;

20 “(B) has completed at least 900 hours of super-
21 vised dietetics practice under the supervision of a
22 registered dietitian or nutrition professional; and

23 “(C)(i) is licensed or certified as a dietitian or
24 nutrition professional by the State in which the serv-
25 ices are performed, or

1 “(ii) in the case of an individual in a State
2 which does not provide for such licensure or certifi-
3 cation, meets such other criteria as the Secretary es-
4 tablishes.

5 “(3) Subparagraphs (A) and (B) of paragraph (2)
6 shall not apply in the case of an individual who as of the
7 date of the enactment of this subsection is licensed or cer-
8 tified as a dietitian or nutrition professional by the State
9 in which medical nutrition therapy services are per-
10 formed.”.

11 (c) PAYMENT.—Section 1833(a)(1) of such Act (42
12 U.S.C. 1395l(a)(1)) is amended—

13 (1) by striking “and” before “(P)”, and

14 (2) by inserting before the semicolon at the end
15 the following: “, and (Q) with respect to medical nu-
16 trition therapy services (as defined in section
17 1861(oo)), the amount paid shall be 80 percent of
18 the lesser of the actual charge for the services or the
19 amount determined under the fee schedule estab-
20 lished under section 1848(b) for the same services if
21 furnished by a physician”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to services furnished on or after
24 January 1, 1998.

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