

107TH CONGRESS
2D SESSION

H. R. 4729

To amend the Social Security Act to provide for coverage under the Medicare Program of chronic kidney disease patients who are not end-stage renal disease patients.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2002

Mr. STARK (for himself, Mr. McDERMOTT, Mrs. THURMAN, and Mrs. CHRISTENSEN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 the Social Security Act to provide for coverage under the Medicare Program of chronic kidney disease patients who are not end-stage renal disease patients.

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 Chronic Kid-
5 ney Disease Management Act of 2002”.

1 **SEC. 2. DELAYING ONSET OF ESRD.**

2 (a) **MEDICARE COVERAGE OF CHRONIC KIDNEY DIS-**
3 **EASE PATIENTS.—**

4 (1) **IN GENERAL.—**Section 226A of the Social
5 Security Act (42 U.S.C. 426–1) is amended—

6 (A) by redesignating the last subsection as
7 subsection (e); and

8 (B) by inserting after subsection (c) the
9 following new subsection:

10 “(d)(1)(A) Notwithstanding any provision to the con-
11 trary in section 226 or title XVIII, every qualified chronic
12 kidney disease patient (as defined in paragraph (2)) shall,
13 in accordance with the succeeding provisions of this sec-
14 tion, be entitled to benefits under part A and eligible to
15 enroll under part B of title XVIII, subject to the deduct-
16 ible, premium, and coinsurance provisions of that title.

17 “(B) No qualified chronic kidney disease patient may
18 enroll under part C of title XVIII.

19 “(2) For purposes of this subsection, the term “quali-
20 fied chronic kidney disease patient” means an individual—

21 “(A) who would otherwise be described in sub-
22 section (a) but for paragraph (2) of that subsection;

23 “(B) who has been diagnosed with chronic kid-
24 ney disease;

25 “(C) with respect to whom, a physician certifies
26 that—

1 “(i) the individual, under generally accept-
2 ed clinical standards, will likely need dialysis
3 treatments or a kidney transplant within the
4 two-year period beginning on the date of certifi-
5 cation; and

6 “(ii) the individual may benefit from a pro-
7 gram of pre-ESRD services (as defined in sec-
8 tion 1861(ww)(1)); and

9 “(D) who certifies that the individual does not
10 have health insurance coverage.”.

11 (2) CONFORMING AMENDMENTS.—Section 1811
12 of such Act (42 U.S.C. 1395e) is amended by insert-
13 ing before the period the following: “or who are
14 qualified chronic kidney disease patient (as defined
15 in section 226A(d)(2))”.

16 (3) EFFECTIVE DATE.—The amendments made by
17 this subsection shall take effect January 1, 2004.

18 (b) COVERAGE OF PRE-ESRD SERVICES.—

19 (1) IN GENERAL.—Section 1861(s)(2) of the
20 Social Security Act (42 U.S.C. 1395x(s)(2)) is
21 amended—

22 (A) by striking “and” at the end of sub-
23 paragraph (U);

24 (B) by inserting “and” at the end of sub-
25 paragraph (V); and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(W) pre-ESRD services (as defined in sub-
4 section (ww)(1)) for an individual who has been di-
5 agnosed with chronic kidney disease and, with re-
6 spect to whom, a physician certifies that—

7 “(i) the individual, under generally accept-
8 ed clinical standards, will likely need dialysis
9 treatments within the two-year period beginning
10 on the date of certification; and

11 “(ii) the individual may benefit from a pro-
12 gram of pre-ESRD services;”.

13 (2) SERVICES DESCRIBED.—Section 1861 of
14 the Social Security Act (42 U.S.C. 1395x) is amend-
15 ed by adding at the end the following new sub-
16 section:

17 “Pre-ESRD Services

18 “(ww)(1) The term ‘pre-ESRD Services’ means any
19 or all of the following services:

20 “(A) Individual and group nutritional coun-
21 seling services for the purpose of chronic kidney dis-
22 ease management that are furnished by a registered
23 dietitian or nutrition professional (as defined in sub-
24 section (vv)(2)) pursuant to a referral by a physician
25 (as defined in subsection (r)(1)).

1 “(B) Counseling furnished by qualified health
2 care providers that—

3 “(i) provides comprehensive information
4 regarding the management of comorbidities,
5 and the prevention of uremic complications;

6 “(ii) ensures active participation of the in-
7 dividual in the choice of therapy or therapies;
8 and

9 “(iii) provides comprehensive information
10 regarding modalities of treatment for kidney
11 disease and end-stage renal disease, including
12 organ transplantation, hemodialysis, peritoneal
13 dialysis, and home dialysis.

14 “(C) Counseling, items and services, including
15 tissue typing, furnished by qualified health care pro-
16 viders for preparation of possible organ transplan-
17 tation.

18 “(D) Items and services furnished by qualified
19 health care providers for the preparation of vascular
20 access required for dialysis treatment.

21 “(E) Such other services as the Secretary deter-
22 mines appropriate, in consultation with national or-
23 ganizations representing individuals and entities who
24 furnish pre-ESRD services and patients receiving
25 such services.

1 “(2) The Secretary shall establish such criteria as the
2 Secretary determines appropriate for qualifications re-
3 quired for individuals to furnish pre-ESRD services under
4 paragraph (1).”.

5 (3) PAYMENT AMOUNT.—

6 (A) IN GENERAL.—Section 1833(a)(1) of
7 the Social Security Act (42 U.S.C. 1395l(a)(1))
8 is amended—

9 (i) by striking “and” before “(U)”;

10 and

11 (ii) by inserting before the semicolon
12 at the end the following: “, and (V) with
13 respect to pre-ESRD services, the amount
14 paid shall be 80 percent of the amount de-
15 termined under the fee schedule estab-
16 lished under section 1834(e)”.

17 (B) ESTABLISHMENT OF FEE SCHED-
18 ULE.—Section 1834 of such Act (42 U.S.C.
19 1395m) is amended by inserting after sub-
20 section (d) the following new subsection:

21 “(e) FEE SCHEDULE FOR PRE-ESRD SERVICES.—

22 “(1) IN GENERAL.—The Secretary shall estab-
23 lish a fee schedule for payment for pre-ESRD serv-
24 ices in accordance with the requirements of this sub-
25 section.

1 “(2) CONSIDERATIONS.—In establishing such
2 fee schedule, the Secretary shall—

3 “(A) establish mechanisms to promote the
4 efficient delivery of care;

5 “(B) establish definitions for pre-ESRD
6 services which link payments to the type of
7 services provided;

8 “(C) consider appropriate regional and
9 operational differences; and

10 “(D) consider adjustments to payment
11 rates to account for inflation and other relevant
12 factors.

13 “(3) CONSULTATION.—In establishing the fee
14 schedule for pre-ESRD services under this sub-
15 section, the Secretary shall consult with various na-
16 tional organizations representing individuals and en-
17 tities who furnish pre-ESRD services and patients
18 receiving such services.

19 “(4) CODING SYSTEM.—The Secretary may re-
20 quire the claim for any services for which the
21 amount of payment is determined under this sub-
22 section to include a code (or codes) under a uniform
23 coding system specified by the Secretary that identi-
24 fies the services furnished.”.

1 (3) PERMITTING DIALYSIS FACILITIES TO BILL
2 FOR PRE-ESRD SERVICES FURNISHED IN THE FA-
3 CILITY.—Section 1881(b) is amended by adding at
4 the end the following new paragraph:

5 “(12) A renal dialysis facility may provide for the fur-
6 nishing of some or all pre-ESRD services (as defined in
7 section 1861(w)(2)). The facility may submit to the Sec-
8 retary a claim for payment for such services furnished in
9 the facility, and the Secretary shall not require the facility,
10 or the employee of the facility who is qualified to furnish
11 such services, to apply for a separate provider number for
12 purposes of payment under this title.”.

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