

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1582

To amend title XVIII of the Social Security Act to authorize expansion of Medicare coverage of medical nutrition therapy services.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2005

Mr. UPTON (for himself, Ms. ESHOO, Mr. TERRY, Mr. WU, Mr. BECERRA, and Mr. BONNER) introduced the following bill; which was referred to the Committee on Energy and 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

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## A BILL

To amend title XVIII of the Social Security Act to authorize expansion of Medicare coverage of medical nutrition therapy services.

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 2005”.

1 **SEC. 2. AUTHORIZING EXPANSION OF MEDICARE COV-**  
2 **ERAGE OF MEDICAL NUTRITION THERAPY**  
3 **SERVICES.**

4 (a) AUTHORIZING EXPANDED ELIGIBLE POPU-  
5 LATION.—Section 1861(s)(2)(V) of the Social Security  
6 Act (42 U.S.C. 1395x(s)(2)(V)) is amended—

7 (1) by redesignating clauses (i) through (iii) as  
8 subclauses (I) through (III), respectively, and in-  
9 denting each such clause an additional 2 ems;

10 (2) by striking “in the case of a beneficiary  
11 with diabetes or a renal disease who—” and insert-  
12 ing the following:

13 “in the case of a beneficiary—

14 “(i) with diabetes or a renal disease  
15 who—”;

16 (3) by adding “or” at the end of subclause (III)  
17 of clause (i), as so designated; and

18 (4) by adding at the end the following new  
19 clause:

20 “(ii) who is not described in clause (i)  
21 but who has another disease, condition, or  
22 disorder for which the Secretary has made  
23 a national coverage determination (under  
24 section 1869(f)(1)(B)) for the coverage of  
25 such services;”.

1 (b) COVERAGE OF SERVICES FURNISHED BY PHYSI-  
2 CIANS.—Section 1861(vv)(1) of such Act (42 U.S.C.  
3 1395x(vv)(1)) is amended by inserting “, physician,” after  
4 “a registered dietician ”.

5 (c) NATIONAL COVERAGE DETERMINATION PROC-  
6 ESS.—In making a national coverage determination de-  
7 scribed in section 1861(s)(2)(V)(ii) of the Social Security  
8 Act, as added by subsection (a)(4), the Secretary of  
9 Health and Human Services, through the Director of the  
10 Centers for Medicare and Medicaid Services, shall—

11 (1) consult with dietetic and nutrition profes-  
12 sional organizations in determining appropriate pro-  
13 tocols for coverage of medical nutrition therapy serv-  
14 ices for individuals with different diseases, condi-  
15 tions, and disorders; and

16 (2) consider the degree to which medical nutri-  
17 tion therapy interventions prevent or help prevent  
18 the onset or progression of more serious diseases,  
19 conditions, or disorders.

20 (d) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to services furnished on or after  
22 January 1, 2006.

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