

116TH CONGRESS
2D SESSION

H. R. 6971

To amend title XVIII of the Social Security Act to expand the availability of medical nutrition therapy services under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2020

Mr. ENGEL (for himself and Mr. KING of New York) 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

A BILL

To amend title XVIII of the Social Security Act to expand the availability of medical nutrition therapy services under the Medicare program.

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 “Medical Nutrition
5 Therapy Act of 2020”.

1 **SEC. 2. EXPANDING THE AVAILABILITY OF MEDICAL NU-**
2 **TRITION THERAPY SERVICES UNDER THE**
3 **MEDICARE PROGRAM.**

4 (a) IN GENERAL.—Section 1861 of the Social Secu-
5 rity Act (42 U.S.C. 1395x) is amended—

6 (1) in subsection (s)(2)(V), by striking “in the
7 case of” and all that follows through “organiza-
8 tions”; and

9 (2) in subsection (vv)—

10 (A) in paragraph (1)—

11 (i) by striking “disease management”
12 and inserting “the prevention, manage-
13 ment, or treatment of a disease or condi-
14 tion specified in paragraph (4)”;

15 (ii) by inserting “or by a physician as-
16 sistant, nurse practitioner, or clinical nurse
17 specialist (as such terms are defined in
18 subsection (aa)(5)), or, in the case of such
19 services furnished to manage such a dis-
20 ease or condition that is an eating dis-
21 order, by a clinical psychologist (as defined
22 by the Secretary)” before the period at the
23 end; and

24 (iii) by adding at the end the fol-
25 lowing new sentence: “Such term shall not
26 include any such services furnished to an

1 individual for the prevention, management,
2 or treatment of a renal disease if such in-
3 dividual is receiving maintenance dialysis
4 for which payment is made under section
5 1881.”; and

6 (B) by adding at the end the following new
7 paragraph:

8 “(4) For purposes of paragraph (1), the diseases and
9 conditions specified in this paragraph are the following:

10 “(A) Diabetes and prediabetes.

11 “(B) A renal disease.

12 “(C) Obesity (as defined for purposes of sub-
13 section (yy)(2)(C) or as otherwise defined by the
14 Secretary).

15 “(D) Hypertension.

16 “(E) Dyslipidemia.

17 “(F) Malnutrition.

18 “(G) Eating disorders.

19 “(H) Cancer.

20 “(I) Celiac disease.

21 “(J) HIV.

22 “(K) AIDS.

23 “(L) Any other disease or condition—

24 “(i) specified by the Secretary relating to
25 unintentional weight loss;

1 “(ii) for which the Secretary determines
2 the services described in paragraph (1) to be
3 medically necessary and appropriate for the
4 prevention, management, or treatment of such
5 disease or condition, consistent with any appli-
6 cable recommendations of the United States
7 Preventive Services Task Force; or

8 “(iii) for which the Secretary determines
9 the services described in paragraph (1) are
10 medically necessary, consistent with either pro-
11 tocols established by registered dietitians or nu-
12 trition professional organizations or with ac-
13 cepted clinical guidelines identified by the Sec-
14 retary.”.

15 (b) EXCLUSION MODIFICATION.—Section 1862(a)(1)
16 is amended—

17 (1) in subparagraph (O), by striking “and” at
18 the end;

19 (2) in subparagraph (P), by striking the semi-
20 colon at the end and inserting “, and”; and

21 (3) by adding at the end the following new sub-
22 paragraph:

23 “(Q) in the case of medical nutrition therapy
24 services (as defined in section 1861(vv)), which are
25 not furnished for the prevention, management, or

1 treatment of a disease or condition specified in para-
2 graph (4) of such section;”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to items and services
5 furnished on or after January 1, 2021.

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