

118TH CONGRESS  
1ST SESSION

# S. 3297

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 14 (legislative day, NOVEMBER 13), 2023

Ms. COLLINS (for herself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Over two-thirds of Medicare fee-for-service  
9 beneficiaries have 2 or more chronic conditions,

1 many of which can be prevented, delayed, treated, or  
2 managed through nutrition.

3 (2) Individuals from many racial and ethnic mi-  
4 nority backgrounds are more likely to be diagnosed  
5 with chronic diseases such as diabetes, prediabetes,  
6 chronic kidney disease, end-stage renal disease, and  
7 obesity.

8 (3) Coverage for medical nutrition therapy is  
9 only available to Medicare Part B beneficiaries with  
10 diabetes or a renal disease, despite medical nutrition  
11 therapy being part of the standard of care, in clin-  
12 ical guidelines, and medically necessary for many  
13 more chronic conditions.

14 (4) Medical nutrition therapy has been shown  
15 to be a cost-effective component of treatment for  
16 obesity, diabetes, hypertension, dyslipidemia, HIV  
17 infection, unintended weight loss in older adults, and  
18 other chronic conditions.

19 **SEC. 3. EXPANDING THE AVAILABILITY OF MEDICAL NU-**  
20 **TRITION THERAPY SERVICES UNDER THE**  
21 **MEDICARE PROGRAM.**

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

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

4 (2) in subsection (vv)—

5 (A) in paragraph (1)—

6 (i) by striking “disease management”  
7 and inserting “the prevention, manage-  
8 ment, or treatment of a disease or condi-  
9 tion specified in paragraph (4)”; and

10 (ii) by striking “by a physician” and  
11 all that follows through the period at the  
12 end and inserting the following: “by—

13 “(A) a physician (as defined in subsection  
14 (r)(1));

15 “(B) a physician assistant (as defined in  
16 subsection (aa)(5)(A));

17 “(C) a nurse practitioner (as defined in  
18 subsection (aa)(5)(A));

19 “(D) a clinical nurse specialist (as defined  
20 in subsection (aa)(5)(B)); or

21 “(E) in the case of such services furnished  
22 to manage such a disease or condition that is  
23 an eating disorder, a clinical psychologist (as  
24 defined by the Secretary).”; and

1 (iii) by adding at the end the fol-  
2 lowing new sentence: “Such term shall not  
3 include any such services furnished to an  
4 individual for the prevention, management,  
5 or treatment of a renal disease if such in-  
6 dividual is receiving maintenance dialysis  
7 for which payment is made under section  
8 1881.”; and

9 (B) by adding at the end the following new  
10 paragraph:

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

13 “(A) Diabetes.

14 “(B) Prediabetes.

15 “(C) A renal disease.

16 “(D) Obesity (as defined for purposes of sub-  
17 section (yy)(2)(C) or as otherwise defined by the  
18 Secretary).

19 “(E) Hypertension.

20 “(F) Dyslipidemia.

21 “(G) Malnutrition.

22 “(H) Eating disorders.

23 “(I) Cancer.

24 “(J) Gastrointestinal diseases, including Celiac  
25 disease.

1 “(K) HIV.

2 “(L) AIDS.

3 “(M) Cardiovascular disease.

4 “(N) Any other disease or condition—

5 “(i) specified by the Secretary relating to  
6 unintentional weight loss;

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

14 “(iii) for which the Secretary determines  
15 the services described in paragraph (1) are  
16 medically necessary, consistent either with pro-  
17 tocols established by registered dietitian or nu-  
18 trition professional organizations or with ac-  
19 cepted clinical guidelines identified by the Sec-  
20 retary.”.

21 (b) EXCLUSION MODIFICATION.—Section 1862(a)(1)

22 is amended—

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

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

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

5           “(Q) in the case of medical nutrition therapy  
6 services (as defined in section 1861(vv)), which are  
7 not furnished for the prevention, management, or  
8 treatment of a disease or condition specified in para-  
9 graph (4) of such section;”.

10       (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply with respect to items and services  
12 furnished in years beginning on or after the date that is  
13 2 years after the date of the enactment of this Act.

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