

107TH CONGRESS
2^D SESSION

H. R. 3770

To amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2002

Mr. CRANE (for himself, Mr. KLECZKA, Mr. EHRLICH, Mr. STRICKLAND, Mr. HAYWORTH, Mr. CAMP, Mrs. THURMAN, Mr. HONDA, Mr. WYNN, Mr. WHITFIELD, Mr. TIAHRT, Mr. KIRK, Mr. McNULTY, Mr. McDERMOTT, Mr. LEWIS of Georgia, and Mrs. WILSON of New Mexico) 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 provide coverage for kidney disease education services under the Medicare Program, and for other purposes.

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 “Kidney Disease Edu-
5 cational Benefits Act of 2002”.

1 **SEC. 2. MEDICARE COVERAGE OF KIDNEY DISEASE EDU-**
 2 **CATION SERVICES.**

3 (a) COVERAGE OF KIDNEY DISEASE EDUCATION
 4 SERVICES.—

5 (1) IN GENERAL.—Section 1861 of the Social
 6 Security Act (42 U.S.C.1395x), as amended by sec-
 7 tion 105 of the Medicare, Medicaid, and SCHIP
 8 Benefits Improvement and Protection Act of 2000
 9 (114 Stat. 2763A–471), as enacted into law by sec-
 10 tion 1(a)(6) of Public Law 106–554, is amended—

11 (A) in subsection (s)(2)—

12 (i) in subparagraph (U), by striking
 13 “and” at the end;

14 (ii) in subparagraph (V)(iii), by add-
 15 ing “and” at the end; and

16 (iii) by adding at the end the fol-
 17 lowing new subparagraph:

18 “(W) kidney disease education services (as de-
 19 fined in subsection (ww));”; and

20 (B) by adding at the end the following new
 21 subsection:

22 “Kidney Disease Education Services

23 “(ww)(1) The term ‘kidney disease education serv-
 24 ices’ means educational services that are—

25 “(A) furnished to an individual with kidney dis-
 26 ease who, according to accepted clinical guidelines

1 identified by the Secretary, will require dialysis or a
2 kidney transplant;

3 “(B) furnished, upon the referral of the physi-
4 cian managing the individual’s kidney condition, by
5 a qualified person (as defined in paragraph (2)); and

6 “(C) designed—

7 “(i) to provide comprehensive information
8 regarding—

9 “(I) the management of comorbidities;

10 “(II) the prevention of uremic com-
11 plications; and

12 “(III) each option for renal replace-
13 ment therapy (including peritoneal dialysis,
14 hemodialysis (including vascular access op-
15 tions), and transplantation); and

16 “(ii) to ensure that the individual has the
17 opportunity to actively participate in the choice
18 of therapy.

19 “(2) The term ‘qualified person’ means—

20 “(A) a physician (as described in subsection
21 (r)(1));

22 “(B) an individual who—

23 “(i) is—

24 “(I) a registered nurse;

1 “(II) a registered dietitian or nutri-
2 tion professional (as defined in subsection
3 (vv)(2));

4 “(III) a clinical social worker (as de-
5 fined in subsection (hh)(1)); or

6 “(IV) a physician assistant, nurse
7 practitioner, or clinical nurse specialist (as
8 those terms are defined in section
9 1861(aa)(5)); and

10 “(ii) meets such requirements related to
11 experience and other qualifications that the
12 Secretary finds necessary and appropriate for
13 furnishing the services described in paragraph
14 (1); or

15 “(C) a renal dialysis facility subject to the re-
16 quirements of section 1881(b)(1) with personnel
17 who—

18 “(i) provide the services described in para-
19 graph (1); and

20 “(ii) meet the requirements of subpara-
21 graph (A) or (B).

22 “(3) The Secretary shall develop the requirements
23 under paragraph (2)(B)(ii) after consulting with physi-
24 cians, health educators, professional organizations, accred-
25 iting organizations, kidney patient organizations, dialysis

1 facilities, transplant centers, network organizations de-
2 scribed in section 1881(c)(2), and other knowledgeable
3 persons.

4 “(4) In promulgating regulations to carry out this
5 subsection, the Secretary shall ensure that such regula-
6 tions ensure that each beneficiary who is entitled to kidney
7 disease education services under this title receives such
8 services in a timely manner that ensures that the bene-
9 ficiary receives the maximum benefit of those services.

10 “(5) The Secretary shall monitor the implementation
11 of this subsection to ensure that beneficiaries who are eli-
12 gible for kidney disease education services receive such
13 services in the manner described in paragraph (4).”.

14 (2) PAYMENT UNDER PHYSICIAN FEE SCHED-
15 ULE.—Section 1848(j)(3) of such Act (42 U.S.C.
16 1395w-4(j)(3)) is amended by inserting “, (2)(W)”,
17 after “(2)(S)”.

18 (3) PAYMENT TO RENAL DIALYSIS FACILI-
19 TIES.—Section 1881(b) of such Act (42 U.S.C.
20 1395rr(b)) is amended by adding at the end the fol-
21 lowing new paragraph:

22 “(12) For purposes of paragraph (7), the single
23 composite weighted formulas determined under such
24 paragraph shall not take into account the amount of
25 payment for kidney disease education services (as

1 defined in section 1861(ww)). Instead, payment for
2 such services shall be made to the renal dialysis fa-
3 cility on an assignment-related basis under section
4 1848.”.

5 (4) ANNUAL REPORT TO CONGRESS.—Not later
6 than April 1, 2003, and annually thereafter, the
7 Secretary of Health and Human Services shall sub-
8 mit to Congress a report on the number of medicare
9 beneficiaries who are entitled to kidney disease edu-
10 cation services (as defined in section 1861(ww) of
11 the Social Security Act, as added by paragraph (1))
12 under title XVIII of such Act and who receive such
13 services, together with such recommendations for
14 legislative and administrative action as the Secretary
15 determines to be appropriate to fulfill the legislative
16 intent that resulted in the enactment of that sub-
17 section.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to services furnished on or after
20 the date that is 6 months after the date of enactment of
21 this Act.

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