

Date:

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**HEALTH AND HUMAN SERVICES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**129TH LEGISLATURE**

**FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 219, L.D. 706, Bill, “An Act To Reduce the Incidence of Obesity and Chronic Disease in the State”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 22 MRSA §3174-BBB** is enacted to read:

**§3174-BBB. Medical nutrition therapy; rules**

The department shall provide for the reimbursement under the MaineCare program for medical nutrition therapy services to treat any medical diagnosis, including, but not limited to, obesity, unhealthy weight, hypertension, diabetes, prediabetes, disorders of lipid metabolism, HIV infection, unintended weight loss in older adults, chronic kidney disease, gastrointestinal conditions, malnutrition and inappropriate eating habits. Medical nutrition therapy services may be provided by a physician licensed pursuant to Title 32, chapter 36 or 48, a physician assistant licensed pursuant to Title 32, chapter 36 or 48, a dietitian licensed pursuant to Title 32, chapter 104 or a nurse practitioner licensed pursuant to Title 32, chapter 31 in any office, facility or other setting in which the physician, physician assistant, dietitian or nurse practitioner practices.

As used in this section, "medical nutrition therapy" means a therapeutic approach to treating medical conditions and their associated symptoms by use of counseling and a specifically tailored diet devised and monitored by a physician licensed pursuant to Title 32, chapter 36 or 48, a physician assistant licensed pursuant to Title 32, chapter 36 or 48, a dietitian licensed pursuant to Title 32, chapter 104 or a nurse practitioner licensed pursuant to Title 32, chapter 31.

The department shall adopt rules to implement this section. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**COMMITTEE AMENDMENT**

1 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**  
2 **Medical Care - Payments to Providers 0147**

3 Initiative: Provides appropriations and allocations for reimbursement under the  
4 MaineCare program for medical nutrition therapy.

5	<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
6	All Other	\$51,737	\$51,995
7			
8	GENERAL FUND TOTAL	<u>\$51,737</u>	<u>\$51,995</u>

9	<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
10	All Other	\$91,896	\$91,638
11			
12	FEDERAL EXPENDITURES FUND TOTAL	<u>\$91,896</u>	<u>\$91,638</u>

13  
14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
15 section number to read consecutively.

16 **SUMMARY**

17 This amendment, which is the unanimous report of the committee, amends the bill by  
18 changing the term "medical nutritional therapy" to "medical nutrition therapy" to  
19 accurately reflect common usage of the term. It adds physician assistants to the group of  
20 medical providers authorized to provide medical nutrition therapy that is reimbursable  
21 under MaineCare. It clarifies that medical nutrition therapy is reimbursable by  
22 MaineCare in any setting in which the authorized medical provider practices. It also  
23 removes the provisions of the bill that provide for the reimbursement under the  
24 MaineCare program for certain prescription drugs to treat obesity.

25 **FISCAL NOTE REQUIRED**

26 **(See attached)**