

117TH CONGRESS  
1ST SESSION

# H. R. 5370

To amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to conduct a demonstration program to assess the effects of a hospital providing to qualified individuals medically tailored home-delivered meals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2021

Mr. MCGOVERN (for himself, Mrs. WALORSKI, Ms. PINGREE, and Mr. EVANS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, 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 require the Secretary of Health and Human Services to conduct a demonstration program to assess the effects of a hospital providing to qualified individuals medically tailored home-delivered meals, 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 “Medically Tailored  
5       Home-Delivered Meals Demonstration Pilot Act of 2021”.

1 **SEC. 2. MEDICALLY TAILORED HOME-DELIVERED MEALS**  
2 **DEMONSTRATION PILOT PROGRAM.**

3 (a) IN GENERAL.—Part A of title XVIII of the Social  
4 Security Act (42 U.S.C. 1395 et seq.) is amended by add-  
5 ing at the end the following new section:

6 **“SEC. 1823. MEDICALLY TAILORED HOME-DELIVERED**  
7 **MEALS DEMONSTRATION PILOT PROGRAM.**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—Not later than 1 year after  
10 the date of the enactment of this section, the Sec-  
11 retary shall conduct under this section the Medically  
12 Tailored Home-Delivered Meals Demonstration Pilot  
13 Program (in this section referred to as the ‘Pro-  
14 gram’) for a 3-year period to assess the effects of a  
15 covered hospital providing to qualified individuals  
16 medically tailored home-delivered meals. Under the  
17 Program, the Secretary shall—

18 “(A) select eligible hospitals to participate  
19 in the Program in accordance with paragraph  
20 (2);

21 “(B) establish procedures for covered hos-  
22 pitals to carry out the requirements of the Pro-  
23 gram described under paragraph (3);

24 “(C) make payments to covered hospitals  
25 for items and services provided to qualified indi-  
26 viduals in accordance with subsection (b); and

1 “(D) submit a report on the Program in  
2 accordance with subsection (c).

3 “(2) SELECTION.—

4 “(A) IN GENERAL.—For purposes of this  
5 subsection, a covered hospital is a hospital—

6 “(i) that submits to the Secretary an  
7 application at such time, in such manner,  
8 and containing such information as the  
9 Secretary may require;

10 “(ii) is selected by the Secretary to  
11 carry out the Program for not more than  
12 a 3-year period; and

13 “(iii) is a subsection (d) hospital  
14 under section 1886.

15 “(B) REQUIREMENT.—The Secretary shall  
16 select at least 20 covered hospitals located in at  
17 least 10 different States to carry out the Pro-  
18 gram.

19 “(3) PROGRAM REQUIREMENTS.—

20 “(A) STAFF.—A covered hospital shall  
21 maintain on staff a physician, registered dieti-  
22 tian or nutrition professional, or clinical social  
23 worker to—

24 “(i) screen an individual that is an in-  
25 patient of such hospital with validated

1 screening tools to determine whether such  
2 individual is a qualified individual;

3 “(ii) re-screen each individual receiv-  
4 ing medically tailored home-delivered meals  
5 with validated screening tools every 12  
6 weeks to determine whether such indi-  
7 vidual is qualified to continue receiving  
8 medically tailored home-delivered meals;

9 “(iii) in the case such an individual is  
10 determined to be a qualified individual  
11 under clause (i) or (ii), ensure such indi-  
12 vidual receives medically tailored home-de-  
13 livered meals pursuant to a contract de-  
14 scribed in subparagraph (B);

15 “(iv) provide to such individual deter-  
16 mined to be a qualified individual under  
17 clause (i) or (ii) medical nutrition therapy  
18 furnished by a registered dietitian or nutri-  
19 tional professional or ensure that the orga-  
20 nization described in subparagraph (B)  
21 that delivers meals to such individual pro-  
22 vides to such individual such therapy (as  
23 appropriate); and

24 “(v) monitor the clinical health out-  
25 comes (based on measures developed by

1 the Secretary consistent with State law) of  
2 each individual that receive medically tai-  
3 lored home-delivered meals.

4 “(B) CONTRACT TO DELIVER MEALS.—

5 “(i) IN GENERAL.—A covered hospital  
6 shall enter into a contract (in accordance  
7 with criteria established by the Secretary)  
8 with at least 1 organization that has at  
9 least 1 year of experience preparing and  
10 delivering medically tailored meals similar  
11 to meals described in subsection (e)(2) and  
12 providing individual nutritional counseling  
13 or medical nutrition therapy in connection  
14 with delivering meals.

15 “(ii) NUMBER OF MEALS.—The con-  
16 tract described in clause (i) shall provide  
17 for—

18 “(I) at least 2 medically tailored  
19 home-delivered meals (or a portioned  
20 equivalent) each day that meet at  
21 least two-thirds of the daily nutri-  
22 tional needs of the qualified indi-  
23 vidual; and

24 “(II) at least 12 weeks of medi-  
25 cally tailored home-delivered meals.

1 “(iii) OPTION TO PROVIDE MEALS FOR  
2 CAREGIVERS OR DEPENDENTS UNDER THE  
3 AGE OF 18.—In the case an individual is  
4 determined to be a qualified individual  
5 under clause (i) or (ii) of subparagraph  
6 (A), the covered hospital may contract with  
7 the organization described in clause (i) to  
8 provide to the primary caregiver of the in-  
9 dividual or a dependent under the age of  
10 18 that resides in the household of such in-  
11 dividual a meal the organization deter-  
12 mines appropriate.

13 “(C) REPORT BY HOSPITAL.—Not later  
14 than 1 year after the date the covered hospital  
15 begins to participate in the Program, and annu-  
16 ally thereafter, a hospital selected under para-  
17 graph (2) shall submit to the Secretary a report  
18 on—

19 “(i) the impact of medically tailored  
20 home-delivered meals on clinical health  
21 outcomes described in subparagraph  
22 (A)(v);

23 “(ii) the impact of medically tailored  
24 home-delivered meals on hospital costs (in-  
25 cluding the costs associated with the read-

1 mission (as defined in 1886(q)(5)(E)) of  
2 individuals); and

3 “(iii) any other information necessary  
4 to evaluate the Program.

5 “(b) PAYMENT.—Under the Program, payment for  
6 an item or service provided under this section shall be  
7 made from the Federal Hospital Insurance Trust Fund  
8 for the type, amount, frequency, and duration of such an  
9 item or service as the Secretary determines appropriate  
10 as if the item or service was payable under section 1886.  
11 Payment for a contract described in subsection (a)(3)(B)  
12 shall be made from the Federal Hospital Insurance Trust  
13 Fund for the amount the Secretary determines appro-  
14 priate.

15 “(c) REPORT BY SECRETARY.—Not later than 3  
16 years after the date of the enactment of this Act, and 6  
17 years after such date, the Secretary shall submit to the  
18 Committee on Ways and Means of the House of Rep-  
19 resentatives and the Committee on Finance of the Senate  
20 a report on the Program. Such report shall include a sum-  
21 mary of, evaluation of, and recommendations on whether  
22 to cover medically tailored home-delivered meals as a ben-  
23 efit under this part.

24 “(d) HEARINGS.—

1           “(1) IN GENERAL.—The Committee on Ways  
2           and Means of the House of Representatives shall,  
3           not later than 90 days after the date the Secretary  
4           submits a report under subsection (c), hold a hear-  
5           ing on the recommendations submitted by the Sec-  
6           retary under subsection (c).

7           “(2) EXERCISE OF RULEMAKING AUTHORITY.—  
8           Paragraph (1) is enacted—

9                   “(A) as an exercise of rulemaking power of  
10           the House of Representatives, and, as such,  
11           shall be considered as part of the rules of the  
12           House, and such rules shall supersede any other  
13           rule of the House only to the extent that rule  
14           is inconsistent therewith; and

15                   “(B) with full recognition of the constitu-  
16           tional right of either House to change such  
17           rules (so far as relating to the procedure in  
18           such House) at any time, in the same manner,  
19           and to the same extent as in the case of any  
20           other rule of the House.

21           “(e) DEFINITIONS.—In this section:

22                   “(1) MEDICAL NUTRITION THERAPY.—The  
23           term ‘medical nutrition therapy’ means, for the pur-  
24           pose of disease management, nutritional, diagnostics,



1 and counseling, services that are furnished by a reg-  
2 istered dietitian or nutrition professional.

3 “(2) MEDICALLY TAILORED HOME-DELIVERED  
4 MEAL.—The term ‘medically tailored home-delivered  
5 meal’ means a meal that is designed by a registered  
6 dietitian or nutritional professional—

7 “(A) for the treatment plan of a qualified  
8 individual; and

9 “(B) to improve health outcomes, lower the  
10 cost of care, and increase the patient satisfac-  
11 tion of such qualified individual.

12 “(3) QUALIFIED INDIVIDUAL.—The term ‘quali-  
13 fied individual’ means an individual who—

14 “(A) is entitled to benefits under this part;

15 “(B) has a diet-impacted disease (such as  
16 kidney disease, congestive heart failure, diabe-  
17 tes, chronic obstructive pulmonary disease, or  
18 any other disease the Secretary determines ap-  
19 propriate) that is likely to cause the individual  
20 to require care at a hospital; and

21 “(C) has at least one activity of daily living  
22 limitation.

23 “(4) REGISTERED DIETITIAN OR NUTRITION  
24 PROFESSIONAL.—The term ‘dietitian or nutrition

1 professional' has the meaning given such term in  
2 section 1861(vv)(2).

3 “(5) VALIDATED SCREENING TOOL.—The term  
4 ‘validated screening tool’ means a questionnaire that  
5 has been psychometrically tested for reliability and  
6 validity in assessing the presence of a condition in  
7 the individual who is screened by such question-  
8 naire.”.

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