

Comparison: Revised Language to HELLPP Act

SECTION 1. SHORT TITLE

This Act may be cited as the ~~“Helping Ensure Life and Limb Saving Access to Podiatric Physicians Act” or the “HELLPP Act”~~ ~~“Diabetes Foot Health Access and Modernization Act of 2026”~~.

Commented [A1]: Name has been changed to give the bill a fresh start and to signal the updates this draft makes from previous versions.

SEC. 2. RECOGNIZING DOCTORS OF PODIATRIC MEDICINE AS PHYSICIANS UNDER THE MEDICAID PROGRAM.

Commented [A2]: No substantive changes have been made to the Medicaid portion of the bill.

(a) IN GENERAL.—Section 1905(a)(5)(A) of the Social Security Act (42 U.S.C. 1396d(a)(5)(A)) is amended by striking “section 1861(r)(1)” and inserting “paragraphs (1) and (3) of section 1861(r)”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to services furnished on or after January 1, 2026.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirement imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 3. CLARIFYING MEDICARE DOCUMENTATION REQUIREMENTS FOR THERAPEUTIC SHOES FOR PERSONS WITH DIABETES.

(a) IN GENERAL.—Section 1861(s)(12) of the Social Security Act (42 U.S.C. 1395x(s)(12)) is amended to read as follows:

~~“(12) subject to section 4072(e) of the Omnibus Budget Reconciliation Act of 1987,“(12) extra-depth shoes with inserts or custom molded shoes with inserts (in this paragraph referred to as “therapeutic shoes”) for an individual with diabetes, if—~~

Commented [A3]: This is an outdated reference from when the benefit first started as a demonstration program in 1987 and has been removed.

~~“(A) thea physician who is managing the individual’s diabetic condition as defined in subsection (r) of this section—~~

Commented [A4]: Condensed terminology, same meaning.

“(i) documents that the individual has diabetes;

Commented [A5]: Permits all physicians as defined under the Medicare statute, including doctors of podiatric medicine, to complete the documentation requirements for therapeutic shoes, consistent with existing scope of practice for doctors of podiatric medicine.

~~“(ii) certifies that the individual is under a comprehensive plan of care related to the individual’s diabetic condition; and~~

~~“(iii) documents agreement with the prescribing podiatrist or other qualified physician (as established by the Secretary) that it is medically necessary for the individual to have therapeutic shoes;~~

~~“(B) the therapeutic shoes are prescribed by a podiatrist or other qualified physician (as established by the Secretary) who—~~

~~“(i) examines the individual and determines the medical necessity for the individual to receive the therapeutic shoes; and~~

~~“(ii) communicates in writing the medical necessity to a certifying doctor of medicine or osteopathy for the individual to have therapeutic shoes along with findings that the individual has peripheral neuropathy with evidence of callus formation; that may include altered foot sensation, weakness, or diminished motor control of the lower extremity; a history of pre-ulcerative calluses, a history of previous or other ulceration of the foot; foot deformity, previous lower extremity amputation, or poor lower extremity circulation; and~~

~~“(C) the therapeutic—“(ii) attests that the individual has a diabetes diagnosis and is under a comprehensive plan of care related to the individual’s diabetic condition; and~~

~~“(iii) attests that the individual needs such shoes;~~

~~“(B) the shoes are fitted and furnished by a podiatrist physician or other qualified supplier individual (as established by the Secretary), such as a pedorthist or orthotist, who is not the physician described in subparagraph (A) (unless the Secretary finds that the physician is the only such qualified individual in the area);” as established by the Secretary.~~

~~(b) CONFORMING AMENDMENT.—Section 1877(h)(6) of the Social Security Act (42 U.S.C. § 1395nn(h)(6)) is amended by inserting after paragraph (L) the following: “(M) extra-depth shoes with inserts or custom molded shoes with inserts.”~~

~~(b)(c) EFFECTIVE date.—DATE.—The amendment made by subsection (a) shall apply with respect to items and services furnished on or after January 1, 20242028.~~

~~(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as expanding Medicare coverage for therapeuticextra-depth shoes with inserts or custom molded shoes with inserts for individuals with diabetes.~~

Commented [A6]: Removes paper-based documentation requirements and replaces with an attestation framework (below).

Commented [A7]: Makes clinical clarifications to the conditions that those with diabetes must have to be eligible to receive therapeutic shoes. Does not expand the scope of conditions that make a Medicare patient eligible to receive diabetic shoes.

Commented [A8]: Replaces paper-based framework with simplified attestation framework. Retains existing requirements that a patient have diabetes and be under a comprehensive plan of care related to their diabetic condition.

Commented [A9]: Change for consistency with above reference to the Medicare definition of physician, which includes doctors of podiatric medicine.

Commented [A10]: Removes outdated fraud and abuse guardrail from 1987, before the Stark law was enacted, and makes therapeutic shoes subject to Stark law’s fraud and abuse protections.

Commented [A11]: This language is rhetorical and has been removed.

~~SEC. 4. BUDGET SAVINGS: STRENGTHENING MEDICAID PROGRAM INTEGRITY THROUGH CONTINUOUS LEVY ON PAYMENTS TO MEDICAID PROVIDERS AND SUPPLIERS.~~

~~(a) IN GENERAL.— Section 6331(h)(2) of the Internal Revenue Code of 1986 (defining specified payment) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (c) and inserting “, and”, and by adding at the end the following new subparagraph:~~

~~“(D) any payment to any Medicaid provider or supplier under a State plan under title XIX of the Social Security Act.”;~~

~~(b) EFFECTIVE DATE.— The amendments made by this section shall apply to levies issued after the date of enactment of this Act.~~

Commented [A12]: Medicaid levy no longer necessary/relevant as a potential cost saving function.