

defeat **malnutrition** today

February 13, 2023

Chiquita Brooks-LaSure, Administrator
Centers for Medicare and Medicaid Services (CMS)
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Re: **CMS-4201-P**

Comment submitted electronically at Regulations.gov

Dear Administrator Brooks-LaSure,

The Defeat Malnutrition Today (DMT) coalition appreciates the opportunity to comment on the Centers for Medicare and Medicaid Services' (CMS) proposed rule on issues to amend the regulations for the Medicare Advantage (MA), Medicare Cost Plan, and Medicare Prescription Drug Benefit (Part D) programs, and Programs of All-Inclusive Care for the Elderly (PACE). **Specifically, DMT comments in support of the rule's proposals that would include nutrition care in MA and PACE programs.**

Defeat Malnutrition Today is a coalition of over 120 members committed to ending older adult malnutrition across the continuum of care. We are a diverse alliance of stakeholders and organizations working to achieve a greater focus on malnutrition screening, diagnosis, and intervention through regulatory and/or legislative change across the nation's health care system.

In May 2022, CMS finalized a new requirement for Special Needs Plans (SNPs) requiring that the health risk assessment tool used by SNPs include one or more questions from a list of screening instruments specified by CMS in sub-regulatory guidance on the domains of housing stability, food security, and access to transportation beginning in 2024. We commend CMS for focusing on screening for nutrition risk and other social determinants of health (SDOH) in this requirement. For older adults, social determinants of health such as nutrition play a critical role not only in better health outcomes, but also in improving overall well-being. Most older adults have more than one chronic condition, and older adults of color, including American Indian and Black populations, tend to have higher rates of specific nutrition-related chronic diseases such as diabetes and heart disease. Including nutrition evaluations and services as part of older adult healthcare is recommended to avoid and minimize the effects of nutrition-related disease.

The proposed rule also states that "the PACE center must provide ... nutritional counseling... and meals (§ 460.98(c)). ...and "The participant's nutritional requirements and dietary needs should be included in the plan of care, whether it is providing tube feedings, arranging for Meals on Wheels, sending meals home with the participant, or documenting that appropriate meals are provided by the family/caregiver. For this reason, we are including in proposed § 460.106(c)(1)(viii) language that would specify that the plan of care address not only nutrition, but also how a participant accesses meals that meet their nutritional and special dietary needs." Considering the importance of good nutrition to keeping older adults healthy, we also commend CMS for including these new provisions in the proposed rule.

Finally, the proposed rule also aims to increase health equity by expanding the populations for which MA organizations must provide culturally competent care, requiring MA organizations to include providers' cultural and linguistic capabilities in provider directories, and including a health equity index (HEI) in the Star Ratings to encourage MA and Part D plans to improve care for enrollees with certain social risk factors. Ultimately, nutrition care also improves health equity. For example, as I wrote in a November 2021 [Health Affairs Forefront article](#), "Non-Hispanic Black patients were more likely to be at risk for malnutrition, have a diagnosis of malnutrition, and experience a higher 30-day readmission rate. These disparities among higher-risk groups could be addressed by tailored interventions." In other words, the proposed interventions in the rule would save lives.

Thank you for considering our comments. Please let us know if we can provide you with any further information. You may reach me at rblancato@matzblancato.com.

Sincerely,

A handwritten signature in blue ink that reads "Bob Blancato". The signature is written in a cursive style.

Bob Blancato
National Coordinator
Defeat Malnutrition Today