

111TH CONGRESS
2^D SESSION

H. CON. RES. 245

Recognizing the life-saving role of ostomy care and prosthetics in the daily lives of hundreds of thousands of people in the United States.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2010

Mr. LANCE (for himself and Mr. HOLT) submitted the following concurrent resolution; 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

CONCURRENT RESOLUTION

Recognizing the life-saving role of ostomy care and prosthetics in the daily lives of hundreds of thousands of people in the United States.

Whereas over 700,000 people in the United States, from young children to senior citizens, have an ostomy, a surgical procedure that creates an artificial opening in the abdomen to the intestines or urinary system to allow for the elimination of bodily wastes;

Whereas an ostomy procedure is essential to many patients who suffer on a daily basis from serious, chronic, or life-threatening traumatic injury to the abdomen, illnesses and conditions, such as colorectal or bladder cancer,

Crohn's Disease, Ulcerative Colitis, birth defects, or other intestinal or urinary medical conditions;

Whereas following ostomy surgery, patients need specially-fitted medical products to manage, temporarily or permanently restore intestinal or urinary system function, or re-establish activities of daily living, and improve quality of life;

Whereas ostomy products are prosthetic devices prescribed by health care providers and meet the definition of prosthetics under Medicare;

Whereas however, ostomy products are currently reimbursed under Medicare as medical supplies, not prosthetics;

Whereas there is a significant inconsistency under the Medicare program between the coverage category of, and reimbursement policy for, ostomy products;

Whereas Federal Medicaid statutes do not require coverage of prosthetics, including ostomy products;

Whereas Medicare's inconsistent policy and reimbursement approach to ostomy products and Medicaid's lack of required coverage for ostomy products could affect access for patients in need;

Whereas ostomy products are customized to the clinical needs of individual patients and are not the same as other easily interchangeable medical supplies such as gauze and bandages;

Whereas Congress has previously recognized the physical, psychological, and emotional importance of restoring function and improving the quality of life through enactment of the Women's Health and Cancer Rights Act of 1998 (Public Law 105-277), which requires coverage of

surgery to reconstruct the breast after a mastectomy, including any prostheses;

Whereas ongoing advances and innovation in ostomy prosthetics technology can dramatically improve the lives of those who undergo ostomy surgery, by helping to normalize their intestinal or urinary system function, improve physical well-being, and often enable the individual to rejoin the workforce; and

Whereas the Department of Health and Human Services has recognized the need to improve its use of resources and authorities to encourage and facilitate the development and use of new medical technologies: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) recognizes the life-saving role of ostomy
4 care and prosthetics in the daily lives of hundreds of
5 thousands of people in the United States;

6 (2) recognizes if a surgical procedure results in
7 a patient needing a prosthetic that manages, or temporarily
8 or permanently restores intestinal or urinary
9 system function, specifically the control of the
10 elimination of the body's waste products, then that
11 custom-fit, medically prescribed prosthetic should be
12 available to patients without substitution and be
13 adequately reimbursed;

14 (3) urges that ostomy products be recognized,
15 categorized, covered, and reimbursed in a new pay-

1 ment category of “prosthetic supplies” consistent
2 with Medicare’s current recognition of ostomy prod-
3 ucts as prosthetics; and

4 (4) urges the Secretary of the Department of
5 Health and Human Services to ensure that the de-
6 partment’s programs, policies, and payment prac-
7 tices facilitate, and do not discourage, innovation of
8 and access to medical devices that restore or im-
9 prove intestinal or urinary system function of people
10 in the United States with an ostomy.

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