

Union Calendar No. 336

117TH CONGRESS
2^D SESSION

H. R. 3630

[Report No. 117–430, Part I]

To amend title XVIII of the Social Security Act to provide for coverage of certain lymphedema compression treatment items under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2021

Ms. SCHAKOWSKY (for herself, Mr. CARTER of Georgia, Mr. BLUMENAUER, Mr. KELLY of Pennsylvania, Mr. FITZPATRICK, Ms. SEWELL, Ms. DEGETTE, Mr. LEVIN of Michigan, Mr. ADERHOLT, Mrs. AXNE, Mr. FERGUSON, Mr. WILSON of South Carolina, Mr. JOYCE of Pennsylvania, Mr. BROWN of Maryland, Ms. NEWMAN, Mr. SMITH of Washington, Mr. MULLIN, Ms. WILD, Ms. ROSS, Ms. WASSERMAN SCHULTZ, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. GRIJALVA, Ms. TITUS, Mrs. LAWRENCE, Ms. VELÁZQUEZ, Ms. MCCOLLUM, Mr. O'HALLERAN, Mr. SUOZZI, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. PRICE of North Carolina, Mr. MEEKS, Mr. BUTTERFIELD, Ms. BARRAGÁN, Ms. HERRERA BEUTLER, Mr. DOGGETT, Mr. CASTRO of Texas, Mr. LARSON of Connecticut, Ms. GARCIA of Texas, Ms. SCANLON, Mr. JOHNSON of Ohio, Mr. MCNERNEY, Mr. WITTMAN, Mr. AUSTIN SCOTT of Georgia, Mr. TONKO, Mr. CICILLINE, Ms. MATSUI, Mr. CONNOLLY, Miss GONZÁLEZ-COLÓN, Mr. VELA, Ms. PRESSLEY, Ms. LEE of California, Mr. BURCHETT, Mr. CARBAJAL, Mr. DEUTCH, Ms. DELBENE, Mr. PASCARELL, Ms. PINGREE, Mr. CARSON, Mr. MCHENRY, Ms. BONAMICI, Mr. KILMER, Mrs. MILLER-MEEKS, Mr. VICENTE GONZALEZ of Texas, Mr. DEFazio, Mrs. NAPOLITANO, Mr. THOMPSON of California, Mr. RODNEY DAVIS of Illinois, Ms. JACOBS of California, Mr. DUNN, Ms. WILLIAMS of Georgia, Ms. CLARK of Massachusetts, Mr. CROW, Mr. BUDD, Ms. BLUNT ROCHESTER, Mr. TRONE, Mr. KILDEE, Mr. VAN DREW, Mr. COHEN, Mr. BACON, Mr. HOLLINGSWORTH, Mr. AMODEI, Mr. PHILLIPS, Mr. WENSTRUP, Mr. MCKINLEY, Ms. SHERRILL, Mr. WESTERMAN, Mr. DELGADO, Ms. UNDERWOOD, Mr. POSEY, Ms. SCHRIER, Mr. MASSIE, Mr. COLE, Mr. HICE of Georgia, Mr. RUTHERFORD, Mr. YARMUTH, Mr. PAYNE, Ms. HOULAHAN, Ms. DAVIDS of Kansas, Mr. KIND, Mr. GUEST, Mr. FOSTER,

Ms. CHENEY, Mr. RUPPERSBERGER, Ms. BROWNLEY, Mr. LAHOOD, Mr. ALLEN, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. COOPER, Mr. MANN, Mr. RICE of South Carolina, Mr. POCAN, Ms. MENG, Ms. DEAN, Mr. ARMSTRONG, Mr. THOMPSON of Mississippi, Mrs. MCBATH, Mr. GROTHMAN, Mr. EVANS, Mr. RESCHENTHALER, Mr. SIRES, Mr. TIMMONS, Ms. TENNEY, Ms. BOURDEAUX, Mr. NADLER, Mr. HIGGINS of New York, Mr. LAMB, Mrs. CAROLYN B. MALONEY of New York, Mr. MORELLE, Mr. BERA, Mr. LUCAS, Mrs. KIRKPATRICK, Mr. FLEISCHMANN, Mr. GALLEGRO, Mr. MEUSER, Mr. MCCAUL, Mr. CORREA, Ms. STRICKLAND, Mr. ROUZER, Ms. VAN DUYN, Mr. DAVID SCOTT of Georgia, Mr. ALLRED, Mr. YOUNG, Mr. GOTTHEIMER, Ms. ADAMS, Mr. LEVIN of California, Mr. MOULTON, and Mr. TAYLOR) introduced the following bill; 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

JULY 22, 2022

Additional sponsors: Ms. OMAR, Mr. JONES, Mr. MALINOWSKI, Ms. CHU, Ms. JACKSON LEE, Mr. FORTENBERRY, Mrs. BICE of Oklahoma, Mrs. DINGELL, Mrs. HARSHBARGER, Mr. AGUILAR, Mr. EMMER, Mr. RUIZ, Mr. TURNER, Mr. CLEAVER, Ms. MANNING, Mr. MURPHY of North Carolina, Mr. CARTWRIGHT, Mr. WALTZ, Ms. PORTER, Mr. KRISHNAMOORTHY, Mr. SCHRADER, Mr. CASTEN, Ms. CRAIG, Ms. MACE, Mr. BILIRAKIS, Mrs. LURIA, Mr. LAWSON of Florida, Mr. LUETKEMEYER, Mr. LOUDERMILK, Mr. CRIST, Mr. WELCH, Mr. LANGEVIN, Mr. GALLAGHER, Ms. SPANBERGER, Mr. PALAZZO, Mr. KAHELE, Mr. RUSH, Mr. THOMPSON of Pennsylvania, Mr. LYNCH, Mr. GRIFFITH, Mr. DIAZ-BALART, Mr. NEGUSE, Mr. ESTES, Mr. SMITH of Missouri, Mr. SMUCKER, Mr. BERGMAN, Mr. DESAULNIER, Ms. JAYAPAL, Mr. PETERS, Mr. KIM of New Jersey, Mr. HUIZENGA, Mr. HUDSON, Mr. SMITH of Nebraska, Ms. LEGER FERNANDEZ, Mr. CASE, Mr. SCHIFF, Mr. LIEU, Mr. LARSEN of Washington, Mr. STEIL, Mr. SARBANES, Mr. BANKS, Mrs. WATSON COLEMAN, Ms. SLOTKIN, Mr. CRAWFORD, Mr. SABLON, Mr. LOWENTHAL, Mr. PANETTA, Mr. KELLY of Mississippi, Mr. JEFFRIES, Mr. BALDERSON, Mr. GRAVES of Missouri, Ms. MOORE of Wisconsin, Ms. ROYBAL-ALLARD, Mr. CÁRDENAS, Mr. GIBBS, Mrs. TRAHAN, Mr. LAMBORN, Mr. AUCHINCLOSS, Mr. HIMES, Mrs. HARTZLER, Mrs. HAYES, Ms. LOIS FRANKEL of Florida, Mr. HILL, Mr. DUNCAN, Mr. BROOKS, Ms. SÁNCHEZ, Mrs. DEMINGS, Mr. MEIJER, Ms. SALAZAR, Mr. VALADAO, Mrs. TORRES of California, Mr. KATKO, Mrs. HINSON, Ms. KELLY of Illinois, Ms. CASTOR of Florida, Mr. SIMPSON, Miss RICE of New York, Mr. C. SCOTT FRANKLIN of Florida, Ms. CLARKE of New York, Mr. SOTO, Ms. STEFANIK, Mr. GARCÍA of Illinois, Mr. ESPAILLAT, Mr. BOST, Mrs. STEEL, Mr. MCGOVERN, Mrs. WALORSKI, Mr. HORSFORD, Ms. KAPTUR, Mr. RYAN, Mr. CALVERT, Mr. RASKIN, Mr. PAPPAS, Mr. TIFFANY, Mr. NORCROSS, Mr. WALBERG, Mr. SWALWELL, Mr. HUFFMAN, Mr. GOODEN of Texas, Mr. STAUBER, Mr. JOHNSON of Louisiana, Ms. NORTON, Mr. COSTA, Mr. JOYCE of Ohio, Mr. STANTON, Mr. QUIGLEY, Mr. MRVAN, Mr. STEUBE, Mr. NEWHOUSE, Mr. TAKANO, Mr. PERLMUTTER, Mr.

HARDER of California, Mr. GONZALEZ of Ohio, Ms. JOHNSON of Texas, Mr. WOMACK, Mr. CUELLAR, Mr. SCHNEIDER, Ms. KUSTER, Mr. DANNY K. DAVIS of Illinois, Mr. KHANNA, Mr. VARGAS, Mr. JACKSON, Mr. KELLER, Mr. GOHMERT, Ms. DELAURO, Mr. SCHWEIKERT, Ms. TLAIB, Mr. GARBARINO, Mr. GIMENEZ, Ms. BROWN of Ohio, Mrs. RADEWAGEN, Mr. COURTNEY, Mr. ELLZEY, Ms. GRANGER, Mr. LATURNER, Mr. VEASEY, Mrs. FLETCHER, Mr. DESJARLAIS, Mrs. BEATTY, Mrs. MURPHY of Florida, Mr. HERN, Mr. GRAVES of Louisiana, Ms. BASS, Mr. LAMALFA, Ms. WEXTON, Mr. KEATING, Ms. LETLOW, Mrs. KIM of California, Mr. FITZGERALD, Mr. GREEN of Tennessee, Mr. SMITH of New Jersey, Mr. BISHOP of North Carolina, Ms. STEVENS, Ms. MALLIOTAKIS, Mr. GARAMENDI, Mr. GOMEZ, Mr. MCEACHIN, Mr. LONG, Mr. FEENSTRA, Mr. BURGESS, Ms. SPEIER, Mr. SEAN PATRICK MALONEY of New York, Mr. NORMAN, Mr. MOORE of Alabama, Mrs. CAMMACK, Mr. OWENS, Mr. TORRES of New York, Mr. WILLIAMS of Texas, Mr. MAST, Ms. WILSON of Florida, Mrs. CHERFILUS-McCORMICK, Mr. PERRY, Mr. CAWTHORN, Mr. BEYER, Mr. DAVIDSON, Mr. GOLDEN, Ms. STANSBURY, Ms. LOFGREN, Mr. CARTER of Louisiana, Mrs. WAGNER, Mr. GAETZ, Mr. SCOTT of Virginia, Mr. WEBSTER of Florida, Mr. SAN NICOLAS, Mr. SHERMAN, Mr. GREEN of Texas, Ms. HERRELL, Mr. ZELDIN, Mr. ARRINGTON, and Mr. DONALDS

JULY 22, 2022

Deleted sponsor: Mr. PERRY (added March 18, 2022; deleted March 30, 2022)

JULY 22, 2022

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 22, 2022

Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 28, 2021]

A BILL

To amend title XVIII of the Social Security Act to provide for coverage of certain lymphedema compression treatment items under the Medicare program.

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 “Lymphedema Treatment*
 5 *Act”.*

6 **SEC. 2. MEDICARE COVERAGE OF CERTAIN LYMPHEDEMA**
 7 **COMPRESSION TREATMENT ITEMS.**

8 *(a) COVERAGE.—*

9 *(1) IN GENERAL.—Section 1861 of the Social Se-*
 10 *curity Act (42 U.S.C. 1395x) is amended—*

11 *(A) in subsection (s)(2)—*

12 *(i) in subparagraph (GG), by striking*
 13 *“and” after the semicolon at the end;*

14 *(ii) in subparagraph (HH), by strik-*
 15 *ing the period at the end and inserting “;*
 16 *and”;* and

17 *(iii) by adding at the end the following*
 18 *new subparagraph:*

19 *“(II) lymphedema compression treatment items*
 20 *(as defined in subsection (ll));”;* and

21 *(B) by adding at the end the following new*
 22 *subsection:*

23 *“(ll) LYMPHEDEMA COMPRESSION TREATMENT*
 24 *ITEMS.—The term ‘lymphedema compression treatment*
 25 *items’ means standard and custom fitted gradient compres-*

1 *sion garments and other items determined by the Secretary*
2 *that are—*

3 “(1) *furnished on or after January 1, 2024, to*
4 *an individual with a diagnosis of lymphedema for the*
5 *treatment of such condition;*

6 “(2) *primarily and customarily used to serve a*
7 *medical purpose and for the treatment of*
8 *lymphedema, as determined by the Secretary; and*

9 “(3) *prescribed by a physician (or a physician*
10 *assistant, nurse practitioner, or a clinical nurse spe-*
11 *cialist (as those terms are defined in section*
12 *1861(aa)(5)) to the extent authorized under State*
13 *law).”.*

14 (2) *PAYMENT.—*

15 (A) *IN GENERAL.—Section 1833(a)(1) of the*
16 *Social Security Act (42 U.S.C. 1395l(a)(1)) is*
17 *amended—*

18 (i) *by striking “and” before “(DD)”;*

19 *and*

20 (ii) *by inserting before the semicolon at*
21 *the end the following: “and (EE) with re-*
22 *spect to lymphedema compression treatment*
23 *items (as defined in section 1861(lll)), the*
24 *amount paid shall be equal to 80 percent of*
25 *the lesser of the actual charge or the amount*

1 *determined under the payment basis deter-*
2 *mined under section 1834(z)”.*

3 *(B) PAYMENT BASIS AND LIMITATIONS.—*

4 *Section 1834 of the Social Security Act (42*
5 *U.S.C. 1395m) is amended by adding at the end*
6 *the following new subsection:*

7 *“(z) PAYMENT FOR LYMPHEDEMA COMPRESSION*
8 *TREATMENT ITEMS.—*

9 *“(1) IN GENERAL.—The Secretary shall deter-*
10 *mine an appropriate payment basis for lymphedema*
11 *compression treatment items (as defined in section*
12 *1861(lll)). In making such a determination, the Sec-*
13 *retary may take into account payment rates for such*
14 *items under State plans (or waivers of such plans)*
15 *under title XIX, the Veterans Health Administration,*
16 *and group health plans and health insurance coverage*
17 *(as such terms are defined in section 2791 of the Pub-*
18 *lic Health Service Act), and such other information*
19 *as the Secretary determines appropriate.*

20 *“(2) FREQUENCY LIMITATION.—No payment*
21 *may be made under this part for lymphedema com-*
22 *pression treatment items furnished other than at such*
23 *frequency as the Secretary may establish.*

24 *“(3) APPLICATION OF COMPETITIVE ACQUISSI-*
25 *TION.—In the case of lymphedema compression treat-*

1 *ment items that are included in a competitive acqui-*
2 *sition program in a competitive acquisition area*
3 *under section 1847(a)—*

4 *“(A) the payment basis under this sub-*
5 *section for such items furnished in such area*
6 *shall be the payment basis determined under*
7 *such competitive acquisition program; and*

8 *“(B) the Secretary may use information on*
9 *the payment determined under such competitive*
10 *acquisition programs to adjust the payment*
11 *amount otherwise determined under this sub-*
12 *section for an area that is not a competitive ac-*
13 *quisition area under section 1847, and in the*
14 *case of such adjustment, paragraphs (8) and (9)*
15 *of section 1842(b) shall not be applied.”.*

16 (3) *CONFORMING AMENDMENT.—Section*
17 *1847(a)(2) of the Social Security Act (42 U.S.C.*
18 *1395w-3(a)(2)) is amended by adding at the end the*
19 *following new subparagraph:*

20 *“(D) LYMPHEDEMA COMPRESSION TREAT-*
21 *MENT ITEMS.—Lymphedema compression treat-*
22 *ment items (as defined in section 1861(III)) for*
23 *which payment would otherwise be made under*
24 *section 1834(z).”.*

1 ***(b) INCLUSION IN REQUIREMENTS FOR SUPPLIERS OF***
2 ***MEDICAL EQUIPMENT AND SUPPLIES.—Section 1834 of the***
3 ***Social Security Act (42 U.S.C. 1395m) is amended—***

4 (1) *in subsection (a)(20)(D), by adding at the*
5 *end the following new clause:*

6 *“(iv) Lymphedema compression treat-*
7 *ment items (as defined in section*
8 *1861(III)).”.*

9 (2) *in subsection (j)(5)—*

10 *(A) by redesignating subparagraphs (E)*
11 *and (F) as subparagraphs (F) and (G), respec-*
12 *tively; and*

13 *(B) by inserting after subparagraph (D) the*
14 *following new subparagraph:*

15 *“(E) lymphedema compression treatment*
16 *items (as defined in section 1861(III));”.*

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