

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3630
OFFERED BY MS. SCHAKOWSKY OF ILLINOIS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Lymphedema Treat-
3 ment Act”.

**4 SEC. 2. MEDICARE COVERAGE OF CERTAIN LYMPHEDEMA
5 COMPRESSION TREATMENT ITEMS.**

6 (a) COVERAGE.—

7 (1) IN GENERAL.—Section 1861 of the Social
8 Security Act (42 U.S.C. 1395x) is amended—

9 (A) in subsection (s)(2)—

10 (i) in subparagraph (GG), by striking

11 “and” after the semicolon at the end;

12 (ii) in subparagraph (HH), by strik-

13 ing the period at the end and inserting “;

14 and”; and

15 (iii) by adding at the end the fol-

16 lowing new subparagraph:

17 “(II) lymphedema compression treatment items

18 (as defined in subsection (lll));”; and

1 (B) by adding at the end the following new
2 subsection:

3 “(III) LYMYPHEDEMA COMPRESSION TREATMENT
4 ITEMS.—The term ‘lymphedema compression treatment
5 items’ means standard and custom fitted gradient com-
6 pression garments and other items determined by the Sec-
7 retary that are—

8 “(1) furnished on or after January 1, 2024, to
9 an individual with a diagnosis of lymphedema for the
10 treatment of such condition;

11 “(2) primarily and customarily used to serve a
12 medical purpose and for the treatment of
13 lymphedema, as determined by the Secretary; and

14 “(3) prescribed by a physician (or a physician
15 assistant, nurse practitioner, or a clinical nurse spe-
16 cialist (as those terms are defined in section
17 1861(aa)(5)) to the extent authorized under State
18 law).”.

19 (2) PAYMENT.—

20 (A) IN GENERAL.—Section 1833(a)(1) of
21 the Social Security Act (42 U.S.C. 1395l(a)(1))
22 is amended—

23 (i) by striking “and” before “(DD)”;

24 and

1 (ii) by inserting before the semicolon
2 at the end the following: “and (EE) with
3 respect to lymphedema compression treat-
4 ment items (as defined in section
5 1861(III)), the amount paid shall be equal
6 to 80 percent of the lesser of the actual
7 charge or the amount determined under
8 the payment basis determined under sec-
9 tion 1834(z)”.

10 (B) PAYMENT BASIS AND LIMITATIONS.—
11 Section 1834 of the Social Security Act (42
12 U.S.C. 1395m) is amended by adding at the
13 end the following new subsection:

14 “(z) PAYMENT FOR LYMPHEDEMA COMPRESSION
15 TREATMENT ITEMS.—

16 “(1) IN GENERAL.—The Secretary shall deter-
17 mine an appropriate payment basis for lymphedema
18 compression treatment items (as defined in section
19 1861(III)). In making such a determination, the Sec-
20 retary may take into account payment rates for such
21 items under State plans (or waivers of such plans)
22 under title XIX, the Veterans Health Administra-
23 tion, and group health plans and health insurance
24 coverage (as such terms are defined in section 2791

1 of the Public Health Service Act), and such other in-
2 formation as the Secretary determines appropriate.

3 “(2) FREQUENCY LIMITATION.—No payment
4 may be made under this part for lymphedema com-
5 pression treatment items furnished other than at
6 such frequency as the Secretary may establish.

7 “(3) APPLICATION OF COMPETITIVE ACQUISI-
8 TION.—In the case of lymphedema compression
9 treatment items that are included in a competitive
10 acquisition program in a competitive acquisition area
11 under section 1847(a)—

12 “(A) the payment basis under this sub-
13 section for such items furnished in such area
14 shall be the payment basis determined under
15 such competitive acquisition program; and

16 “(B) the Secretary may use information on
17 the payment determined under such competitive
18 acquisition programs to adjust the payment
19 amount otherwise determined under this sub-
20 section for an area that is not a competitive ac-
21 quisition area under section 1847, and in the
22 case of such adjustment, paragraphs (8) and
23 (9) of section 1842(b) shall not be applied.”.

24 (3) CONFORMING AMENDMENT.—Section
25 1847(a)(2) of the Social Security Act (42 U.S.C.

1 1395w-3(a)(2)) is amended by adding at the end
2 the following new subparagraph:

3 “(D) LYMPHEDEMA COMPRESSION TREAT-
4 MENT ITEMS.—Lymphedema compression treat-
5 ment items (as defined in section 1861(III)) for
6 which payment would otherwise be made under
7 section 1834(z).”.

8 (b) INCLUSION IN REQUIREMENTS FOR SUPPLIERS
9 OF MEDICAL EQUIPMENT AND SUPPLIES.—Section 1834
10 of the Social Security Act (42 U.S.C. 1395m) is amend-
11 ed—

12 (1) in subsection (a)(20)(D), by adding at the
13 end the following new clause:

14 “(iv) Lymphedema compression treat-
15 ment items (as defined in section
16 1861(III)).”.

17 (2) in subsection (j)(5)—

18 (A) by redesignating subparagraphs (E)
19 and (F) as subparagraphs (F) and (G), respec-
20 tively; and

21 (B) by inserting after subparagraph (D)
22 the following new subparagraph:

23 “(E) lymphedema compression treatment
24 items (as defined in section 1861(III));”.

