

Suspend the Rules and Pass the Bill, H.R. 3630, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
2^D SESSION

H. R. 3630

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, 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. GALLEGO, 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

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 Treat-
 5 ment 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
 10 Security Act (42 U.S.C. 1395x) is amended—

11 (A) in subsection (s)(2)—

1 (i) in subparagraph (GG), by striking
2 “and” after the semicolon at the end;

3 (ii) in subparagraph (HH), by strik-
4 ing the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the fol-
7 lowing new subparagraph:

8 “(II) lymphedema compression treatment items
9 (as defined in subsection (III));” and

10 (B) by adding at the end the following new
11 subsection:

12 “(III) LYPHHEDEMA COMPRESSION TREATMENT
13 ITEMS.—The term ‘lymphedema compression treatment
14 items’ means standard and custom fitted gradient com-
15 pression garments and other items determined by the Sec-
16 retary that are—

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

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

23 “(3) prescribed by a physician (or a physician
24 assistant, nurse practitioner, or a clinical nurse spe-
25 cialist (as those terms are defined in section

1 1861(aa)(5)) to the extent authorized under State
2 law).”.

3 (2) PAYMENT.—

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

7 (i) by striking “, and” before “(EE)”;

8 and

9 (ii) by inserting before the semicolon
10 at the end the following: “, and (FF) with
11 respect to lymphedema compression treat-
12 ment items (as defined in section
13 1861(III)), the amount paid shall be equal
14 to 80 percent of the lesser of the actual
15 charge or the amount determined under
16 the payment basis determined under sec-
17 tion 1834(z)”.

18 (B) PAYMENT BASIS AND LIMITATIONS.—

19 Section 1834 of the Social Security Act (42
20 U.S.C. 1395m) is amended by adding at the
21 end the following new subsection:

22 “(z) PAYMENT FOR LYMPHEDEMA COMPRESSION
23 TREATMENT ITEMS.—

24 “(1) IN GENERAL.—The Secretary shall deter-
25 mine an appropriate payment basis for lymphedema

1 compression treatment items (as defined in section
2 1861(III)). In making such a determination, the Sec-
3 retary may take into account payment rates for such
4 items under State plans (or waivers of such plans)
5 under title XIX, the Veterans Health Administra-
6 tion, and group health plans and health insurance
7 coverage (as such terms are defined in section 2791
8 of the Public Health Service Act), and such other in-
9 formation as the Secretary determines appropriate.

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

14 “(3) APPLICATION OF COMPETITIVE ACQUISI-
15 TION.—In the case of lymphedema compression
16 treatment items that are included in a competitive
17 acquisition program in a competitive acquisition area
18 under section 1847(a)—

19 “(A) the payment basis under this sub-
20 section for such items furnished in such area
21 shall be the payment basis determined under
22 such competitive acquisition program; and

23 “(B) the Secretary may use information on
24 the payment determined under such competitive
25 acquisition programs to adjust the payment

1 amount otherwise determined under this sub-
2 section for an area that is not a competitive ac-
3 quisition area under section 1847, and in the
4 case of such adjustment, paragraphs (8) and
5 (9) of section 1842(b) shall not be applied.”.

6 (3) CONFORMING AMENDMENT.—Section
7 1847(a)(2) of the Social Security Act (42 U.S.C.
8 1395w-3(a)(2)) is amended by adding at the end
9 the following new subparagraph:

10 “(D) LYMPHEDEMA COMPRESSION TREAT-
11 MENT ITEMS.—Lymphedema compression treat-
12 ment items (as defined in section 1861(III)) for
13 which payment would otherwise be made under
14 section 1834(z).”.

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

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

21 “(iv) Lymphedema compression treat-
22 ment items (as defined in section
23 1861(III)).”.

24 (2) in subsection (j)(5)—

1 (A) by redesignating subparagraphs (E)
2 and (F) as subparagraphs (F) and (G), respec-
3 tively; and

4 (B) by inserting after subparagraph (D)
5 the following new subparagraph:

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

8 **SEC. 3. MEDICARE IMPROVEMENT FUND.**

9 Section 1898(b)(1) of the Social Security Act (42
10 U.S.C. 1395iii(b)(1)) is amended by striking
11 “\$7,308,000,000” and inserting “\$6,738,000,000”.

12 **SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.**

13 The budgetary effects of this Act, for the purpose of
14 complying with the Statutory Pay-As-You-Go Act of 2010,
15 shall be determined by reference to the latest statement
16 titled “Budgetary Effects of PAYGO Legislation” for this
17 Act, submitted for printing in the Congressional Record
18 by the Chairman of the House Budget Committee, pro-
19 vided that such statement has been submitted prior to the
20 vote on passage.