

112TH CONGRESS
1ST SESSION

H. R. 2499

To amend title XVIII of the Social Security Act to improve the diagnosis and treatment of lymphedema under the Medicare program and to reduce costs under such program related to the treatment of lymphedema.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2011

Mr. KISSELL (for himself, Mr. ROE of Tennessee, Mr. PAUL, Mr. BLUMENAUER, Mr. RANGEL, Ms. BROWN of Florida, Mr. COBLE, Mr. HOLT, Ms. RICHARDSON, Mr. CONNOLLY of Virginia, Mr. MICHAUD, Ms. MOORE, Mr. JACKSON of Illinois, Ms. NORTON, Mr. MILLER of North Carolina, Mr. FRANK of Massachusetts, Mr. SCHIFF, and Mr. PRICE of North Carolina) 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 improve the diagnosis and treatment of lymphedema under the Medicare program and to reduce costs under such program related to the treatment of lymphedema.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Lymphedema Diag-
3 nosis and Treatment Cost-Saving Act of 2011”.

4 **SEC. 2. COVERAGE OF LYMPHEDEMA DIAGNOSIS AND**
5 **TREATMENT SERVICES UNDER MEDICARE.**

6 (a) **COVERAGE OF SERVICES.**—Section 1861 of the
7 Social Security Act (42 U.S.C. 1395x) is amended—

8 (1) in subsection (s)(2)—

9 (A) in subparagraph (EE), by striking
10 “and” at the end;

11 (B) in subparagraph (FF), by adding
12 “and” at the end; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(GG)(i) lymphedema diagnosis services
16 (as defined in subsection (iii)(1)) and
17 lymphedema treatment services (as described in
18 subsection (iii)(2)); and

19 “(ii) lymphedema compression treatment
20 items (as defined in subsection (jjj)).”; and

21 (2) by adding at the end the following new sub-
22 sections:

23 “(iii) **LYMPHEDEMA DIAGNOSIS AND TREATMENT**

24 **SERVICES.**—(1) **LYMPHEDEMA DIAGNOSIS SERVICES.**—

25 The term ‘lymphedema diagnosis services’ means, with re-
26 spect to an individual, the differential diagnosis of the

1 source of the individual’s edema and the identification of
2 the specific etiology and functional lymphatic deficiency,
3 in which such diagnosis—

4 “(A) is provided by a provider, as defined in
5 paragraph (3), for the purpose of developing a
6 lymphedema treatment plan; and

7 “(B) may utilize any diagnostic tools the pro-
8 vider determines to be reasonable and necessary.

9 “(2) LYPHHEDEMA TREATMENT SERVICES.—The
10 term ‘lymphedema treatment services’ means, with respect
11 to an individual, services for the treatment of lymphedema
12 (regardless of cause)—

13 “(A) that are—

14 “(i) provided in an inpatient or outpatient
15 setting;

16 “(ii) provided by a provider, as defined in
17 paragraph (3), within the established scope of
18 practice of such provider; and

19 “(iii) medically necessary, in accordance
20 with the current standard of lymphedema treat-
21 ment, including complete decongestive therapy,
22 which is a multi-modal therapy comprising of
23 manual lymph drainage, compression therapy
24 utilizing multilayer bandage systems, compres-
25 sion garments and devices, exercise, skin care,

1 patient education, and any other lymphedema
2 treatment modalities determined by the Sec-
3 retary to be safe and effective; and

4 “(B) which shall—

5 “(i) include as medically necessary with re-
6 spect to the individual—

7 “(I) an initial evaluation and course
8 of clinical treatment, including initial base-
9 line measurements and subsequent meas-
10 urements to assess treatment efficacy and
11 progress;

12 “(II) follow-up courses of clinical
13 treatment;

14 “(III) in the case that such individual
15 has cancer, clinical measurements, includ-
16 ing initial pre-operative baseline measure-
17 ments and periodic subsequent measure-
18 ments to diagnose the presence of
19 lymphedema; and

20 “(IV) any other treatment modality
21 approved by the Secretary; and

22 “(ii) be provided in accordance with such
23 schedule, duration, and number of treatments
24 as determined medically necessary.

1 “(3) PROVIDER DEFINED.—For purposes of this sub-
2 section and subsection (jjj), the term ‘provider’ means any
3 licensed medical or health care provider whose State li-
4 censing board recognizes lymphedema diagnosis,
5 lymphedema treatment, or both to fall within the scope
6 of practice of such medical or health care provider.

7 “(jjj) LYPHEDEMA COMPRESSION TREATMENT
8 ITEMS.—The term ‘lymphedema compression treatment
9 items’ means, with respect to an individual, compression
10 garments, devices, bandaging systems, components, and
11 supplies that are primarily and customarily used in the
12 medical treatment of lymphedema of the arms, hands,
13 legs, feet, torso, face and neck, breast and chest, abdomen,
14 and genitalia, as prescribed by a provider, as defined in
15 subsection (iii)(3). Such term includes—

16 “(1) multilayer compression bandaging systems,
17 including short-stretch and medium-stretch compres-
18 sion bandages; cotton, synthetic, or foam padding;
19 gauze or elastic finger and toe bandages; foam pads;
20 directional flow padding; and tubular bandages;

21 “(2) custom or standard fit gradient compres-
22 sion garments;

23 “(3) non-elastic and low-elastic compression
24 garments, manually adjustable or fitted padded di-
25 rectional flow garments (with or without elastic or

1 non-elastic compression jackets) and compression
2 wraps and directional flow pads;

3 “(4) aids and ancillary equipment consisting of
4 donning aids, bandage rollers, shoes to fit over com-
5 pression items, and other specialized items used with
6 the items described in paragraphs (1) through (3);

7 “(5) pneumatic appliances connected to and
8 used in conjunction with pneumatic sequential com-
9 pression controllers;

10 “(6) any other compression garments, ban-
11 daging systems, devices, and aids determined by the
12 Secretary to be effective in the prevention or treat-
13 ment of lymphedema; and

14 “(7) replacements of any items under this sub-
15 section in accordance with section 1834(p)(3).”.

16 (b) PAYMENT.—

17 (1) LYMPHEDEMA COMPRESSION TREATMENT
18 ITEMS.—

19 (A) IN GENERAL.—Section 1833(a) of
20 such Act (42 U.S.C. 1395l(a)) is amended—

21 (i) in paragraph (8), by striking at
22 the end “and”;

23 (ii) in paragraph (9), by striking at
24 the end the period and inserting a semi-
25 colon; and

1 (iii) by adding at the end the fol-
2 lowing new paragraph:

3 “(10) in the case of lymphedema compression
4 treatment items described in section 1861(jjj), the
5 amount determined under section 1834(p); and”.

6 (B) PAYMENT DETERMINED.—Section
7 1834 of such Act (42 U.S.C. 1395m) is amend-
8 ed by adding at the end the following new sub-
9 section:

10 “(p) PAYMENT FOR LYMPHEDEMA COMPRESSION
11 TREATMENT ITEMS.—

12 “(1) GENERAL RULE FOR PAYMENT.—

13 “(A) IN GENERAL.—With respect to a
14 lymphedema compression treatment item as de-
15 fined in section 1861(jjj) for which payment is
16 determined under this subsection, subject to
17 subparagraph (D), payment shall be made in an
18 amount equal to 80 percent of the payment
19 basis described in subparagraph (B).

20 “(B) PAYMENT BASIS.—The payment
21 basis described in this subparagraph, with re-
22 spect to a lymphedema compression treatment
23 item described in section 1861(jjj), is the actual
24 charge for the item.

1 “(C) EXCLUSIVE PAYMENT RULE FOR
2 HOME HEALTH AGENCIES.—Notwithstanding
3 any other provision of this title, this subsection
4 shall constitute the exclusive provision of this
5 title for payment for lymphedema compression
6 treatment items described in section 1861(jjj)
7 under this part or under part A to a home
8 health agency or for such items that are fur-
9 nished as an incident to a physician’s profes-
10 sional service.

11 “(2) ALLOWABLE QUANTITIES.—In the case it
12 is determined by a provider, as defined in section
13 1861(iii)(3), that lymphedema compression treat-
14 ment items are required as part of lymphedema
15 treatment services under section 1861(iii)(2), then
16 payment may be made under this title in accordance
17 with this subsection for such items in the quantity
18 which is customary, reasonable, and medically nec-
19 essary.

20 “(3) REPLACEMENT OF LYMPHEDEMA COM-
21 PRESSION TREATMENT ITEMS.—

22 “(A) IN GENERAL.—Payment shall be
23 made under this subsection, with respect to an
24 individual, for the replacement of a
25 lymphedema compression treatment item if the

1 period of the reasonable and useful lifetime of
2 the item (as described in subparagraph (B))
3 has expired or a provider, as defined in section
4 1861(iii)(3), determines that a replacement, or
5 repair, of such item, is medically necessary.

6 “(B) REASONABLE AND USEFUL LIFE-
7 TIME.—For purposes of subparagraph (A), the
8 period of the reasonable and useful lifetime of
9 a lymphedema compression treatment item is as
10 follows:

11 “(i) In the case of any item described
12 in section 1861(jjj)(1), 1 year.

13 “(ii) In the case of any item described
14 in section 1861(jjj)(2), 6 months.

15 “(iii) In the case of any item de-
16 scribed in section 1861(jjj)(3), 2 years.

17 “(iv) In the case of any item described
18 in section 1861(jjj)(4), 1 year.

19 “(v) In the case of any item described
20 in section 1861(jjj)(5), 5 years.

21 “(vi) In the case of any item described
22 in section 1861(jjj)(6), such period as de-
23 termined by the Secretary, in consultation
24 with appropriate health organizations, at
25 the time the Secretary determines such

1 item to be effective in the prevention or
2 treatment of lymphedema.”.

3 (C) APPLICATION OF SUPPLIER REQUIRE-
4 MENTS.—Section 1834(j)(5) of such Act (42
5 U.S.C. 1395m(j)(5)) is amended—

6 (i) in subparagraph (E), by striking
7 at the end “and”;

8 (ii) in subparagraph (F), by striking
9 at the end the period and inserting “;
10 and”;

11 (iii) by adding at the end the fol-
12 lowing new subparagraph:

13 “(G) lymphedema compression treatment
14 items (as defined in section 1861(jjj)).”.

15 (2) LYMPHEDEMA DIAGNOSIS AND TREATMENT
16 SERVICES.—

17 (A) IN GENERAL.—Section 1833(a) of
18 such Act, as amended by paragraph (1)(A), is
19 further amended by adding at the end the fol-
20 lowing new paragraph:

21 “(11)(A) in the case of lymphedema diagnosis
22 services (as defined in section 1861(iii)(1)) furnished
23 by a provider (as defined in section 1861(iii)(3)) the
24 amount described in section 1834(q); and

1 “(B) in the case of lymphedema treatment serv-
2 ices (as defined in section 1861(iii)(2)) furnished by
3 a provider (as defined in section 1861(iii)(3)) the
4 amount described in section 1834(k).”.

5 (B) PAYMENT METHOD.—Section 1834 of
6 such Act, as amended by paragraph (1)(B), is
7 further amended by adding at the end the fol-
8 lowing new subsection:

9 “(q) PAYMENT FOR OUTPATIENT LYMPHEDEMA DI-
10 AGNOSIS AND TREATMENT SERVICES BY PHYSICIANS AND
11 NON-PHYSICIAN PRACTITIONERS.—

12 “(1) IN GENERAL.—For purposes of section
13 1833(a)(11), the amount described in this sub-
14 section, with respect to a lymphedema diagnosis
15 service or lymphedema treatment service, is 80 per-
16 cent of the lesser of—

17 “(A) the actual charge for the service; or

18 “(B) the applicable fee schedule amount
19 (as defined in paragraph (2)) for the service.

20 “(2) APPLICABLE FEE SCHEDULE AMOUNT.—

21 In this subsection, the term ‘applicable fee schedule
22 amount’ means, with respect to services furnished in
23 a year, the amount determined under the fee sched-
24 ule established under section 1848 for such services
25 furnished during the year.”.

1 (C) CONFORMING AMENDMENT FOR PAY-
2 MENTS UNDER 1834(k).—Section 1834(k)(1) of
3 such Act (42 U.S.C. 1395m(k)(1)) is amended
4 by striking “or 1833(a)(9)” and inserting
5 “1833(a)(9), or 1833(a)(11)”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to items and services furnished on
8 or after the date that is 180 days from the date of the
9 enactment of this Act.

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