

117TH CONGRESS
2D SESSION

H. R. 3630

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2022

Received; read twice and referred to the Committee on Finance

AN ACT

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,*

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

19 (B) by adding at the end the following new
20 subsection:

21 “(lll) LYMPHEDEMA COMPRESSION TREATMENT
22 ITEMS.—The term ‘lymphedema compression treatment
23 items’ means standard and custom fitted gradient com-
24 pression garments and other items determined by the Sec-
25 retary that are—

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

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

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

12 (2) PAYMENT.—

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

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

17 and

18 (ii) by inserting before the semicolon
19 at the end the following: “, and (FF) with
20 respect to lymphedema compression treat-
21 ment items (as defined in section
22 1861(lll)), the amount paid shall be equal
23 to 80 percent of the lesser of the actual
24 charge or the amount determined under

1 the payment basis determined under sec-
2 tion 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
6 end 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 Administra-
16 tion, and group health plans and health insurance
17 coverage (as such terms are defined in section 2791
18 of the Public Health Service Act), and such other in-
19 formation 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
23 such frequency as the Secretary may establish.

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

1 treatment items that are included in a competitive
2 acquisition 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
15 (9) 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
19 the following new subparagraph:

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

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

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

7 “(iv) Lymphedema compression treat-
 8 ment items (as defined in section
 9 1861(III)).”.

10 (2) in subsection (j)(5)—

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

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

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

18 **SEC. 3. MEDICARE IMPROVEMENT FUND.**

19 Section 1898(b)(1) of the Social Security Act (42
 20 U.S.C. 1395iii(b)(1)) is amended by striking
 21 “\$7,308,000,000” and inserting “\$6,738,000,000”.

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

23 The budgetary effects of this Act, for the purpose of
 24 complying with the Statutory Pay-As-You-Go Act of 2010,
 25 shall be determined by reference to the latest statement

1 titled “Budgetary Effects of PAYGO Legislation” for this
2 Act, submitted for printing in the Congressional Record
3 by the Chairman of the House Budget Committee, pro-
4 vided that such statement has been submitted prior to the
5 vote on passage.

Passed the House of Representatives November 17,
2022.

Attest:

CHERYL L. JOHNSON,

Clerk.