

Regular Session, 2014

SENATE BILL NO. 120

BY SENATOR BROOME

MEDICAID. Provides for expansion of Medicaid coverage to include lymphedema treatment. (8/1/14)

1 AN ACT

2 To enact Chapter 8-B of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 46:980.1 through 980.3, relative to Medicaid coverage for the treatment of
4 lymphedema; to provide for coverage of treatment of lymphedema; to provide for
5 definitions; to provide for coverage of complete decongestive therapy (CDT)
6 supplies as components of treatment for lymphedema; to provide for coverage of the
7 cost of medically necessary compression supplies used in the treatment of
8 lymphedema; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 8-B of Title 46 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 46:980.1 through 980.3, is hereby enacted to read as follows:

12 **CHAPTER 8-B. MEDICAL ASSISTANCE PROGRAM COVERAGE FOR**
13 **LYMPHEDEMA TREATMENT AND MEDICALLY NECESSARY SUPPLIES**

14 **§980.1. Legislative findings**

15 **The legislature finds that:**

16 **(1) Lymphedema is a chronic, but treatable disease that results in an**
17 **accumulation of lymph fluid, causing swelling, in parts of the body where nodes**

1 or lymphatic vessels are damaged or inadequate.

2 (2) Among several causes for lymphedema, the most common is damage
3 caused to the lymphatic system by cancer treatments.

4 (3) Despite the availability of largely successful treatments, if left
5 untreated lymphedema becomes progressive, leading to increased medical costs
6 and increased instances of morbidity.

7 (4) Without treatment lymphedema causes many patients to suffer from
8 recurrent infections, progressive deterioration in condition, generally, and
9 eventual disability and early death.

10 (5) The Centers for Medicare and Medicaid Services (CMS) does not
11 consider compression supplies used in lymphedema treatment to be "durable
12 medical equipment", and thus does not cover these supplies under Title XVIII
13 of the Social Security Act. Matching funds are not available through either
14 Medicare or Medicaid to cover the cost of treatment of lymphedema. Action by
15 the United States Congress is required to provide coverage for such treatment.

16 §980.2. Definitions.

17 For the purposes of this Chapter, the following terms shall have the
18 following meanings, unless the context clearly indicates otherwise:

19 (1) "Lymphedema" means the condition that is evidenced by swelling
20 in one's extremities caused by the blockage of nodes or lymphatic vessels that
21 have been damaged or rendered inadequate by cancer treatment.

22 (2) "Compression supplies" means to those garments or other items that
23 are necessary in the daily self-treatment and maintenance of the symptoms of
24 lymphedema, but fail to meet the definition of "durable medical equipment"
25 employed by the Centers for Medicare and Medicaid Services.

26 (3) "Medicaid" means the medical assistance program provided for in
27 Title XIX of the Social Security Act.

28 §980.3. Medicaid coverage

29 A. Should the United States Congress provide for coverage of the

1 treatment of lymphedema through the Medicaid program, the Department of
2 Health and Hospitals shall make all necessary state Medicaid plan amendments
3 to provide coverage for treatment of lymphedema, to include benefits for
4 equipment, compression supplies, complex decongestive therapy, gradient
5 compression garments and self-management, training and education, if the
6 treatment is determined to be medically necessary and is provided by a licensed
7 Medicaid provider.

8 B. Nothing in this Chapter shall be deemed to include disposable
9 medical supplies, such as over-the-counter compression or elastic knee high or
10 other stocking products not requiring a prescription.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

Broome (SB 120)

Proposed law provides for Medicaid coverage of treatment of lymphedema.

Proposed law provides for definitions of terms used.

Proposed law provides for coverage of complete decongestive therapy (CDT) supplies as components of treatment for lymphedema.

Proposed law provides for coverage of the cost of medically necessary compression supplies used in the treatment of lymphedema.

Effective August 1, 2014.

(Adds R.S.46:980.1-980.3)