

1 A MEMORIAL

2 REQUESTING THE NEW MEXICO CONGRESSIONAL DELEGATION TO SUPPORT
3 LEGISLATION TO PROVIDE FOR MEDICARE COVERAGE OF THE COST OF
4 LYMPHEDEMA PUMPS AND COMPRESSION GARMENTS.

5
6 WHEREAS, lymphedema is an incurable condition stemming
7 from trauma to the lymphatic system; and

8 WHEREAS, lymphedema causes swelling through accumulation
9 of lymphatic fluid in the tissues of the affected area; and

10 WHEREAS, primary lymphedema is genetic and rare,
11 affecting one in one million Americans; and

12 WHEREAS, secondary lymphedema affects one in one
13 thousand Americans; and

14 WHEREAS, lymphedema is widely studied in oncological
15 research communities because it is a potential comorbid
16 condition with breast, head and neck cancers; and

17 WHEREAS, the use of compression garments and pneumatic
18 compression devices has been recognized as standard treatment
19 for lymphedema; and

20 WHEREAS, medicare is a federal program and governed in
21 part by Title 18 of the federal Social Security Act; and

22 WHEREAS, congress alone is empowered to redefine
23 medicare benefits; and

24 WHEREAS, the medicare statutory definition of "durable
25 medical equipment" under Title 18 of the federal Social

1 Security Act does not include lymphedema compression devices
2 and pumps; and

3 WHEREAS, the federal Lymphedema Treatment Act was
4 introduced in the one hundred sixteenth United States
5 congress to amend Title 18 of the federal Social Security Act
6 to require inclusion of lymphedema compression treatment
7 equipment in the definition of "durable medical equipment";
8 and

9 WHEREAS, three states cover lymphedema compression
10 devices and pumps, and two states have enacted laws that
11 improve coverage for lymphedema compression supplies; and

12 WHEREAS, the out-of-pocket cost of a lymphedema pump
13 ranges from eight hundred dollars (\$800) to five thousand
14 dollars (\$5,000); and

15 WHEREAS, the Kaiser family foundation reported that the
16 average annual income of a medicare beneficiary in 2018 was
17 less than twenty-six thousand two hundred dollars (\$26,200);
18 and

19 WHEREAS, refusal to designate lymphedema pumps and
20 compression devices as durable medical equipment pursuant to
21 Title 18 of the federal Social Security Act poses a financial
22 burden on lymphedema sufferers;

23 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
24 STATE OF NEW MEXICO that members of the New Mexico
25 congressional delegation be requested to support proposed

1 amendments to Title 18 of the federal Social Security Act to
2 provide for medicare coverage of the cost of lymphedema pumps
3 and compression garments; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the members of the New Mexico congressional
6 delegation. _____

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