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SENATE MEMORIAL 1

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

Bill Tallman

A MEMORIAL

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

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

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

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

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

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

underscoring material = new  
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1           WHEREAS, the use of compression garments and pneumatic  
2 compression devices has been recognized as standard treatment  
3 for lymphedema; and

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

6           WHEREAS, congress alone is empowered to redefine medicare  
7 benefits; and

8           WHEREAS, the medicare statutory definition of "durable  
9 medical equipment" under Title 18 of the federal Social  
10 Security Act does not include lymphedema compression devices  
11 and pumps; and

12           WHEREAS, the federal Lymphedema Treatment Act was  
13 introduced in the one hundred sixteenth United States congress  
14 to amend Title 18 of the federal Social Security Act to require  
15 inclusion of lymphedema compression treatment equipment in the  
16 definition of "durable medical equipment"; and

17           WHEREAS, three states cover lymphedema compression devices  
18 and pumps, and two states have enacted laws that improve  
19 coverage for lymphedema compression supplies; and

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

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

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underscoring material = new  
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1 and

2 WHEREAS, refusal to designate lymphedema pumps and  
3 compression devices as durable medical equipment pursuant to  
4 Title 18 of the federal Social Security Act poses a financial  
5 burden on lymphedema sufferers;

6 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
7 OF NEW MEXICO that members of the New Mexico congressional  
8 delegation be requested to support proposed amendments to Title  
9 18 of the federal Social Security Act to provide for medicare  
10 coverage of the cost of lymphedema pumps and compression  
11 garments; and

12 BE IT FURTHER RESOLVED that copies of this memorial be  
13 transmitted to the members of the New Mexico congressional  
14 delegation.