



## **LTA Draft Rules: Talking Points & Guidance for Submitting Comments**

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### Agenda

- Introductions
- Draft of the Proposed Rule
- Topics for Comment
- General Guidelines for Submitting Comments
- Process/Timeline for Submitting Comments
- Additional Resources
- Q&A/Contact Us



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## Organizations that Participated in Draft Process:

Lymphedema Advocacy Group (LAG)  
 Lymphology Association of North America (LANA)  
 National Lymphedema Network (NLN)  
 American Vein and Lymphatic Society  
 US Compression Alliance  
 American Occupational Therapy Association (AOTA)  
 American Physical Therapy Association (APTA)  
 Alliance of Woundcare Stakeholders  
 Susan G. Komen



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## Propose Rule – Home Health

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**View Rule** [Printer-Friendly Version](#) [Download RIN Data in XML](#)

[View EO 12866 Meetings](#) **HHS/CMS** **RIN: 0938-AV03** **Publication ID: Spring 2023**

**Title:** [FY 2024 Home Health Prospective Payment System Rate Update and Home Infusion Therapy Services Payment Update \(CMS-1780\)](#)

**Abstract:**

This annual proposed rule would update the national, standardized 30-day period payment rate, national per-visit rates used to calculate low utilization payment adjustments (LUPAs) and outlier payments under the Medicare prospective payment system for home health agencies based on the applicable home health payment update percentage. Additionally, this proposed rule would update payment rates for home infusion therapy services and propose changes to the Medicare enrollment requirements for hospices. These changes would apply to services furnished on or after January 1, 2024. This proposed rule would also make changes to how the separate payment for negative pressure wound therapy using a disposable device is made as required by section 4136 of the Consolidated Appropriations Act of 2023 (CAA, 2023), and implement the permanent home intravenous immune globulin services (IVIg) benefit as required by section 4134 of the CAA, 2023. This rule would address the scope of the Medicare Part B benefit for leg, arm, back, and neck braces under section 1861(s)(9) of the Social Security Act, and newer technology devices [as well as the implementation of the Medicare Part B benefit for lymphedema compression treatment items under section 1861\(s\)\(2\) of the Social Security Act](#).

**Agency:** Department of Health and Human Services(HHS)  
**RIN Status:** Previously published in the Unified Agenda.  
**Major:** Yes

**Priority:** Economically Significant  
**Agenda Stage of Rulemaking:** Proposed Rule Stage.  
**Individual Mandates:** 1 Indeterminate



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## Propose Rule – Home Health

- Full draft rule - <https://public-inspection.federalregister.gov/2023-14044.pdf>
- LTA section – <https://lymphedematreatmentact.org/wp-content/uploads/2023/07/LTA-Section-Home-Health-Rule.pdf>

regulations would be finalized, we intend to issue program instructions or other subregulatory guidance to effectuate the changes, as previously described. We believe this approach will serve to ensure a smooth transition after the end of the PHE for COVID-19.

### **B. Scope of the Benefit and Payment for Lymphedema Compression Treatment Items**

#### I. Statutory Authority

Effective for items furnished on or after January 1, 2024, section 4133(a)(1) of Division FF, Title V, Subtitle D of the CAA, 2023 amends section 1861 of the Act, adding subparagraph (JJ) to subsection (s)(2) and coverage under a new benefit category under Medicare Part B for lymphedema compression treatment items as defined in new subsection (mmm) of section 1861 of the Act. Section 4133(a)(2) of the CAA, 2023 amends section 1833(a)(1) of the Act, adding



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## Topics for Comments – Things We Like

### Full Spectrum of Treatment Items Included in Coverage

- Covered supplies will include standard and custom fitted gradient compression garments; gradient compression wraps with adjustable straps; compression bandaging systems; and other items determined to be lymphedema compression treatment items

### Quantity Limits Based on Sets Not Number of Pieces

- Calculating quantities based on sets rather than the number of individual garments will ensure equitable coverage

### Recognition of Lymphedema in All Areas of the Body

- New and revised codes will ensure that non-limb areas of the body (head, neck, torso, genitals, etc.) receive the same coverage.



\*only a draft, not the final

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## Topics for Comments

### Daytime Quantities

- The rule proposes covering two daytime garments every 6 months per affected body part. (Two sets.)

### Nighttime Quantities

- The rule proposes covering one nighttime garment every year per affected body part. (One set.)

**FROM CMS:** We are soliciting comments on whether two nighttime garments should be allowed, with both garments being replaced once every 2 years, to allow for more than 1 day for washing and drying of the garment(s).



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## Topics for Comments

### Exceptions for Sooner Replacement

- Both day and nighttime garments can be replaced sooner if the item is lost, stolen, irreparably damaged, or if needed based on a change in the beneficiary's medical or physical condition.



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## Topics for Comments

### Coverage for Accessories

- Additional covered items will include accessories such as zippers in garments, liners worn under garments or wraps with adjustable straps, and padding or fillers that are necessary for the effective use of a gradient compression garment or wrap with adjustable straps.

**FROM CMS:** We are specifically soliciting comments on the topic of coverage of accessories necessary for the effective use of gradient compression garment or wraps with adjustable straps, including what HCPCS codes should be established to describe these items, as well as comments on whether there are additional items other than the gradient compression garments, gradient compression wraps with adjustable straps, and compression bandaging supplies that could potentially fall under the new benefit category for lymphedema compression treatment items.



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## Topics for Comments

### Coverage for Layering Garments

- The draft rule does not mention how coverage will be handled when it is necessary to layer compression garments. For example, using two lower compression garments on the same body part to achieve the effort of a higher compression garment that the patient is unable to don or doff.

### Coverage for Bandaging Supplies During the Maintenance Phase

- Compression bandaging systems will be covered without limitations during the intensive/reduction phase of treatment. The rule does not specify whether compression bandaging systems will be covered during this maintenance phase.



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## Topics for Comments

### Reimbursement Codes for Specific Pieces

- The draft rule contains a list of proposed new reimbursement codes. If you believe an item is missing from that list, it should be noted in your comments. For example, toe caps.

### Calculation of Reimbursement Rates

- CMS proposes that 2024 reimbursement rates will be determined based on existing reimbursement amounts used by Medicaid and Tricare, and when necessary, average online retail pricing.



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## Topics for Comments

### Reimbursement Codes for Application of Compression Bandages

- Compression bandaging systems applied in a clinical setting as part of phase one decongestive therapy would be items covered under the new benefit category for lymphedema compression treatment items.

**FROM CMS:** We are specifically soliciting comments on the topic of coverage of compression bandaging items under the new benefit for lymphedema compression treatment items. We are also soliciting comments on whether the professional services of applying these bandages could be covered under another Medicare benefit category, such as outpatient physical therapy services under section 1861(p) of the Act or physician services under section 1861(s) of the Act.



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## Topics for Comments

### Coverage Rules and Reimbursement for the Measuring of Compression Garments

- Payment for measuring and fitting are typically included in the reimbursement rates when these services are provided by the vendor. If a therapist were to provide the measuring and fitting services, the supplier would be responsible for paying the therapist for these services. An alternative option, which CMS is not proposing but are seeking comment on, would be to pay separately for the fitting component furnished by the therapist and then back this payment out of the payment for the garment.

**FROM CMS:** We are specifically soliciting comments on the topic and comments on options to resolve the issues we outlined previously. - We also welcome comments on whether any HCPCS level I (Current Procedural Terminology or CPT®) codes may describe the services of the therapist in these scenarios.



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## General Guidelines for Submitting Comments

- Chance for all stakeholders to provide feedback on the proposed rule
- Comments can be supportive and/or critical of any part of proposed rule
- Only comment on what you know



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## General Guidelines for Submitting Comments

- All comments will be read by CMS and posted online for public view
- Quality is more important than quantity
- Do not copy and paste - duplicate comments will be discarded
- Only ONE comment per individual/entity may be submitted



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## Process/Timeline for Submitting Comments

- We will share our form when it is available next week
- Deadline for using our submission form is August 28th
- The public comment period ends on August 29th



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## Additional Resources

- LTA section of proposed rule –  
<https://lymphedematreatmentact.org/wp-content/uploads/2023/07/LTA-Section-Home-Health-Rule.pdf>
- LAG one-page summary –  
<https://lymphedematreatmentact.org/wp-content/uploads/2023/07/One-Pager -LTA-Proposed-Rule-copy.pdf>
- Tips for submitting effective comments -  
<https://lymphedematreatmentact.org/wp-content/uploads/2023/07/Tips-for-Submitting-Effective-Comments.pdf>
- LTA Draft Rules Webinar: Review of Content - <https://youtu.be/PHPJYtnyKZQ>



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## Need help composing your comment?

- We will provide guidance for comments in the Action Alert
- Sign up for our newsletter -  
<https://www.voterve.net/LTA/Register>
- You can contact us with questions or for additional assistance at  
[info@lymphedematreatmentact.org](mailto:info@lymphedematreatmentact.org)
- LTA FAQs - <https://lymphedematreatmentact.org/faqs/>



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