

116TH CONGRESS  
1ST SESSION

# H. R. 4129

To provide for a Medicare demonstration project to evaluate the fiscal impact of covering low vision devices as durable medical equipment under part B of the Medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2019

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. BILIRAKIS, Mr. SCHIFF, Mr. COHEN, and Mrs. WAGNER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for a Medicare demonstration project to evaluate the fiscal impact of covering low vision devices as durable medical equipment under part B of 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Demonstra-  
5 tion of Coverage for Low Vision Devices Act of 2019”.

1 **SEC. 2. DEMONSTRATION PROJECT ON MEDICARE COV-**  
2 **ERAGE OF LOW VISION DEVICES AS DURABLE**  
3 **MEDICAL EQUIPMENT.**

4 (a) ESTABLISHMENT OF DEMONSTRATION  
5 PROJECT.—

6 (1) IN GENERAL.—Beginning not later than 1  
7 year after the date of the enactment of this Act, the  
8 Secretary of Health and Human Services (in this  
9 section referred to as the “Secretary”) shall com-  
10 mence a project (in this section referred to as the  
11 “demonstration project”) to demonstrate and evalu-  
12 ate the fiscal impact of covering low vision devices  
13 (including subsets of such devices) under part B of  
14 title XVIII of the Social Security Act (42 U.S.C.  
15 1395j et seq.) in the same or similar manner as cov-  
16 erage is provided for durable medical equipment  
17 under such part.

18 (2) LOW VISION DEVICE DEFINED.—In this sec-  
19 tion, the term “low vision device” means a device,  
20 prescribed by a physician, that magnifies, enhances,  
21 or otherwise augments or interprets visual images ir-  
22 respective of the size, form, or technological features  
23 of such device and does not include ordinary eye-  
24 glasses or contact lenses. In the previous sentence,  
25 the term “ordinary eyeglasses or contact lenses”

1 means lenses that are intended to fully correct visual  
2 acuity or fully eliminate refractive error.

3 (b) PROJECT DETAILS.—

4 (1) ELIGIBLE PARTICIPANTS.—An individual  
5 enrolled under such part is eligible to participate in  
6 the demonstration project if an ophthalmologist or  
7 optometrist, after a clinical evaluation, has deter-  
8 mined and certifies through a prescription that fur-  
9 nishing a low vision device to the individual is medi-  
10 cally necessary.

11 (2) NATIONAL SCOPE AND DURATION.—The  
12 demonstration project shall be national in scope and  
13 shall be conducted for a period of 5 years.

14 (3) PROJECT DESIGN.—The Secretary shall de-  
15 sign the demonstration project in a manner so as to  
16 provide a rich, well-structured, and defined data set  
17 from which inferences about the fiscal impact on the  
18 Federal Supplementary Medical Insurance Trust  
19 Fund under section 1841 of the Social Security Act  
20 (42 U.S.C. 1395t) resulting from the permanent  
21 coverage under part B of title XVIII of the Social  
22 Security Act (42 U.S.C. 1395j et seq.) of low vision  
23 devices (including coverage for subcategories or sub-  
24 sets of such devices) can be made using appropriate  
25 statistical methods. To the maximum extent pos-

1       sible, such demonstration project shall evaluate the  
2       fiscal impact of permanent coverage under such part  
3       for the most function-rich, most powerful, and most  
4       expensive low vision devices.

5           (4) CONSULTATION.—In conducting the dem-  
6       onstration project the Secretary shall consult with  
7       organizations of consumers with vision loss and  
8       other stakeholder organizations.

9       (c) REPORTS.—

10           (1) INTERIM REPORT.—Not later than 180  
11       days after the last day of the third year of the dem-  
12       onstration project, the Secretary shall submit to the  
13       Committee on Finance of the Senate and to the  
14       Committees on Ways and Means and Energy and  
15       Commerce of the House of Representatives a report  
16       that describes the progress and preliminary findings  
17       from the demonstration project.

18           (2) FINAL REPORT.—Not later than 180 days  
19       after the last day of the demonstration project and  
20       after solicitation and consideration of formal written  
21       input on the project from organizations representing  
22       consumers with vision loss and other stakeholder or-  
23       ganizations, the Secretary shall submit to such Com-  
24       mittees a final report on the project. Such report  
25       shall include an evaluation of the fiscal impact on

1       the Medicare program under part B of title XVIII  
2       of the Social Security Act (42 U.S.C. 1395 et seq.)  
3       of providing coverage of low vision devices (including  
4       coverage for subcategories or subsets of such de-  
5       vices) and such other findings and recommendations  
6       as the Secretary deems appropriate.

7       (d) FUNDING.—For fiscal year 2020 and for each of  
8       the four succeeding fiscal years, out of any funds in the  
9       Treasury not otherwise appropriated, \$2,500,000 is ap-  
10      propriated to the Secretary to carry out the demonstration  
11      project.

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