

110TH CONGRESS  
2D SESSION

# S. 3091

To amend title XVIII of the Social Security Act to exempt negative pressure wound therapy pumps and related supplies and accessories from the Medicare competitive acquisition program until the clinical comparability of such products can be validated.

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IN THE SENATE OF THE UNITED STATES

JUNE 5, 2008

Mr. COBURN (for himself, Mr. MARTINEZ, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to exempt negative pressure wound therapy pumps and related supplies and accessories from the Medicare competitive acquisition program until the clinical comparability of such products can be validated.

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 Wound Ther-  
5 apy Patient Protection Act of 2008”.

1 **SEC. 2. EXEMPTION OF NEGATIVE PRESSURE WOUND**  
2 **THERAPY PUMPS AND RELATED SUPPLIES**  
3 **AND ACCESSORIES FROM THE MEDICARE**  
4 **COMPETITIVE ACQUISITION PROGRAM UNTIL**  
5 **THE CLINICAL COMPARABILITY OF SUCH**  
6 **PRODUCTS CAN BE VALIDATED.**

7 (a) **IN GENERAL.**—Section 1847(a)(2)(A) of the So-  
8 cial Security Act (42 U.S.C. 1395w-3(a)(2)(A)) is amend-  
9 ed by inserting before the period at the end the following:  
10 “and excluding negative pressure wound therapy pumps  
11 and related supplies and accessories until such time as the  
12 Secretary can validate, using a panel of wound care clin-  
13 ical experts, the clinical comparability of all products in-  
14 cluded in the category of such products”.

15 (b) **EFFECTIVE DATE.**—The amendment made by  
16 subsection (a) shall take effect on June 30, 2008.

17 (c) **SENSE OF THE SENATE REGARDING FISCAL RE-**  
18 **SPONSIBILITY.**—It is the sense of the Senate that the  
19 amendment made by subsection (a) should be deficit neu-  
20 tral over the 5-year period beginning on October 1, 2008,  
21 through appropriate offsets.

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