



NEW YORK STATE SENATOR

Kevin S. Parker

## Lawmakers Announce Legislation Helping New Yorkers Who Suffer from Chronic Wounds

KEVIN S. PARKER March 18, 2015

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**FROM THE OFFICE OF STATE SENATOR KEVIN PARKER (D-Brooklyn)**

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***Senator Parker introduce bills (S.4185-A) and Assistant Assembly Speaker Ortiz (A.5907), ensuring Medicaid benefit for non-healing wounds remains in place for patients***

**ALBANY, NY** – Senator Kevin Parker (D-Kings) and Assistant Assembly Speaker Felix W. Ortiz (D-Kings), joined by Senator Rev. Ruben Diaz Sr. (D-Bronx), doctors and patients, today announced legislation ensuring help for patients suffering from chronic, hard-to-heal wounds resulting from diabetes and other diseases.

The legislation (A. 5907/S.4185-A) would require the state to continue coverage of an existing wound care treatment known as Topical Oxygen Wound Therapy that has been available to Medicaid patients since 2008. This is an at-home treatment used *only* when standard treatments fail. In many cases, that means the next option is amputation or in-hospital treatments that are more expensive, less effective and more painful for patients.

Nearly 50% of the time, patients treated with Topical Oxygen Wound Therapy are totally cured, and 75% of the time wounds are healed enough that they respond to other treatments.

“I have introduced this legislation to ensure coverage of the specialized Topical Oxygen Wound Therapy treatment for patients who receive Medicaid. I appreciate the difficulties these patients endure as they struggle for recovery and want to do everything possible so that there is not only access to the treatment but continuity of their coverage,” said NYS Assembly Assistant Speaker Felix W. Ortiz.

**Senator Parker, whose bill was unanimously reported out of the Senate Health Committee on Tuesday, said:** “This legislation will ensure that vulnerable New Yorkers suffering from chronic wounds that threaten their limbs and their livelihoods can receive treatment that helps them get better. Access to this kind of essential treatment should not be denied to our neediest residents, the 1.3 million adults in New York with diabetes, and the many who have tried other treatments and have nowhere else to turn.”

Topical Oxygen Wound Therapy has been available to Medicaid patients since 2008, but in December 2013 the NYS Department of Health advised that coverage for the treatment would be discontinued. The DOH decision would eliminate access to the treatment for lower income New Yorkers. To date, a Temporary Restraining Order issued by State Supreme Court Justice Arthur M. Schack and extended by State Supreme Court Justice Genine D. Edwards has prevented the DOH decision from taking effect.

**Senator Diaz said:** “As the legislator with the highest number of cases in his or her district, I want to stand with my colleagues and urge passage of this legislation. This treatment is proven effective and New Yorkers like those in my district cannot afford to lose access to it. It is imperative that the state does not deny these people treatment they need. It is only right that the State of New York cover this treatment for our most vulnerable residents.”

There is ample visual and statistical evidence that Topical Oxygen Wound Therapy has worked well in its eight years as a New York Medicaid benefit.

Key facts:

- Nearly 50% of the time patients are totally cured, and 75% of the time wounds are healed enough that they can respond to other treatments.
- Topical Oxygen Wound Therapy can be prescribed only when a wound has not responded to standard therapy after 30 days.
- Many patients who use Topical Oxygen Wound Therapy are elderly and their wounds diabetes-related.
- Topical Oxygen Wound Therapy is the least expensive advanced treatment for these wounds and is 23-87% cheaper than the alternatives.
- FDA data show that Topical Oxygen Wound Therapy is one of the safest wound care therapies available today.
- Topical Oxygen Wound Therapy is suitable for all healthcare environments but is most often prescribed for in-home treatment and administered by the patient. This eliminates the need for costly ambulatory care or patient transportation.
- Treatment involves the delivery of 100% oxygen directly to an open wound at a pressure slightly higher than atmospheric pressure. The concentration of oxygen at the wound site increases the local cellular oxygen tension, which in turn promotes wound healing.

Joining the lawmakers were two surgeons who prescribe TOWT and one patient who credits Topical Oxygen Wound Therapy with saving his leg. The patient, **Mr. Anthony Towe**, of Harlem, is a diabetic who had a severe wound on the bottom of his left foot that was healed by Topical Oxygen Wound Therapy prescribed for him by a doctor at Harlem Hospital.

**Mr. Towe said:** “I am grateful for this treatment and that doctors could prescribe it for me. I really believe that if not for Topical Oxygen Wound Therapy, I would have lost my left foot. It would be wrong to deny other people a treatment that can really help them.”

**Dr. Amit Shah, Chief of Vascular Surgery and Co-Director of Endovascular Services at Jacobi Medical Center in the Bronx, said:** “Patients suffering from chronic wounds of this nature deserve to have access to treatments that will ease their pain and cure their wounds. In the Bronx, I see a great many patients with skin wounds related to diabetes or vascular diseases who this treatment can help. As a doctor, I cannot see why the State would deny sick people access to this treatment.”

**Dr. James De Meo, Chairman of Foot & Ankle Surgery and Director of Wound Care at Interfaith Medical Center in Brooklyn, said:** “Taking this away limits the treatment options we have for our patients who have chronic wounds. What ends up happening is these wounds are there for weeks, months, years, which leads to

infection, hospitalization, surgical procedures and unfortunately amputation.”

**Paul A. Geary Jr., founder and CEO of GWR Medical, which provides Topical Oxygen Wound Therapy, said:** “Chronic non-healing wounds are major health problem that change people’s lives. Allowing this therapy will help New York State meet its health care goals. It reduces the need for expensive hospitalization, is highly effective where other treatments have failed, and is less expensive than the alternatives. And it’s much better for patients suffering from these kind of painful, chronic wounds.”

### **About Senator Kevin Parker**

Senator Kevin S. Parker is intimately familiar with the needs of his ethnically diverse Brooklyn community that consists of 318,000 constituents in Flatbush, East Flatbush, Midwood, Ditmas Park, Kensington, Windsor Terrace, and Park Slope. He is the Assistant Democratic Leader for Intergovernmental Affairs, Ranking Member of the Senate Committees on Energy and Telecommunications Committee and Alcoholism and Substance Abuse, and Chair of the Democratic Task Force on New Americans.

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