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**American Orthotic &  
Prosthetic Association**

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**AOPA 4<sup>th</sup> Quarter 2011 Staff Report**

**To: AOPA Membership**

**From: Thomas F. Fise, Executive Director**

**Date: January 25, 2012**

**Subject: 2011 Good News Stories Helped Balance Concerns**

Two issues AOPA and the O&P community pursued vigorously in 2011 played out in favorable terms for O&P. The uncertainty created by the mishmash of House and Senate versions of the new Affordable Care Act (ACA) threw the ball to the Secretary of Health and Human Services (HHS) for writing the definition of what's included in "essential health benefits." The House bill was clear in naming orthotics and prosthetics, but the Senate bill which was finally adopted and signed into law only referenced "habilitative and rehabilitative" services which presumed to include O&P services, but hardly with comforting clarity. Read more on how this happened later in this report.

A second issue was what would CMS include in Round II of the Competitive Bidding Process. Rumors abounded about a very expanded list of off-the-shelf (OTS) orthotics being included with perhaps 100 or more OTS items.

Fortunately, either the rumors were untrue or the efforts AOPA and the O&P Alliance mounted to keep OTS orthotics out of the competitive bidding process paid off. Bottom line, the Round II list omitted OTS orthotics. In the final days just before the announcement of August 19, 2011 in a meeting with CMS officials, AOPA was very clear that if OTS orthotics were included and the products named did not conform to the statutory definitions of OTS, the list would be illegal, detrimental to patients and would be challenged. While OTS orthotics may be exempt from Round II, CMS can always include orthotic products in future competitive bidding refinements so the education process continues and it's never the final act.

**Take Charge of Your Own Destiny at 2012 Policy Forum**

You can make a difference as some of the 2011 advocacy success stories readily confirm. Letters from members of Congress to HHS officials helped make a difference on both the essential benefits and the competitive bidding issues. These letters were often a direct result of AOPA member requests in visits with Members of Congress or their staff during the 2011 Policy Forum's 400 plus member meetings. The 2012 Policy Forum at the L'Enfant Plaza Hotel in Washington, DC on April 17-18 will be especially timely in an election year. Legislators will be listening and looking for your support. It's your opportunity to join AOPA and your colleagues to learn about important federal policy issues and meet with your legislators to advocate on behalf of those critical issues affecting the O & P field.