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**American Orthotic &  
Prosthetic Association**

# AOPA in Advance

## Breaking News for O&P Professionals

August 22, 2011

SPECIAL EDITION

### O&P News

#### **CMS Omits Off-the-Shelf Orthotics from Competitive Bidding Round II**

For several months, AOPA and the entire O&P field have been very concerned that CMS might seek to exercise its legislative authority to extend its Round 2 of competitive bidding to include off-the-shelf orthotics. We have particularly been concerned because CMS telegraphed information to Capitol Hill that its contractor had identified over 100 such O&P devices, with a value of over \$200 million. This had led to grave concern that CMS would try to include many or most prefabricated orthotic devices as if they were off-the-shelf when in fact these devices did not meet the statutory definition of off-the-shelf orthotics, but rather are devices that require clinical care. AOPA's President Tom DiBello prepared an excellent series of ten examples of such prefabricated products, and the detriment that could come to patients if these products were provided without concurrent clinical care by an orthotics professional. These examples were used in meetings, coordinated by the O&P Alliance, first a telephone conference call in late July with Laurence Wilson, the lead CMS individual with responsibility for competitive bidding, and then, early last week, on August 15, in a face-to-face meeting with CMS Deputy Administrator, Jonathan Blum.

Late on Friday, August 19, CMS released the information about their plans for Round 2 of competitive bidding in the following press release:

[Click here to read the press release from CMS.](#)

While announcing an expansion of the program for DME, their announcement did not include any reference to off-the-shelf orthotics. We are also attaching the list of devices CMS has published which does not include any L-Codes, and appears to avoid off-the-shelf orthotics entirely.

[Click here to read the list of devices and HCPCS Codes announced for Round II Competitive Bidding.](#)

Since CMS continues to have legislative authority to conduct competitive bidding as to off-the-shelf orthotics, there is no absolute assurance that OTS orthotics will permanently escape CMS action, but it is very gratifying to learn that off-the-shelf orthotics have not been included in the next phase of CMS' competitive bidding program.

AOPA wishes to express great appreciation to our O&P Alliance partners, and to Alliance Counsel

Peter Thomas, Esquire for all of their efforts in joining together and speaking with one voice in making the case to CMS that competitive bidding for off-the-shelf orthotics would not be economically productive, but would be detrimental to patient care.

Questions? Contact Steven Rybicki at [srybicki@AOPAnet.org](mailto:srybicki@AOPAnet.org) or (571) 431-0835.

## Send Us Your News!

The next **AOPA** *in Advance* will arrive in your inbox on August 23. So if you have a new employee or a new office, tell us! Share your news with the over 15,000 readers of the *O&P Almanac* and **AOPA** *In Advance* newsletter. Contact Steven Rybicki at [srybicki@AOPAnet.org](mailto:srybicki@AOPAnet.org).

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