



**American Orthotic &  
Prosthetic Association**

# AOPA in Advance

## Breaking News for O&P Professionals

October 19, 2010

Volume 14, Number 21

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#### Newsletter Feedback

We invite your comments and questions. Please contact Steven Rybicki at [srybicki@AOPAnet.org](mailto:srybicki@AOPAnet.org) or (571) 431-0835.

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## O&P NEWS

### High AOPA Priority: Commenting for O&P on CMS Proposed Anti-fraud Provisions of Healthcare Reform

On September 23, the Centers for Medicare and Medicaid Services issued proposed regulations intended to implement new anti-fraud provisions of the Patient Protection and Affordable Care Act (the health care reform law enacted earlier this year). These proposed regulations have an important potential impact on orthotic & prosthetic providers, particularly because they would assign all DMEPOS providers to one of three risk categories.

DMEPOS providers/companies that are **publicly traded** on the NYSE or NASDAQ would be considered **limited risk**.

**Currently enrolled (revalidating) DMEPOS Medicare providers** would be recognized as **moderate risk**. (Applicable date for most currently enrolled providers would be March 23, 2012, although an earlier date of March 23, 2011 would apply for those currently enrolled providers whose revalidation cycle results in revalidation between March 23, 2011 and March 23, 2012).

**Newly enrolling suppliers and providers of DMEPOS** will be assigned to the **high risk** category. (Applicable date would be March 23, 2011.)

So, all AOPA patient care facility members would be subject to assignment to one of these three risk categories, and the most extensive aspects of the rules would potentially apply to newly enrolling O&P patient care facility providers.

Comments on the proposed rule must be submitted by November 16, 2010. CMS expects to have these new rules take effect on or after March 23, 2011. **Be assured that AOPA will be preparing and submitting comments to CMS on this important proposal. We believe there are several aspects of the proposal which would be excessively burdensome to O&P providers, and most especially our small business entities.** CMS has neither provided the data nor made the convincing case that its proposed changes will deliver results to justify the extent the rules would intrude on normal patient care and business practices.

AOPA's outside counsel, at Alston & Bird, which recently was fortunate enough to add to its team working on your behalf, Ms. Kim Brandt, former Director of Program Integrity at CMS, has prepared a very comprehensive summary of these regulations. We have taken that memo, highlighted the portions that are of greatest significance to O&P care providers.

**[Click here to access and read the Alston & Bird summary memo.](#)**

Here are a few of the key proposals of which you should be aware and which will doubtless be prompting comments from AOPA:

- CMS could suspend payments to a provider where a "credible allegation of fraud exists." What that means is less than clear. For example, could one competitor make an allegation that another competitor was defrauding CMS, and would that alone trigger a suspension of payments? Suspensions are targeted to 180 days--for many companies--eliminating Medicare payments for that long would threaten their very existence.
- The regs would give CMS the ability to impose a temporary moratorium on potentially high risk providers and suppliers with no rights of judicial review of the agency's decision.

- As noted above, all providers and suppliers would be placed in one of three risk levels (i.e., limited, moderate and high), based on an assessment of their overall risk of fraud, waste and abuse. It is proposed that ALL newly enrolling DMEPOS providers and suppliers would go into the high risk category, and currently enrolled DMEPOS providers generally would go in the moderate risk category. There would be an exception to these placements for companies that are publicly traded on the NYSE or NASDAQ, which would be assigned to the lowest, limited risk group. Providers in the moderate risk category would be subject to multiple controls, including license verifications and unscheduled site visits; newly enrolling DMEPOS providers would be subject to criminal background checks and fingerprinting in order to begin to receive Medicare payments. AOPA will strongly object to this risk assignment provision, among other reasons, because: (1) orthotics and prosthetics is not part of DME, and has significantly lower fraud and abuse risks; (2) there has not been sufficient consideration of the impact of number of years in business, or accreditation/certification status as factors that diminish risk.
- All providers (excluding physicians and certain non-physician providers) would be assessed a \$500 annual fee to fund screening and program integrity costs at CMS. Medicare contractors would not begin processing the paperwork to support continued eligibility to receive payments "until the enrollment application fee is received and credited to the United States Treasury."

Clearly, this is a very critical and onerous proposed rule. We encourage all members to review the full memo from Alston & Bird, and to submit your own comments on this proposal. Comments can be sent by two means, but the Department of Health and Human Services requires that you **must choose only one way**, and not both ways, to send comments. **In order to be considered, comments must be received by CMS no later than 5 p.m. EST, November 16, 2010.** Comments may be [submitted electronically to this Web site](#) by clicking on the "Submit a comment" button and following the instructions provided by the [Web site](#). Or comments may be submitted via regular mail and must be sent to the following address:

Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
Attention: CMS-6028-P  
P.O. Box 8020  
Baltimore, MD 21244-8020

**Of special note, be certain that any comment submitted references file code CMS-6028-P.**

**Be assured that AOPA, both on its own behalf, as well as in concert with other members of the O&P Alliance, will be fighting diligently to try to persuade the agency to reduce the excesses of this proposal. We will urge a more realistic approach that cracks down on fraudulent providers, without either considering every provider to be a crook, or adding huge regulatory burdens that could put honest, legitimate, hard-working O&P providers out of business.**

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

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## AOPA's 3rd Quarter Staff Report Now Available

**AOPA** has sent member companies the latest staff report. The report features extensive updates from **AOPA** Executive Director Tom Fise, JD, on the 2010 midterm elections as it relates to O&P, a wrap-up of the 2010 AOPA National Assembly in Orlando, a list of the Officers and Directors elected to the Board of Directors for 2011, and directions to download the latest public relations campaign posters from **AOPA**. The report also features more coverage of all the efforts **AOPA** is dedicated to in order to keep O&P healthy. Specifically, the report gives an account of the legislative and regulatory landscape in Washington D.C. and how it is affecting O&P on issues such as the Medical Device

Excise Tax, as well as information on AOPA's Veteran's Affairs Committee meeting with VA Officials and **AOPA's** research outreach and activities conducted by the Center for O&P Learning.

This is only a sampling of all the vital content included in the staff report. Please take the time to read the document. The report should be in your mailbox today, but is also available online and may be accessed any time.

[Click here to read the 3rd Quarter Staff Report.](#)

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

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## 2010 National Assembly Pictures Available!

As promised in the prior edition of **AOPA in Advance**, here are pictures of the many highlights of the 2010 **AOPA** National Assembly.

The opening keynote address was delivered by Warren MacDonald, an amputee who told his story of recovery and triumph after he lost both of his legs in a hiking accident in New Zealand.

[Click here to see Mr. MacDonald.](#)

**AOPA** Board Member and chairman of the O&P Political Action Committee, Rick Fleetwood, was tapped for the Ralph R. "Ronney" Snell **AOPA** Legislative Advocacy Award presented as part of the Thursday morning General Session program. Prodigious fundraising on behalf of many Arkansas political candidates and generous personal donations to legislators at the national level friendly to O&P patient care issues were just part of the notable accomplishments meriting the award. More than three decades at Snell Prosthetic & Orthotic Laboratory and tireless service to the community were cited when *AY Magazine* named him one of the 12 most powerful men in Arkansas for his philanthropic contributions. He currently serves on the boards of the United Cerebral Palsy of Arkansas, Easter Seals Arkansas, CARTI and the UAMS Winthrop P. Rockefeller Cancer Institute Gala.

[Click here to see Mr. Fleetwood receiving the award.](#)

[Click here to see Mr. Fleetwood remarking on the award.](#)

[Click here to see Mr. Fleetwood inspiring the crowd to donate to government relations outreach efforts while paying homage to his Alma Mater.](#)

The 2010 presentations by Thranhardt winners, Maria Gerschutz, Ph.D. and Andreas Kannenberg, M.D., Ph.D. were delivered as part of the Thursday morning general session.

[Click here to see AOPA President James Kaiser with Dr. Gerschutz and Dr. Kannenberg.](#)

Education started early on October 1 with business management guru Bruce Tulgan delivering a keynote speech to attendees explaining strategies for businesses to integrate different generations of employees into a motivated and productive workforce.

[Click here to see Mr. Tulgan.](#)

Following Mr. Tulgan, and as way of highlighting a career of one notable milestone after another, **AOPA** bestowed its 2010 Lifetime Achievement Award on Ivan R. Sabel, CPO, former chief executive officer of the Hanger Orthopedic Group, who now continues as the non-employee chairman of the

Hanger Board and has shifted his active interest and energies to guiding the Hanger Ivan R. Sabel Foundation. Sam Hamontree, CP, paid a special tribute emphasizing the visionary qualities Mr. Sabel brought to the O&P field in his shaping of the present Hanger Orthopedic Group.

[Click here to see Mr. Hamontree presenting Mr. Sabel the award.](#)

[Click here to see Mr. Sabel during his remarks on the award.](#)

And the inaugural Sam E. Hamontree, CP, Business Lecture Award series held right after the Friday morning Annual Business Meeting set a high bar for future winners. Members of the Hamontree family - Sam's wife, Marlene, and their sons and their wives, Lynne and Steve Hamontree, CPO, and Joelle and Michael Hamontree made the series possible through a generous gift which provides the \$1,000 financial stipend for the winner. This year's winner, Brian Gustin, CP, outlined his vision of how the future O&P patient care facility must make more efficient use of various skill sets to compete and deliver quality patient care.

[Click here to see AOPA President James Kaiser welcoming Mr. Hamontree on stage.](#)

[Click here to see the presentation of the award.](#)

And finally, government relations benefitted from two great events! More than 40 lots of wine were auctioned at the Thursday, September 29th Wine Tasting and Auction at the National Assembly. Proceeds exceeded last year's with \$27,000 donated to the O&P PAC and Capitol Connection. Frank H. Bostock, MBA, CO donated the tasting wines from their family winery, Dos Cabezas Winery in Sonoita, AZ. Donating wines or cash to purchase wines for the auction were **AOPA** members and staff: Kel Bergmann, CPO, Devon Bernard, Frank Bostock, CPO, FAAOP, Jehan de La Brosse, Thomas DiBello, CO, FAAOP and Lesley DiBello, Kathy Dodson, Rick Fleetwood, MPA, Richard Gingras, CPO, BOCOP and Marbee Gingras, Brian Gustin, CP, Bert Harman and Debi Harman, Russell Hornfisher, Jim Kaiser, CP, Thomas Kirk, Ph.D., Al Kritter, Jr., CPO, FAAOP and Lynn Kritter, Anita Liberman-Lampear, MA and Alan Lampear, Mahesh Mansukhani, MBA, Joe McTernan, Ralph Nobbe, CPO and Sharadi Nobbe, RN, Tina Moran, John Reynolds, CPO, FAAOP, Lisa Schoonmaker, CPO, FAAOP and Scott Schoonmaker, Frank Vero, CPO, James Weber, MBA and Diane Weber and Claudia Zacharias, MBA.

[Thanks to all who made it such a success, especially Anita Liberman-Lampear, Alan Lampear, Lesley DiBello, Diane Kaiser, Lynn Kritter and Debi Harman.](#)

**Pictures of the Wine Auction:** [here](#), [here](#), [here](#), and [here](#).

More support for the **AOPA** legislative agenda, the O&P PAC and the Capitol Connection came from the \$10,000 the "Prize is Right" game show look-a-like made possible by Branier Orthopedic Custom Molded Shoes and Arizona AFO.

These companies donated the \$10,000 prize money that was won by **AOPA** member Robert Leaber III, CPO, Adaptive Prosthetics & Orthotics, Houma, LA. Chris Snell took home a \$500 prize and Kimberly Linton won the \$100 consolation prize. Harry Layton, CPO, was runner-up.

[Click here to see pictures of "The Prize is Right" giveaway winners.](#)

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

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**Announcement: 2011 National Assembly Planning Committee Site Visit to Mirage Resort & Casino**

The 2011 National Assembly Planning Committee will have a site visit to the Mirage Resort & Casino on November 29 and 30. All **AOPA** supplier members are invited to join the visit. For more information, contact Kelly O'Neill at [koneill@aopanet.org](mailto:koneill@aopanet.org) by November 1.

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## November 10 Audio Conference: "The Ins and Outs of Billing in a Part A Setting: Hospital, SNF, and Hospice"

How to properly bill for services provided to Medicare Inpatients can be a confusing and often frustrating experience. But **AOPA** is here to help. The November 10, 2010 **AOPA** Audio Conference, "The Ins and Outs of Billing in a Part A Setting: Hospital, SNF, and Hospice" will address the challenges and frustrations that surround Medicare Inpatient Billing. Topics for discussion include:

- Useful strategies to help determine who is responsible for your bill
- Talking to the correct representatives from the inpatient facility
- Proper use of the "Two Day" rule
- Negotiating payment terms
- SNF prosthetic exemptions
- Part A rules and Hospice
- Billing for statutorily non-covered services

Proper billing for O&P services delivered to Medicare inpatients can contribute to the overall success of your O&P business. Don't miss this valuable opportunity to gain better understanding of the rules of the game.

The conference will begin at 1:00 PM (EST). Bring your questions as there will be an interactive question and answer period following the speaker's remarks. The cost to participate is just \$99 per line for members (\$199 for nonmembers) and any number of listeners may participate on a given line. Those seeking credit must return the provided quiz within 30 days and score at least 80 percent.

[Click here to register.](#)

Questions? Contact Ann Davis at [adavis@AOPAnet.org](mailto:adavis@AOPAnet.org) or (571) 431-0876.

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## ABC Reinstates Certified Assistant Program

The American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC) announced this past week that it has reinstated its Certified Orthotic/Prosthetic Assistant certification program. In the statement released, ABC defined the role of the Certified Assistant as well as included instructions for how one may apply for the Certified Assistant credential.

[Click here to read the entire statement from ABC.](#)

Questions? Contact ABC's Jamie Moran at (703) 836-7114.

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## MTV Reality Show Casting Call for Young-Adult Amputee Patients

**AOPA** has received a request from a production company looking to recruit participants for a show that is currently in development. The show is described in the following way:

We are currently looking for subjects for a pilot episode for a potential new MTV documentary series about young people who have become recently seriously injured or disabled and are rebuilding their lives. We are looking for young people between the ages of 16 - 28 years old who would like to be considered for the pilot episode.

The potential series involves Mark Zupan, a quadriplegic Paralympic athlete who was paralyzed in a car accident in 1993. Mark was prominently featured in the Academy Award nominated film "Mudball" and tours the country as a motivational speaker. In this production, Mark would work with the young person being featured, offering them his advice on how to move forward in their life. During his recovery, Mark discovered quad rugby, and it helped him to move forward in his own life.

Currently, we are trying to identify potential subjects who would truly benefit from Mark's expertise that would like to be considered for the pilot episode.

[Click here to read the entire request-for-participants.](#)

If you would like to contact the producer of the show with follow-up questions, call Petra West at (718) 422-0704 ext 108 or email [petra@punchedinthehead.com](mailto:petra@punchedinthehead.com).

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## Does Your Patient Care Facility Deserve Coverage in the *O&P Almanac*?

The "Facility Spotlight" section of the *O&P Almanac* is a monthly feature in wherein **AOPA** members discuss the business and clinical techniques that distinguish and define their O&P patient care facility's uniqueness and success. The *Almanac* is currently planning features for issues in 2011 and welcomes any and all providers to volunteer their facility for coverage by the *Almanac* team.

If you would like to be considered or an upcoming "Facility Spotlight" feature, please contact the Almanac Editor, Josephine Rossi at [jrossi@strattonpublishing.com](mailto:jrossi@strattonpublishing.com) or Steven Rybicki at [srybicki@AOPAnet.org](mailto:srybicki@AOPAnet.org) or (571) 431-0835.

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## O&P RESOURCES FROM AOPA

### Check Out the Redesigned AOPA Job Board for New Opportunities in O&P

If you need a position filled at your business or are interested in looking at other job possibilities within the O&P field, check out the [AOPA Online Job Board](#). The online job board sports a freshly updated look and an easy-to-navigate profile creation system.

In the past month the Job Board has been viewed over 8,000 times by more than 1,500 unique users. If you want people to find out about a job opening at your facility or are interested in posting your resume for employers to view for potential openings, visit the [AOPA Online Job Board](#) today.

And remember: if you advertise on the Online Job Board and decide to also advertise in the *O&P Almanac*, then you'll receive a 5 percent discount on the cost of advertising in the *Almanac* and on the Job Board.

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

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## Is Your Practice Missing the BOAT?

**AOPA's** largest and most successful members use the Business Optimization and Analysis Tool (BOAT) and you should also. The BOAT will help you:

- Create budgets
- Track your finances

- Participate in the annual Operating Performance and Compensation survey-which provides you with a personal benchmark comparison study.
- Examine the financial fitness of your business
- Help you identify and understand your competition, market conditions and referral sources
- Much more

Create your own secure and confidential Web pages on the BOAT which is specifically tailored to help O&P business owners manage their business for greater profit and quality patient care.

[Click here to explore the BOAT today.](#)

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

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## New! AOPAversity Practice Management Webcast Now Available

Following the success of the **AOPAversity** Mastering Medicare webcast series, **AOPA** is pleased to announce the availability of the first three modules of the **AOPAversity Practice Management webcast series**, focusing on helping you develop sound business practices. Currently available modules discuss the creation of a new O&P business, the acquisition of an existing O&P business, and enrolling in the Medicare and Medicaid programs. Additional modules are currently being developed with a total of twelve one hour long webcast modules planned.

Don't miss this valuable opportunity to increase your O&P business knowledge. The cost for each module is only \$99 for **AOPA** members and \$199 for non-members. You can earn valuable continuing education credits through ABC and BOC by completing and returning the quiz that accompanies each module.

To register, contact Ann Davis at (571) 431-0876 or [adavis@AOPAnet.org](mailto:adavis@AOPAnet.org).

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## Are You Registered for AOPA's 2010 Series of Medicare Audio Conferences?

Numerous offices have benefited from their participation in **AOPA's** Medicare Audio Conferences. These one hour sessions come to you in the comfort of your office on the second Wednesday of each month at 1:00 pm Eastern. This series provides an outstanding opportunity for you and your staff to stay abreast of the latest hot topics in O&P, as well as gain clarification and ask questions on topics that you may not understand as fully as you would like to.

Seminars are still priced at just \$99 per line for members (\$199 for non-members). Buy the series and get two free; members pay just \$990 and non-members pay \$1990. If you purchase all the conferences, all conferences from months prior to your purchase of the set will be sent to you as CDs.

These convenient one hour telephone seminars are designed to fit easily into your busy schedule. Any practitioners needing credit can get 1.5 per audio conference by returning the provided quiz within 30 days and scoring at least 80%. Billing staff and others who don't need credit nonetheless can gain information they will use right away. The topics for 2010 are:

- January 13: Red Flag Rules: Are You In Compliance? (Available on CD)
- February 10: Hints on Passing Your Supplier Standards Inspection (Available on CD)
- March 10: Billing for Refused/Returned Devices and Deluxe Features (Available on CD)
- April 14: Documenting for Success: Chart Notes, Prescriptions and Physicians' Records (Available on CD)
- May 12: New Rules for HIPAA: Are You Still Compliant? (Available on CD)
- June 9: When Disaster Strikes: Implementing a Contingency Plan (Available on CD)

- July 14: Medicare Appeals Strategies (Available on CD)
- August 11: Medicare's Knocking: How Good Is Your Compliance Plan? (Available on CD)
- September 8: Missed Billing Opportunities: Are You Billing Everything You Can? (Available on CD)
- October 13: You're Going To Pay Me WHAT?...Hints on Managed Care Contracting
- November 10: The Ins and Outs of Billing in a Part A Setting: Hospital, SNF and Hospice
- December 8: 2011 New Codes and Medical Policies

If you miss an audio conference, it will be available on CD after the fact. Cost is the same as if you participate live (\$99/\$199). We hope you'll be able to join us for this year's series.

[Click here to register for any or all of the 2010 AOPA audio conferences.](#)

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

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## O&P INSIDER'S TRACK

*The Only Up-to-the Minute O&P Newsline*

### In Memoriam

**AOPA** received the following remembrance of Catherine (Kay) Leimkuehler:

PEL Supply is saddened to report the death of Catherine (Kay) Leimkuehler, wife of PEL founder, the late Paul E. Leimkuehler. Kay passed away on October 6, with her four children--sons Bill, Bob, and John Leimkuehler, and daughter Paulette Leimkuehler Vaughn----all prominent members of the industry, at her side. A well-known fixture in the Orthotics and Prosthetics industry for over 50 years, she was President of the **AOPA** (then called OALMA) Women's Auxiliary for the 1953-1954 term. In the 1960s, Kay was instrumental in organizing the **AOPA** archives, a compilation of photos, catalogs, manuals and some old "artificial limbs" and braces from early twentieth century orthotic and prosthetic companies. During her lifelong affiliation with O&P, she attended over 50 national meetings. In addition to her four children, she leaves 17 grandchildren and 10 great-grandchildren. Of these, seven are working in the O&P field today.

Memorial donations should be sent to:

The Cystic Fibrosis Foundation, Northern Ohio Chapter  
4635 Richmond Rd  
Suite 103  
Warrensville, OH 44128

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## People in the News

**Comprehensive Prosthetics & Orthotics' Saravanan Sundarakrishnan** has earned the certification of CPO from the American Board for Certification in Prosthetics, Orthotics and Pedorthics.

**Hanger Orthopedic Group** clinical care manager **Dan Blasini, RN, BSN, BC-CM** from San Antonio, Texas was selected as a finalist in the Life Care Planner category for the first annual Dorland Health People Awards. The Dorland Health People Awards recognizes healthcare professionals who share their knowledge and skills to address challenges and meet the needs of their team, their patients and patients' families.

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## Businesses in the News

[OandPDirect.com](#), an e-commerce website for orthotic and prosthetic facilities, was unveiled at last month's AOPA conference with the help of a NASCAR racing simulator. OandPDirect.com held a "virtual" race and **Jeff Forbes, LPTA, BOCP** from the University of Mississippi was the winner of the competition and was awarded the OandPDirect.com Cup and an Apple iPad.

[OPAF](#) and **The First Clinics** received coverage from [News 8](#) in Austin, Texas. Of special note the First Volley clinic was attended by tennis-great [Dennis Ralston](#). Additionally, a First clinic remains for November:

Nov 20 First Volley Adaptive Tennis Clinic  
Alta Vista Tennis Courts  
Redondo Beach, California  
*Sponsored by **Mutual Amputee Aid Foundation***

The [Pedorthic Foundation](#) will host a reception on November 17 in Orlando, Florida, the evening before the opening of the first North American Pedorthic Congress and will honor the lifetime achievements **Richard B. Schwartz**.

[Rx Textiles, Inc.](#) announced the acquisition of [SPT Technology, Inc.](#)  
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## Send Us Your News!

The next **AOPA in Advance** will arrive in your inbox on November 2. 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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