



AOPA In Advance SmartBrief

Breaking News

April 1st, 2014

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Revised DME MAC Guidance for Split Code Orthoses: OTS vs. Custom Fitted and Subsequent Medical Policy Revisions



The Centers for Medicare and Medicaid Services (CMS) with the release of the 2014 HCPCS codes created a new subset of prefabricated codes, 55 in total, which they deemed to be off-the-shelf (OTS) orthoses. They also created a series of 23 “split codes” or orthoses that can

be provided either off the shelf or customized to fit a specific patient by an individual with expertise. The creation of the split codes and the OTS codes raised many questions, including who will make the decision whether an orthoses requires proper fitting by a trained individual or can be delivered as an off the shelf item without additional fitting and training, and what documentation will be required to support claims for services that require proper fitting by a qualified individual?

On February 28, 2014, the Durable Medical Equipment Medicare Administrative Contractors (DME MACs) released a joint policy bulletin entitled, “Correct Coding – Definitions Used for Off-the-Shelf, Custom Fitted and Custom Fabricated Orthotics (Braces).” This policy bulletin was subsequently retracted on March 7, 2014 without explanation as to the reason for the retraction. On March 27, 2014, The DME MACs released a revised version of the policy bulletin entitled, “Correct Coding – Definitions Used for Off-the-Shelf, Custom Fitted Prefabricated Orthotics (Braces)-Revised.”

While the revised policy bulletin removed all references to custom fabricated orthoses, it remained substantially unchanged regarding the provision of off the shelf orthoses and custom fitted orthoses. Below is a summary of the key points of DME MAC correct coding announcement.

[The full announcement may be accessed by clicking here.](#)

- The policy bulletin states that off-the-shelf orthoses are prefabricated items that may be provided as part of a kit requiring some assembly or installation of add-on components and that this assembly does not reclassify an item from OTS to custom fitted.

AOPA believes that items that must be assembled by the provider prior to delivery to the patient may be classified as custom fitted orthoses according to the type of assembly required and the potential need for clinical expertise in proper assembly to ensure a correct fit for the patient.

- The policy bulletin states that OTS items require minimal self adjustment for fitting at the time of delivery and the fitting does not require the expertise of a certified orthotist or an individual with equivalent specialized training in the provision of orthoses.

AOPA believes this statement is overly broad and ignores both the way this term is defined in the statute, and the recognition of properly credentialed individuals such as certified orthotic fitters as individuals who are qualified to fit non-OTS orthoses.

- The policy bulletin points to the expanded regulatory definition of “minimal self adjustment” contained in 42 CFR 414.402 which includes adjustments made by the beneficiary, caretaker for the beneficiary, or supplier and does not require the services of a certified orthotist or an individual who has specialized training.

AOPA remains gravely concerned that the use of the regulatory definition of “minimal self adjustment” far exceeds the intent of the original statute which limited the term “minimal self adjustment” to those that the beneficiary themselves could make to adjust the fit of the orthosis.

- The policy bulletin states that fabrication of an orthosis using CAD/CAM or similar technology without the creation of a positive model with minimal self adjustment at delivery is considered as OTS and the use of CAD/CAM or similar technology without the

creation of a positive model, but with the requirement for substantial modification at delivery is considered custom fitted.

AOPA believes that current and future CAD/CAM technology may not require creation of a positive model in order to fabricate custom fitted or even custom fabricated orthoses. The use of CAD/CAM or similar technology in fabricating an orthosis bears no relevance on how that orthosis is classified.

- The policy bulletin states that “classification as custom fitted requires substantial modification for fitting at the time of delivery” and subsequently defines substantial modification as “changes made to achieve an individualized fit of the item that requires the expertise of a certified orthotist or an individual who has equivalent specialized training in the provision of orthotics such as a physician, treating practitioner, an occupational therapist, or a physical therapist in compliance with all applicable Federal and state licensure and regulatory requirements.”

AOPA believes that the introduction of the term “substantial modification” (this term is not mentioned at all in the statute) further expands the misinterpretation of the statutory definition of “minimal self adjustment” and applies a standard that far exceeds the intent of the statutory definition of off-the-shelf orthoses.

- The policy bulletin indicates that the ordering physician will be the one in charge of determining which item is provided to the patient. The bulletin states that the supplier must provide the item that is specified by the ordering physician, for example the type of orthosis and the method of fitting and/or fabrication and there must be detailed documentation that justifies the code selected for custom fitted versus OTS codes.

AOPA supports open communication between O&P providers and referral sources but also believes that in many cases the determination of what type of orthosis the patient requires will not be made by the physician alone. The physician typically relies on the expertise and knowledge of the orthotist to recommend, through a professional evaluation, the most appropriate orthosis for the patient’s medical needs. The decision must be made with the best interest of the patient in mind and must be made by the physician and the orthotist together. In addition, the medical records of the orthotist must be considered when reviewing patient files for proper documentation. Such important decisions affecting documentation and continuity of care for these patients cannot be made by regulators without involvement and input from all stakeholders—including health professionals and patients.

In addition to the publication of the revised policy bulletin on the proper coding of OTS versus custom fitted orthoses, the DME MACs simultaneously published revisions to the LCDs and Policy Articles for AFOs/KAFOs, Knee orthoses, and Spinal orthoses that incorporated the provisions of the policy bulletin into the actual medical policies. These policies are being applied retroactively for claims with a date of service on or after January 1, 2014. AOPA believes that the DME MACs do not have the authority to make claim decisions using policies that were not published at the time the service was delivered.

AOPA already expressed serious concerns on some of these topics in our March 28 comments on the CMS Rulemaking Notice relating to competitive bidding. Additionally, AOPA is preparing correspondence to CMS that will, once again, express our concern, specific to this recent DME MAC publication, over the creation and implementation of policy by CMS contractors without any regard to required compliance with the notice and rulemaking provisions of the Administrative Procedures Act.

Questions may be directed to Joe McTernan at jmcternan@aopanet.org or Devon Bernard at dbernard@aopanet.org.

Register Now for the Hot Coding & Billing Seminar in Las Vegas!

Don't miss the April 7-8 Coding & Billing Seminar in the heart of the Las Vegas Strip at Bally's Hotel & Casino!

There is a reason why the AOPA Coding and Billing Seminar is ranked #1 by the most successful O&P Professionals!



During the general session you will learn how to code complex devices, including repairs and adjustments, plus:

- O&P Overview of Federal Agencies
- Medical Policy Basics
- Review of Medicare LCDs/Policy Articles
- Specific guidelines on coding Lower Limb Protheses, Spinal Orthoses and AFO/KAFO
- Documentation
- Claim Reviews
- Internal Audits
- Hot Topics, Utilization Data & Current Trends in O&P

AOPA experts provide the most up-to-date information to help O&P Practitioners and office billing staff learn how to code complex devices, including repairs and adjustments, through interactive discussions with AOPA experts, your colleagues, and much more. Meant for both practitioners and office staff, this advanced two-day event will feature breakout sessions for these two groups, to ensure concentration on material appropriate to each group.

[Register today by clicking here!](#)

US Dept. of Health & Human Services Releases A Provider HIPAA Compliance Tool



The U.S. Department of Health & Human Services has released a new security risk assessment tool to help health care providers in small to medium sized offices conduct security risk assessments of their organizations. The Health Insurance Portability and Accountability Act (HIPAA) Security Rule requires organizations that handle protected health information to regularly review the administrative, physical and technical safeguards they have in place to protect the security of the information. Conducting a security risk assessment is a key requirement of the HIPAA Security Rule and a core requirement for providers seeking payment through the Medicare and Medicaid EHR Incentive Program.

"By conducting these risk assessments, health care providers can uncover potential weaknesses in their security policies, processes and systems," according to an HHS news release. "Risk assessments also help providers address vulnerabilities, potentially preventing health data breaches or other adverse security events. A vigorous risk assessment process supports improved security of patient health data."

The application, available for download at www.HealthIT.gov/security-risk-assessment, also produces a report that can be provided to auditors. The SRA tool was developed by the HHS Office of the National Coordinator for Health Information Technology (ONC) and the Office for Civil Rights (OCR).

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The 2014 AOPA Policy Forum is Next Week – *Register Today to Take a Stand!*

You can make a difference.

**AOPA 2014
POLICY FORUM**

APRIL 2-3, 2014
Special Extended Program April 3-4 **New!**



April is Limb Loss Awareness Month, what better way to support the profession than to participate in the Annual Policy Forum, April 2-3 at the Renaissance Washington DC Hotel, with extended educational programs being offered April 3-4.

The Policy Forum is your best opportunity to learn the latest legislative and regulatory happenings and how they will affect you, your business and your patients. Once you are armed with the facts, we as a profession will educate our Members of Congress to offer common sense solutions and share how the O&P profession restores lives and puts people back to work. Your Congressional appointments will be organized by AOPA staff and lobbyist.

Quick Links

- [About the Policy Forum](#)
- [Extended Education Modules](#)
- [Registration](#)
- [Location & Hotel Reservations](#)
- [Schedule](#)

Click for
More Information

The Policy Forum ends on Thursday, April 3rd with advocacy visits with elected representatives and their staffs. AOPA's staff and lobbyists schedule these meetings for attendees.

[Register Now!](#)

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Extended 2014 Policy Forum – Education Modules on April 3-4!

To maximize your time away from the office, the Policy Forum has been reformatted for 2014 to offer you additional learning opportunities on important and pertinent topics. You can customize your schedule and register for the additional modules you are most interested in.



Module I, Thursday, April 3, 5:00 – 8:00 PM

A Closer Look at How Washington WILL Impact your Business.
(Includes dinner)

- Understanding Congressional Appropriations, How Does Money Get Out of Washington for Research, Educational & Other Programs
- CBO — What is the Congressional Budget Office, How Does It Work and Why is It Important?
- Special Programs That Will Impact Your Future: ACOs, DRGs, Post Acute Care Bundling & CMS's Office of Innovation
- Let's Sue the Bastards: A Primer About Suing the Medicare Program

Module II, Friday, April 4, 2014, 8:30 AM – 1:00 PM

Special Business and Clinical Educational Program Begins: Coding, RAC, OTS Coding, Appealing to the ALJ & FDA Educational Program Segments (Includes breakfast and lunch)

- Coding and Reimbursement Segment (2 hours)
 - o Primer: Steps You Can Take to Avoid RAC/Pre-Payment Audits and Succeed If You Get Them
 - o New Off-the-Shelf Orthotic Codes—Guide to Avoid Becoming a Witness Against Yourself.
- Taking Your Claims All the Way to the ALJ: How to Do It, and Win (1 hour)
- FDA: Has O&P Awakened a Sleeping Regulatory Giant—Overview of GMPs, Unique Device Identifiers, Complaint Files and Central Fabrication Compliance issues (1-1/2 hours)

[Registration is available by clicking here!](#)

Questions?

E-mail bleppin@AOPAnet.org or call Betty Leppin at 571/431-0876 for questions pertaining to registration, housing or transportation.

Contact Devon Bernard or Lauren Anderson with questions pertaining to Policy Forum education content, hill visits or specific legislative information. Devon Bernard may be reached at dbernard@AOPAnet.org or 571/431-0854. Lauren Anderson may be reached at landerson@aopanet.org or 571/431-0843.

EARN CREDITS
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Stay an extra day to participate in post-forum education modules and earn 7.5 CE Credits.

Meet your member of Congress and tell them how, through orthotics and prosthetics:



www.AOPAnet.org

Sochi Paralympian Evan Strong Appears on Wheaties Box



Snowboard cross champion Evan Strong made history after an inspiring performance in Sochi, taking home gold and becoming the first elite para-athlete to appear on the iconic Wheaties box. With his determination, perseverance and superlative athletic performance, Evan joins fellow American Champions Mikaela Shiffrin and Sage Kotsenburg with a limited-edition Wheaties box scheduled to hit store shelves this spring.

“We are extremely proud to have Evan as a member of Team Wheaties,” said Jeff Tang, marketing for Wheaties. “His remarkable attitude toward overcoming adversity is truly inspiring. We are honored to celebrate his athletic accomplishments, as well as the strength, courage and generosity that define him as a role model to other athletes.”

Strong, a native of Hawaii, who currently resides in Nevada City, Calif., excelled at extreme sports at a young age, even securing his first skateboarding sponsorship at 13. However, his life was forever changed at 17, when he lost his left leg as a result of a tragic car accident. Inspired by the Challenged Athletes Foundation, and with the support of his family, Strong began training again and soon added snowboarding to his list of athletic achievements — reaching the pinnacle with a historic gold-medal performance in Sochi.



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A Big Thank You to AOPA's 2014 Policy Forum Sponsors!

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Join the team in supporting Limb Loss Awareness Month

Participate in a fun lunchtime Charity Walk to raise awareness and funds for the Amputee Coalition Youth Camp.

What: Limb Loss Awareness Month Charity Walk

When: Monday, April 21, 2014 at Noon to 1:00 PM
(rain date April 28, 2014)

Where: Walk kicks off with a photo op in front of
330 John Carlyle St, Alexandria, VA

Questions? Contact Tina Moran tmoran@AOPAnet.org or (571) 431-0808

This fun and meaningful event will include lunch after the walk, awards, and special recognition for all participants, supporters and sponsors.

All participations are required to complete a sign up form and waiver.

APRIL IS LIMB LOSS AWARENESS MONTH

A Huge Thank You to our Sponsors!



F R E E M A N

Become a sponsor, contact Tina Moran at tmoran@aopanet.org

**Calling all Students and Residents—Gain National Recognition
And Advance Your Career**

Enter to win one of two prestigious awards--The Student-Resident Poster award honors two meritorious scientific papers submitted for presentation as a poster at the AOPA National Assembly. The purpose of these awards is to encourage students and residents to display outstanding posters at the AOPA National Assembly.

The Otto and Lucille Becker Award will be presented for the best orthotic abstract submitted and the Edwin and Kathryn Arbogast Award for the best prosthetic abstract submitted by a qualifying student or resident.

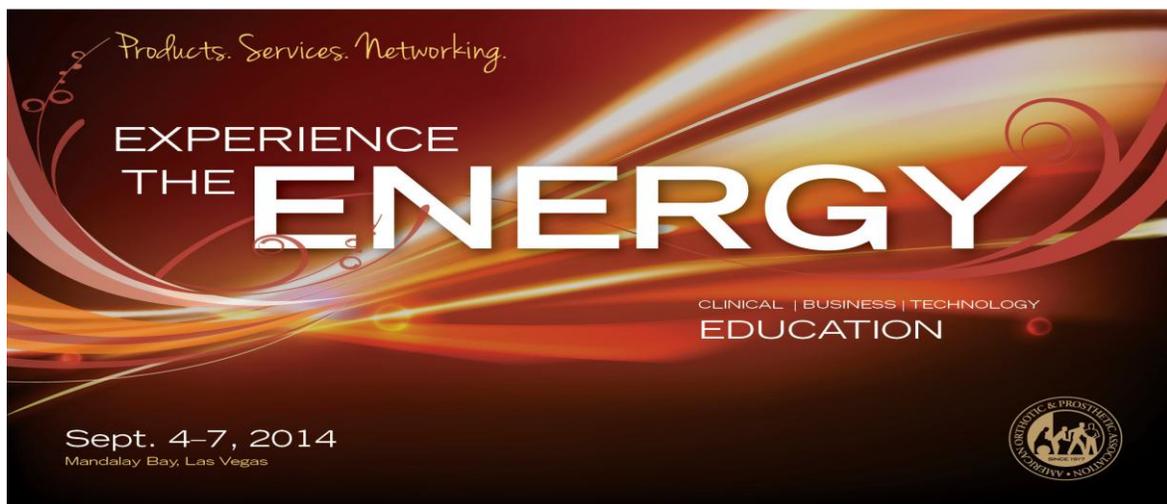


- ✓ The poster must be exhibited and presented at the AOPA National Assembly for the award recipient to receive the prize. The winners of the two scientific poster awards will be published in the O&P Almanac.
- ✓ The winners will receive a \$500 cash award, registration to the show, coach-class airfare to the National Assembly and three nights hotel. To qualify to present a poster in this category and eligible for consideration for this award, the main author must be a student (baccalaureate or master level) or a resident at a qualified patient care facility.
- ✓ Abstracts will not be considered for either award if they have been previously presented, published, or are currently submitted with pending decision on acceptance elsewhere.
- ✓ These awards have been made possible by a special endowment by Becker Orthopedic and WillowWood.

[Submit your abstract here](#)



AOPA's
national assembly '14
The premier meeting for orthotic, prosthetic, and pedorthic professionals

A promotional graphic for the AOPA National Assembly '14. The background is a dark, abstract design with flowing, glowing lines in shades of orange, red, and yellow. At the top left, the text 'Products. Services. Networking.' is written in a white, cursive font. In the center, the word 'EXPERIENCE' is written in a white, sans-serif font above the word 'THE' in a smaller font, which is above the word 'ENERGY' in a very large, bold, white, sans-serif font. Below 'ENERGY', the text 'CLINICAL | BUSINESS | TECHNOLOGY' is written in a small, white, sans-serif font, followed by 'EDUCATION' in a slightly larger, white, sans-serif font. At the bottom left, the text 'Sept. 4-7, 2014' is written in a white, sans-serif font, with 'Mandalay Bay, Las Vegas' in a smaller font below it. At the bottom right, there is a circular logo for the American Association of Orthotists and Prosthetists, featuring a stylized figure and the text 'AMERICAN ASSOCIATION OF ORTHOTISTS & PROSTHETISTS'.

How to Use Advanced Beneficiary Notices (ABNs) Effectively
April Audio Conference



The Advanced Beneficiary Notice (ABN) is a useful tool when used properly. Used incorrectly, it can result in unnecessary financial liability to providers. Join AOPA on April 9th, 2014 for an AOPAversity Mastering Medicare Audio Conference that will focus on why it's important to use ABNs successfully and why it's an important part of your business operation. An AOPA expert will address the following issues during the call:

- When an ABN is required and when it is not
- Properly executing an ABN
- Routine use of ABNs, why it is not allowed
- Modifiers to use when obtaining an ABN
- Communicating effectively with patients regarding ABNs
- Common ABN pitfalls

The cost of participating is always just \$99 for AOPA members (\$199 for nonmembers) and any number of employees may listen on a given line. Listeners can earn 1.5 continuing education credits by returning the provided quiz within 30 days and scoring at least 80%.

[Register online here!](#)

Contact Devon Bernard at dbernard@AOPAnet.org or 571/431-0854 with content questions.

Contact Betty Leppin at bleppin@AOPAnet.org or 571/431-0876 with registration questions.

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Upcoming Events

- Apr 2-4 *2014 AOPA Policy Forum*
 Renaissance Hotel
 Washington, DC
[Learn more or register online here](#)
- Apr 7-8 *Mastering Medicare: Adv. Coding
 & Billing Techniques Seminar*
 Las Vegas, NV
[Learn more or register online here](#)
- Apr 9 *How to Use Advanced Beneficiary
 Notices (ABNs) Effectively*
 Audio Conference
[Learn more or register online here](#)

April 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

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Distance Learning Opportunities Through AOPA

New!

O&P ALMANAC

EARN CREDITS
2.0 CE
PER MODULE

Because of the highly educational content of the O&P Almanac's Reimbursement Page and Compliance Corner, O&P Almanac readers can now earn two business continuing education (CE) credits each time they read these articles and pass the accompanying quiz.

IT'S EASY AND IT'S FREE!



Read and learn from O&P Almanac's monthly reimbursement column and quarterly compliance corner—you will now not only gain knowledge, but also can earn CE credits by taking a short quiz and receiving a passing grade of 80 percent or higher. AOPA will automatically transmit the information to the certifying boards on a quarterly basis.

The print version of the O&P Almanac is delivered to all AOPA members, ABC certified practitioners, BOC certified practitioners as well as subscribers. Additionally the electronic version of O&P Almanac is available online at www.aopanet.org/publications/digital-edition/.

Learn more at:
www.aopanet.org/publications/op-almanac-magazine/

AOPAVERSITY WEBCASTS

EARN CREDITS
1.5 CE
PER MODULE

AOPA offers two webcast series:

Series 1 > Mastering Medicare: Coding & Billing Basics and Principles contains nine modules is a recommended prerequisite to the Advanced Coding and Billing Techniques Seminar.

Series 2 > Practice Management: O&P Administration Services contains five modules, including topics such as Establishing an O&P Practice, Acquiring an existing O&P Practice, and Enrolling in Medicare and Medicaid.

Learn more at:
www.aopanet.org/education/webcasts/

AUDIO CONFERENCES

EARN CREDITS
1.5 CE
PER CONFERENCE

During these one-hour sessions, AOPA

experts provide the most up-to-date information on a specific topic. Perfect for the entire staff—one fee per conference, for all staff at your company location (\$99 Member/\$199 Non-Member). A great team-building, money-saving, educational experience! Sign up for the entire series and get two conferences FREE. Entire Series (\$990 Members/\$1,990 Non-Members). The fee is per location and there is no limit on the number of staff you can assemble in one location.

Learn more at:
www.aopanet.org/education/audio-conferences/

VIDEO LEARNING LIBRARY

EARN CREDITS
1.5 CE
PER VIDEO

AOPA's video learning library offers many dif-

ferent types of high-level education—clinical, business, motivational, and more. Many of the videos have been approved for CE credits. After viewing the educational video in its entirety, complete and submit the quiz continuing education (CE) credits. AOPA will automatically transmit the information to the certifying boards on a quarterly basis for those with passing grades of 80 percent or higher. Those not passing the quiz will be notified.

Peruse the complete library at:
www.aopanetonline.org/education



AOPAversity

AOPAversity is your one-stop resource for quality O&P education, developed explicitly for orthotic, prosthetic and pedorthic professionals. Most education has been approved for continuing education (CE) Credits. Learn on your terms with one of our opportunities listed above!

Earn CE credits accepted by certifying boards:



Visit www.AOPAnetonline.org/education today!