



American Orthotic & Prosthetic Association

www.AOPAnet.org

## AOPA In Advance SmartBrief

*Breaking News*

December 16, 2014

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### **CMS Announces DMEPOS Competitive Bidding Round 2 Recompete; OTS Orthoses are Not Included**

On Thursday, December 11, The Centers for Medicare & Medicaid Services (CMS) announced the bidding timeline for the Round 2 Competitive Bidding Recompete and the national mail-order recompete of the Medicare Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program.



Off-the-Shelf (OTS) Orthoses were **not** included as a product category in this round of competitive bidding. AOPA is encouraged by this announcement, as we have devoted many resources to the issue of OTS orthoses since competitive bidding was first announced. AOPA has been educating lawmakers of the harm that could come from inclusion of OTS orthoses in competitive bidding, and has been lobbying against CMS' attempts to broaden the definition of OTS to include devices that are currently delivered under the care of an orthotist. AOPA has orchestrated several initiatives, including a huge effort for members and patients to submit comments to CMS refuting the improperly defined "minimal self-adjustment" definition proposed by CMS that is contrary to the Congressional statute. AOPA has also worked with two influential Senators (Sens. Harkin and Grassley of Iowa) to write to Administrator Tavenner on this issue.

## **\$10 Million for O&P Outcomes Research Included in the Cromnibus Bill, and RAC Concerns Addressed**

Great news for O&P outcomes research! The \$1.1 trillion combined continuing resolution and omnibus appropriations bill (the “cromnibus” bill) just enacted to keep the government running includes a Department of Defense (DoD) section with an additional \$10 million for O&P outcomes research funding. This was also included in last year’s budget and we are especially grateful for AOPA lobbyist Catriona Macdonald, who has done such a spectacular job in transitioning this from a one-time item to being multi-year, and hopefully a mainstay of the federal budget! This is another good win for AOPA and its members. This news was especially impressive given how many cuts and other programs were squeezed out of the DoD portion of the bill.



[The 1,695 Page Cromnibus Bill](#)

Legislators also signaled that the efforts of AOPA and many others have been successful in raising very significant concern regarding the Medicare RAC audits, and the unconscionably long (and illegal) delays in allowing providers to access an Administrative Law Judge (ALJ) hearing. Although there is no substantive fix included, an additional \$5 million was added to ALJ funding. Greater help, while by no means certain, could come in new Medicare legislation in 2015. The good news is that Congress did ‘put down a marker’ on their concern in the following language included in the bill:

*Recovery Audit Contractors (RACs).* There is concern that the CMS RAC program has created incentives for RACs to take overly aggressive actions. Information received from the Office of Medicare Hearings and Appeals (OMHA) indicates that about 50 percent of the estimated 43,000 appeals were fully or partially overturned at its level. The fiscal year 2015 budget request should include a plan with a timeline, goals, and measurable objectives to improve the RAC process. In addition, CMS is expected to work with Congress and stakeholders to identify challenges and additional reforms. Further, CMS should establish a systematic feedback process with the OMHA, CMS programs, and the RACs to prevent the appearance that RACs are selecting determinations to increase their fees. The CMS is urged to stay focused on improvements to all “operations” that prevent improper payments in lieu of chasing dollars after the fact.

## **Jurisdiction D Announces Widespread Pre-Payment Review of Knee Orthoses**

Noridian Healthcare Solutions, who serves as the Jurisdiction D DME MAC, recently announced that based on unsatisfactory results of its pre-payment probe review of knee orthoses described by L1832, L1833, and L1843, it will be expanding the process to a widespread payment review.

Through its probe review of just over 100 claims for each code, the error rate for L1832 was 100%, the error rate for L1833 was 98% and the error rate for L1843 was 100%. Among the reasons given for the extremely high error rates was the lack of documentation for the need of a custom fitted device, missing documentation of knee instability and objective description of joint laxity, no documented injury to or recent surgical procedure on the knee, and failure to respond to a request for additional documentation.

The creation of a widespread pre-payment review for these codes will only increase the DME MAC scrutiny of claims for these knee orthoses. In order to be reimbursed for these orthoses,

documentation requirements outlined in the knee orthoses policy must be met. A link to the full report on the probe review may be viewed [here](#).

Questions regarding this issue may be directed to Joe McTernan at [JMcternan@AOPAnet.org](mailto:JMcternan@AOPAnet.org) or Devon Bernard at [DBernard@AOPAnet.org](mailto:DBernard@AOPAnet.org).

### Ottobock Announces November Winner of its C-Leg Heroes Photo Contest

Ryan Wallace of South Lake Tahoe, California, has been named the November winner of Ottobock's C-Leg Heroes 15 year anniversary photo contest. As his winning submission illustrates, Ryan has reason to be especially thankful for his C-Leg and the impact it has had on his life.



"I had out-grown and out-lived my ten year old prosthetic and last year it actually broke. My family and community answered the call and organized a fundraiser - spearheaded by my practitioners at Anchor Orthotics & Prosthetics in Sacramento - to provide me with this brand new C-Leg. Anchor also designed my socket which has the names of my supporters inscribed on it. It's a daily motivator and reminder of the kindness and generosity that was bestowed upon me. As a result, I intend to get the most out of every day."



Ryan's socket that lists all the names of supporters who contributed to his fundraiser

Due to Ryan's injury, he's currently on medical leave from his much loved job as a wrestling coach for South Lake Tahoe High School where he has devoted the past decade of his life to mentoring and caring for his wrestlers. But thanks to his new C-Leg and the remarkable support of those around him, he's able to see a future full of opportunity.

The photo contest was implemented by Ottobock as part of the celebration taking place to mark the arrival of the C-Leg in the US in 1999 and to highlight its far reaching and life-changing impact. The contest asked users of the C-Leg or another prosthetic product to submit photos or videos showing how it has changed their lives. Weekly winners received a C-Leg Heroes t-shirt and those winning the monthly overall prize were awarded an iPad or equivalent gift certificate.

A grand prize of \$1,000 will be awarded in December to one of the monthly winning participants.

## The December 2014 O&P Almanac Is Here!

Open it today and get your hands on the latest news and *hot features*:

### 22 | **Raising Awareness, Securing the Future**

When California's Medicare program set out to redefine a range of regulations related to O&P care, state-level experts and business owners sought to educate rulemakers on the critical issues surrounding quality patient care, reimbursements, and more. [Read More](#).

### 19 | **This Just In - Key Senate Members Weigh In on OTS Definition -**

Recent concerns expressed by Sens. Grassley and Harkin have helped strengthen and clarify the record of O&P challenging CMS for expanding the definition of OTS orthotic devices. [Read More](#)

### 28 | **Primed for Partnership**

The VA provides a full spectrum of world-class prosthetic, orthotic, pedorthic, and rehabilitation services for veterans. Learn more about its efforts to standardize therapeutic footwear and partnership opportunities for O&P professionals to provide care to veteran patients. [Read More](#)



## Get Your Continuing Education Credits:

### Medicare Changes for 2015: New Codes, New Opportunities

*Page 16 – Reimbursement Page – Earn 2 CE's*



## Register for the January 14 Webinar: Fill In the Blanks: VA Contracting and the New Template

The Department of Veterans Affairs recently announced significant changes to the VA contracting process. Don't be left asking questions while your competitors are providing answers!



An AOPA expert will address the following issues during the Webinar:

- Learn what is different about the new VA contracting process
- Learn how to find and prepare for VA contracting opportunities
- Explore the new VA contracting template that will be used for all VA contracts going forward
- Discuss how to negotiate favorable terms with the VA
- Learn about opportunities to be reimbursed for outcomes monitoring
- Find out who to contact within the VA to ensure you do not miss contracting opportunities



Take your practice to the next level with **AOPAversity!**

The cost of participating is \$99 for AOPA members (\$199 for nonmembers) and any number of employees may partake on a given line. Attendees earn 1.5 continuing education credits by returning the provided quiz within 30 days and scoring at least 80%. [Register online](#).

Contact Devon Bernard at [DBernard@AOPAnet.org](mailto:DBernard@AOPAnet.org) or 571/431-0854 with content questions. Contact Betty Leppin at [BLEppin@AOPAnet.org](mailto:BLEppin@AOPAnet.org) or 571/431-0876 with registration questions.

### Upcoming AOPA Events

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| Jan 14, 2015   | <i>Fill In the Blanks: VA Contracting and the New Template</i><br>Webinar Conference<br><a href="#">Learn more or register online here</a>              |
| Feb 9-10, 2015 | <i>AOPA Mastering Medicare: Essential Coding &amp; Billing Seminar</i><br>Savannah, GA<br><a href="#">Learn more or register online here</a>            |
| Feb 11, 2015   | <i>Find Success: Tips, Strategies and Understanding the Appeals Process</i><br>Webinar Conference<br><a href="#">Learn more or register online here</a> |