



American Orthotic & Prosthetic Association

www.AOPAnet.org

## **AOPA In Advance SmartBrief**

*Breaking News*

January 8, 2015

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### **New RAC Contract Clarification**

CMS has recently announced several Recovery Audit Contractor (RAC) program improvements, including limiting the RAC look-back period to six months past the service date as long as the claim was submitted within three months of date of service. *This change doesn't apply to O&P*; it only applies to hospitals and only when the claim denial is based on the patient's status (i.e. an inpatient vs. outpatient). DMEPOS claims are still subject to the traditional three year look-back period.

AOPA is currently reviewing all the changes to the RAC program with the recent announcement of the new contract for a single RAC contractor, Connolly LLC, for all DMEPOS claims; and will provide an in-depth analysis in the February *O&P Almanac*. You may view a complete list of all [Recovery Audit Program Improvements](#), not just those affecting O&P, on the CMS website.

Questions 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).

## **Valuable, Members Only Compendium of Data Regarding Provision and Utilization of Orthotic and Prosthetic Services**

AOPA, through its partnership with the research and data firm Dobson DaVanzo & Associates, LLC, has obtained a [plethora of data](#) specific to the provision and utilization of Orthotic & Prosthetic services. While the complete library of data is virtually endless, AOPA wanted to make available a compendium of some of the more telling data to its members. This data, which is only available to current AOPA members, tells a compelling story about the type of O&P services Medicare patients are receiving as well as what provider categories (O&P, physicians, DME suppliers, pharmacies, etc.) are providing them. It also provides valuable information regarding patients who initially receive off the shelf (OTS) items who later require custom fitted or custom fabricated items. In addition, the compendium contains valuable information regarding the cost-effectiveness of O&P services relative to their effect on overall healthcare expenditures for Medicare patients.

While the compendium is only a small sample of the data that Dobson DaVanzo has analyzed on behalf of AOPA, we believe that it represents an excellent sample of the full data set that AOPA has collected.

To access the compendium, AOPA members will be required to log in to the members only section of the AOPA website using their username and password. [Access the compendium now.](#)

## **Reiterating AOPA's Opposition to CMS' Current Policy on How CMS Selects Who May Be Audited and How Often**

Recently, there have been communications on the O&P List Serve on the Topic of Audit Discrimination by CMS in how it determines who may be subjected to audits, how many audits and how frequently. To date, those communications have not included the specifics of CMS' current rules and how they work. AOPA published that information, as well as AOPA's statement decrying these CMS policies as unfair, and offering its assistance to persons interested in developing a viable alternative to the current rules. To get a fuller understanding of what the current rules are, and why AOPA believes they are unfair, re-visit the [story on ADR requests](#) AOPA published 2-1/2 months ago, on October 21, 2014 in the AOPA Smartbrief (This was the latest and most comprehensive of multiple AOPA publications informing members about the rules CMS uses to select who may be audited and how often).

Read the October 21st story at [http://www.aopanet.org/wp-content/uploads/2015/01/Excerpt-BreakingNews\\_Oct021.pdf](http://www.aopanet.org/wp-content/uploads/2015/01/Excerpt-BreakingNews_Oct021.pdf)

While we cannot assess the accuracy of some of the things asserted in the O&P List Serve communications, we believe the October 21 article makes the facts, and AOPA's position opposing this CMS policy very clear. We encourage all interested O&P professionals to mark March 23-25 on your calendars to attend the 2015 AOPA Policy Forum where you can speak directly to your legislators about fixing this problem, as well as other key legislative, reimbursement and regulatory issues of critical importance to our profession and our patients.

Among the specifics stated in the October 21 article, we should emphasize:

1. AOPA took a leadership role in being the first to publish an article explaining the CMS criteria for who gets audited and our statement that it is unfair.
2. AOPA's public offer to support any proposal and endorsement of any bona fide advocacy for a change that delivers fairer results, PROVIDED that all understand the risk that any change CMS makes could make things worse for everyone, and better for no one.
3. All of AOPA's advocacy--from our lawsuit, our legislative advances to legitimize the prosthetist/orthotist's notes, and working with Rep. Duckworth in demanding faster access to ALJ appeals have had one premise: CMS medical necessity audits have been largely bogus, about reducing Medicare payments at the expense of the O&P professional and our patients, and we have demanded elimination of ALL RAC and prepayment audits, or a dramatic reduction in the total number of such audits. No one in O&P has fought harder for O&P professionals--small practices and larger ones. Having said that virtually no one in O&P should be audited for medical necessity makes it hard for AOPA to move forward alone to try to also arbitrate WHO should be audited MORE and WHO should be audited LESS, but as we have stated both directly to individuals interested in this issue and in our publications, we will and have committed to partner with any other entity(ies) that craft and advance a better and reliable plan.

AOPA will continue its steadfast and relentless efforts to explore and advance any and all reasonable remedies and alternatives to the current unfair activities of CMS relating to the errant OIG report on lower limb prosthetics, medical necessity, legitimacy of prosthetist/orthotists' clinical notes as part of the medical record, audit activities, most notably RAC and pre-payment audits, and HHS violations of the law in failing to deliver timely ALJ hearings to those appealing audit actions. In addition to hundreds of visits with legislators and AOPA's lawsuit, AOPA, we believe without precedent by others, has met personally with the CMS Administrator on three separate occasions to press for better CMS responsiveness. We appreciate the continued support of all in the O&P community for these critical efforts.

### **Introducing *AOPA's Take*....Where You Go When You Need to Know!!!**

As we begin 2015, AOPA is excited to offer a new form of communication to all members of the O&P community, *AOPA's Take*. Using a blog style format, *AOPA's Take* will keep you in the loop regarding news and information that is vital to the business of O&P. While AOPA has established lines of communication through traditional venues such as the *O&P Almanac* and the *SmartBrief* newsletter, *AOPA's Take* will follow a different approach that will focus on specific issues, in a timely manner that are significant today, right now. Communication through *AOPA's Take* will be immediate, keeping you informed of new information and developments as they happen.



AOPA has a long history of leading the way in ensuring that members of the O&P community have the tools to make sound decisions regarding the direction of their businesses. *AOPA's Take* will continue this history by quickly becoming the best source for immediate access to breaking news that affects your O&P business.

*AOPA's Take* is available at no charge to all members of the O&P community and subscribing is simple. Go to [www.aopastake.org](http://www.aopastake.org) and click on the subscribe button. Fill out a few fields and you're in! Welcome to *AOPA's Take*....Where you go when you need to know!

## Save the Date for the 2015 AOPA Policy Forum



### SAVE THE DATE FOR THE 2015 AOPA POLICY FORUM

Mark March 23-25 in your Calendar to Make a Difference!

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 bring people back to work. Your Congressional appointments will be organized by AOPA staff and lobbyists.

Join us March 23-25 at the Renaissance Hotel in Washington, DC. Stay tuned for more details!

## Website for College Students with Disabilities

The [We Connect Now](#) website has been up and serving college students with disabilities since April of 2008. The website was designed to connect and integrate college students with disabilities as a virtual community with a voice on important issues with particular emphasis on college students and access to higher education and employment. The website has been used as a resource by institutions of higher learning and has been linked to by colleges and universities and groups serving people with disabilities in all states and at least 10 foreign countries and has been visited by people from 172 different countries.



## Call for Papers: Become a Presenter at the 2015 AOPA National Assembly



### Share Your Expertise \* Advance Your Career \* Improve Patient Care Henry B. Gonzalez Convention Center in San Antonio, Texas

AOPA is seeking high-quality education presentations for the 98<sup>th</sup> Annual AOPA National Assembly.

Your submissions, based on sound research and strong empirical data, will set the stage for a broad curriculum of highly valued clinical and scientific offerings at the 2015 AOPA National Assembly. All free paper abstracts for the 2015 AOPA National Assembly must be submitted electronically. Abstracts submitted by e-mail or fax will not be considered. All abstracts will be considered for both podium and poster presentations. The review committee will grade each submission via a blind review process, based on the criteria below and reach a decision regarding acceptance of abstracts.

- Relevance, level of interest in topic
- Quality of Scientific Content
- Quality of Clinical Content

**Clinical Free Papers** – Those wishing to present an Orthotic, Prosthetic or Pedorthic Free Paper should [submit here](#) to have their paper considered for presentation at the 2015 Assembly. The top scoring papers will compete for the prestigious Thranhardt Award.

**Technician Program** – If you would like your Technical education paper considered for submission in the Technical Track, please to [submit your paper here](#).

**Business Education Program** – Please [submit your business education paper here](#). The top papers will be considered for the prestigious Sam E. Hamontree, CP (E) Business Education Award.

**Symposia** – If you are interested in organizing a Symposium, then please [submit here](#).

**Student Poster Submissions** – Coming Soon

**Technical Fabrication Contest Submissions** – Coming Soon

Contact AOPA Headquarters at (571) 431-0876 or [TMoran@AOPAnet.org](mailto:TMoran@AOPAnet.org) with questions about the submission process or the National Assembly in general.

<b>Upcoming AOPA Events</b>
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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="#"><u>Learn more or register online here</u></a>              |
| Feb 9-10, 2015 | <i>AOPA Mastering Medicare: Essential Coding &amp; Billing Seminar</i><br>Savannah, GA<br><a href="#"><u>Learn more or register online here</u></a>            |
| Feb 11, 2015   | <i>Find Success: Tips, Strategies and Understanding the Appeals Process</i><br>Webinar Conference<br><a href="#"><u>Learn more or register online here</u></a> |