



American Orthotic & Prosthetic Association

www.AOPAnet.org

## AOPA In Advance SmartBrief

*Breaking News*

October 21st, 2014

## **AOPA Headlines:**

[Amputee Coalition Partners with OPIE as Integrated Supplier](#)

[Are ADR Request Limits Fair to Small Businesses?](#)

[PDAC Announces "Reclassification" of Knee Orthoses Described by L1843 and L1845](#)

[Businesses in the News: SureStep Announces Pediatric Halloween Photo Contest](#)

[Businesses in the News: Prosthetic Laboratories of Rochester Celebrates 30 Years](#)

[OPAF Welcomes Hanger Clinic as Gold Level Sponsor](#)

[2015 AOPA Webinars Announced – Sign Up Now!](#)

[Save the Date for the 2015 AOPA National Assembly!](#)

[Upcoming AOPA Events](#)

### Amputee Coalition Partners with OPIE as Integrated Supplier



amputee  
coalition™



OPIE  
SOFTWARE

OPIE Software of Gainesville and the Amputee Coalition of Manassas, Virginia have announced that the Amputee Coalition is now an integrated supplier within the OPIE Software system and at [oandp.com/shop](http://oandp.com/shop). This technological integration allows OPIE software users and visitors to [oandp.com](http://oandp.com) to view and place electronic orders for the available resource guides and patient education materials provided by the Amputee Coalition.

This integration allows both organizations to better support the O&P field and, more specifically, the patients dealing with limb loss. Through utilization of an online catalogue available to healthcare providers across the country, the patient education and resource materials are now more easily accessible, with the ultimate goal of more resources being provided directly to patients.

There are no additional fees for OPIE users or visitors to [oandp.com](http://oandp.com) to access the new Amputee Coalition digital catalogue and ordering functionality. This new system for ordering patient education materials and resource guides is now available to the professional community.

## Are ADR Request Limits Fair to Small Businesses?

### **Do the Rules CMS Uses to Establish Maximum Number of Audits for O&P Facilities Create a Level Playing Field?**

Audits by CMS Contractors targeting Lower Limb Prosthetics have been unfair, excessive, anathema in terms of adverse effects on patient care, and via its lawsuit, its many legislative efforts, challenges to hasten access to ALJs, testimony before the Small Business Administration and other steps, the primary message of AOPA's advocacy has been to argue to restrain CMS to reduce or eliminate all of these unjustified audits that are not at all about any fraud. But what about CMS' selection criteria for who gets audited—are they fair and balanced? The simple answer is that they are not. AOPA agrees that due process requires that the procedures by which laws are applied must be evenhanded. RAC audits have been devastating in their impact on both the O&P profession and the patients that we serve, and AOPA is committed to support any step which reduces the number of RAC audits and their adverse impact. CMS and its contractors owe providers a level playing field and fairness in their audit activity.

### **Facts About the Rules CMS Has Adopted**

CMS applied a rule stated in an April 4, 2013 [ADR update on the CMS website](#) which provides that for O&P they are entitled to initiate up to 10 new Additional Data Requests (ADRS/audits) every 45 days as to each company Tax ID number. Every O&P provider will have at least one tax ID number--that is the norm for most small businesses. Larger companies (Hanger and others) do not have a separate tax ID number for each facility they operate, and in fact, a large company could have only one or two TAX ID numbers even for a large operation. A straight mathematical analysis reveals that so long as CMS follows this rule, **a local facility of a larger company that has a small number of tax ID numbers will be much less likely to have the same number of audits as its nearby competitor which has a single tax ID number for one or two patient care facilities.** Here is an example:

If one company, for example, had 200 facilities nationwide and operates with 3 tax ID numbers, and another facility in Timbuktu operates one facility with one Tax ID number:

The 200-facility company: In a 45 day period, CMS contractors could initiate a maximum of 30 ADRs on this larger company's operations, with the odds being that any single facility will have 30/200 chance of being audited in that 45 day period.

Timbuktu facility: In a 45 day period, CMS contractors could initiate a maximum of 10 ADRs on Timbuktu operations, with the odds being that any single facility will have 10 chances of being audited in that 45 day period.

So, the odds that the Timbuktu facility is audited will be 66 times more likely to have an audit. This formula is at minimum a strong component of the disparity so a smaller facility is more likely to be audited than its neighboring facility owned by a larger company (that operates with a small number of tax ID numbers). So, what about changing the rule? AOPA has stated that it would very likely support a petition filed by any O&P facility who would have the legal 'standing' to raise the issue to CMS urging a change to this rule. Why hasn't AOPA filed such a petition? Twofold: (1) AOPA's central message to CMS and Congress has been—reduce or eliminate the audits across the board for everyone—and CMS/Congress might be confused or find it contradictory if AOPA also led a charge saying—*you should audit these folks more and these other folks less.* AND (2) Be careful what you ask for—if the current rule is changed we run a significant risk that any resulting new methodology CMS generates is worse, not better FOR

EVERYONE! For example, if CMS reverted to the audit selection rules that apply to DME, eliminated the special flat number of 10 maximum of O&P stated in paragraph 4 of the [April 2013 memo](#), the sole limitation on the number of new audits would be **“(L)imits will be set at 10% of all claims submitted for the previous full calendar year, divided into eight periods (45 days). Although the Recovery Auditors may go more than 45 days between record requests, in no case shall they make requests more frequently than every 45 days.”**

Confused? AOPA has published information on the CMS selection criteria for who gets audited and how often on [6 different occasions](#) previously. Read CMS’ current policy on selection criteria and limits on audits for O&P facilities [here](#).

Contact Joe McTernan at [JMcTernan@AOPAnet.org](mailto:JMcTernan@AOPAnet.org) or 571/431-0811 with any questions.

### PDAC Announces “Reclassification” of Knee Orthoses Described by L1843 and L1845

The Pricing, Data Analysis, and Coding contractor (PDAC) has sent an e-mail notice to all manufacturers who have previously had PDAC coding verification for products described by L1843 and L1845. The purpose of the notice is to inform manufacturers that the addition of codes K0901 and K0902, effective October 1, 2014, which describe Off the Shelf (OTS) versions of L1843 and L1845 requires the PDAC to potentially reclassify products previously verified as L1843 or L1845 under the new OTS codes. The PDAC has requested that manufacturers review their list of PDAC verified products and indicate whether each product is always delivered OTS, can be delivered either OTS or custom fitted, or always delivered as custom fitted.



While individual manufacturers will have to make their own determination regarding the status of their products described by the codes in question, AOPA believes that there are several important issues that must be considered when making this decision.

1. PDAC verification is currently only mandatory for knee orthoses described by L1845/K0902. There is no current requirement that knee orthoses described by L1843/K0901 must be PDAC verified as a condition for Medicare payment. Only products described by L1843 that manufacturers have submitted voluntarily for PDAC verification must be reclassified.
2. CMS, in its response to comments on the initial list of proposed OTS orthotic codes agreed with AOPA that L1843 and L1845 represented products that could not be expected to be fit in an OTS environment. The release of the OTS versions of these codes directly contradicted CMS’ earlier comments. AOPA continues to address this issue with high level CMS officials.
3. PDAC verification of products in the middle category, as devices that can be either custom fitted or OTS could well entail the DME MACs applying intense scrutiny to claims billed under the custom fitted version of the split code set and may lead to unnecessary denials due to alleged missing or incomplete documentation of the specific medical need for the patient receiving the custom fitted orthosis, as opposed to the receiving it OTS (and thereby without any fitting, alignment or adjustment by a clinical professional).

4. Medicare reimbursement for OTS orthoses will almost certainly not remain level with custom fitted versions of the same product. Whether fee reduction is accomplished through future competitive bidding or an alternate method, CMS intends to significantly reduce reimbursement for OTS orthoses.

While a response to any communication from the PDAC regarding coding verification is asserted as mandatory, AOPA manufacturer members are encouraged to consider all of the issues at hand when generating their response.

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

### **SureStep Announces Pediatric Halloween Photo Contest**



SureStep, LLC, designer and distributor of orthotic devices for children, has officially kicked-off the 2014 SureStep Halloween Photo Contest. Parents and guardians are invited to submit a photograph of their children featuring a product from SureStep's current line of pediatric orthotic devices for a chance to win a first place prize of Beats Studio by Dre Headphones or a number of runners-up prizes.

The photo contest is open to all legal US residents who are the parents or guardians of a child who is currently using a SureStep product. Entries will be accepted until 11:59 p.m. EDT on Saturday, November 1.

Photo submissions must feature the entrant's child wearing a Halloween costume along with an item from SureStep's current product line. Along with the photo, submissions must include the child's name, date of birth, and the parent or guardian's name, address and phone number. A brief paragraph detailing how the child has benefited from the SureStep product should be sent in with the submission.

A first place winner, announced on November 3, will be awarded a pair of Beats Studio by Dre Headphones, valued at \$299.95. Second place will win a Beats Pill Wireless Speaker and third place will receive Urbeats Earphones. The next 20 runners-up will be awarded a participation prize of a \$25 Amazon gift card.

The official rules and regulations of SureStep's 2014 Halloween Photo Contest can be found [here](#).

## Prosthetic Laboratories of Rochester Celebrates 30 Years

It's been 30 years since Prosthetic Laboratories of Rochester began making prosthetic limbs for patients, and on Saturday they celebrated their anniversary.

What started as a company of three people has since grown to seven offices from Minnesota to Wisconsin. The company says that as the needs grew, so did they. The founders at Prosthetic Laboratories said it has been a pleasure to see what their work has done over the years.

"They can get on with their lives and they can do almost anything, and that's one of the most enjoyable things that I do. I've got kids that play football and basketball. We have a technician that sits at the bench right behind me, and we've known him, and taken care of him since he was a baby. Now he works for us," said co-founder Mike Gozola.

Gozola also said if you treat people with respect, and provide exceptional service, you can have success in whatever challenge you take on.

## OPAF Welcomes Hanger Clinic as Gold Level Sponsor

The Orthotic & Prosthetic Activities Foundation (OPAF), announces that Hanger Clinic is the newest Gold Level Sponsor. Hanger Clinic, a company that operates 760+ patient care clinics across the nation, providing patients with the latest in orthotic and prosthetic solutions, has been a steady supporter of the work of OPAF & The First Clinics over our 20 year history with adaptive recreation opportunities and possibilities. In addition to the Gold Level Sponsorship, OPAF and Hanger Clinic hope to partner on several events in 2015 to bring introductory level instruction to those facing physical and/or mobility challenges with OPAF's variety of First Clinics.



"OPAF is pleased to partner with Hanger Clinic and we see tremendous potential for growth with the First Clinics. The First Clinics appeal to 95% of the physically challenged population in bringing them back to both an active lifestyle and socially integrating them with others facing similar challenges," said OPAF Executive Director, Robin Burton. "We are excited about what Hanger Clinic's support will mean to our organization going forward."

## 2015 AOPA Webinars Announced - Sign Up Now!



AOPA is pleased to announce the topics for its 2015 Webinars! This series is an improved, more interactive format of the familiar Audio Conferences. The webinars allow you to watch and listen in the comfort of your office on the second Wednesday of each month from 1:00-2:00 PM Eastern, and have a written copy of the presentation for your records.

There is one registration required per computer terminal, but multiple staff members may participate. Participants earn 1.5 CEs for scoring 80% on the associated quiz within 30 days.

The cost is \$199 for non-members, and \$99 for members. Use the code “member” for the discounted member price of \$99, and any second registration from your company is just \$25 with the code “affiliate”.

**Buy the Series and Get Two FREE! [Sign up for the whole series.](#)**

**REGISTER NOW**



### 2015 Webinar Topics

*January 14: [Fill In the Blanks: VA Contracting and the New Template](#)*

*February 11: [Find Success: Tips, Strategies and Understanding the Appeals Process](#)*

*March 11: [Who Gets the Bill: A Complete Look at Medicare Inpatient Billing](#)*

*April 8: [Lower Limb Protheses Policy: Learn the Policy Inside and Out](#)*

*May 13: [The New Player in Town: Understand How the RAC Contract Works](#)*

*June 10: [Stay Out of Trouble: Building a Medicare Approved Compliance Plan](#)*

*July 8: [Who's on First? Medicare as a Secondary Payer](#)*

*August 12: [OTS vs. Custom Fit: The True Story](#)*

*September 9: [Prior Authorization, How does it Work](#)*

*October 14: [Understanding the LSO/TLSSO Policy](#)*

*November 11: [How to Make a Good Impression: Marketing Yourself to Your Referrals](#)*

*December 9: [Bringing the New Year: New Codes and Changes for 2016](#)*

And don't forget to register for the November Webinar: [Gifts: Showing Appreciation without Violating the Law](#)

Medicare has very specific rules about what you can and cannot do. There will also be a general discussion of types of activity that can be interpreted as a kickback.

- When gifts to referral sources are acceptable
- When gifts to patients are acceptable
- Federal Anti-Kickback regulation prohibitions
- Doing something nice vs. doing something illegal

**REGISTER NOW**



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.

### Save the Date for the 2015 AOPA National Assembly!

#### Save The Date—October 7-10, 2015 AOPA's 98<sup>th</sup> National Assembly San Antonio Riverwalk

Make plans now to attend the 2015 National Assembly, Oct. 7-10, 2015 in San Antonio.

The 2015 Assembly will be held at the Henry B. Gonzalez Convention Center, located on San Antonio's famous Riverwalk.

San Antonio  
TEXAS • USA  
The Henry B. Gonzalez  
Convention Center

2015 AOPA National Assembly

The premier meeting for  
orthotic, prosthetic, and  
pedorthic professionals.

OCTOBER  
7-10 2015

Click here or visit [www.AOPAnet.org](http://www.AOPAnet.org)

San Antonio's River Walk is one of the most visited sites in Texas, providing scenic pathways and waterways for the city's cultural and historic sites, as well as a picturesque link between restaurants, hotels and shops. The [San Antonio River Walk](#) is a verdant oasis of cypress-lined paved paths, arched stone bridges and lush landscapes. It gently winds through the city center, providing millions of visitors each year with easy access to the city's cultural hot spots, historic sites and other attractions.

**See you in San Antonio! Remember #AOPA15**



### Upcoming AOPA Events

- |              |  |
|--------------|--|
| Nov 12, 2014 | <i>Gifts: Showing Appreciation Without Violating the Law</i><br>Webinar Conference<br><a href="#">Learn more or register online here</a>   |
| Dec 10, 2014 | <i>New Codes and Changes for 2015</i><br>Webinar Conference<br><a href="#">Learn more or register online here</a>                          |
| 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> |