



American Orthotic & Prosthetic Association

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AOPA In Advance SmartBrief

Breaking News

September 22, 2015

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LCD Policy Updates: What Has Happened after the Comment Period Closed and the August 26th Events

AOPA updated you on [all the events on the LCD Policy Proposal](#) – the comments we submitted and helped members and patients submit, the rally at HHS, the meetings we had with CMS, the open DME MAC meeting, the PR campaign, etc. But what has happened since the closing of the comments on August 31st?

AOPA Meets with Office of Management & Budget

On September 16, AOPA Executive Director Tom Fise, along with our health care council, met with 7 representatives from the Office of Management & Budget (OMB) relating to the CMS Final Rule on Prior Authorization (you'll recall the comment period closed about a year ago) which must be approved by OMB before it can be published. During the meetings with CMS on August 26 relating to the LCD, AOPA secured a promise from CMS' Chief Medical Officer to look closely at the Prior Authorization rule, as we contended that the combined effects of moving on both the LCD and Prior Authorization would have an exponential adverse impact on amputee patient care.

Getting OMB to intervene is a high bar to surmount, but AOPA had a positive exchange with them. Overall our central message addressed three key points: (1) the Prior Authorization regulation was a CMS attempt to solve a problem which does not exist--no such extraordinary steps are needed to control Medicare expenditures for prosthetics because data shows that contrary to the OIG report, those expenditures have gone down in each of the past three years, and 2013 expenditures were less than expenditures in 2007; (2) the rule would prompt a decline in quality of care; and (3) it would delay patient receipt of care. The discussion included AOPA's assertion that the rule should NOT be enacted, but adding that if it was to be enacted, five criteria outlined in AOPA's comments (including

that it needs to be a guarantee of payment, that it needs to establish that there would be no medical necessity audits once Prior Authorization was secured, and that the prosthetist notes prohibition must be fixed). We cited materials from the LCD press and amputee demonstration, including [Senator Kerrey's characterization that the LCD](#) (and by analogy the Prior Authorization) was an instance of the government 'creating a problem, not solving one.'

We will be providing some follow-up materials in areas of questions. We will get no response (as they are not allowed to hint at the Final Policy), other than what we can observe in whether the rule moves forward into publication, and what provisions it contains.

United Health Care (UHC) Denies Medical Necessity of Vacuum Pumps: AOPA's Strategy Moving Forward

In this new policy, which seems to be a result of the LCD Proposal, United Health Care deems vacuum pumps for residual limb volume management “...unproven and not medically necessary” as of October 1, 2015. [Read the policy here.](#)

AOPA is pursuing a two part strategy: (a) AOPA partnered with Representative Erik Paulsen (MN-3), who contacted UHC requesting that they set up a high level meeting with AOPA reps; and (b) AOPA is joining in a letter of objection to the policy from the O&P Alliance, together with the Amputee Coalition, due for release this week, challenging the assertion that there is no scientific evidence to support this treatment, and seeking a meeting with UHC's Medical Director. We believe the results can be additive and symbiotic, not divisive, in bringing attention to the problem from multiple directions.

We promise to continue to keep you posted on the UHC issues, but we have also received an early indication about another mischievous outgrowth of the commercial sector jumping on the draft LCD as an opportunity for cutbacks--this time from one of the state BCBS plans. We are waiting to see documentation, but if this proves correct, we will again communicate with the insurer AND communicate to CMS (as we did when the UHC policy first arose) underscoring yet again the need for a quick decision to rescind the draft LCD.

Wall Street Journal Article Published

After the initial media buzz of [more than 400 press articles](#) on the HHS rally and LCD Proposal, the media is still picking up on the issue in a big way: On September 20, The [Wall Street Journal published an article](#) on the issue, which Representative Paulsen included in his communications with UHC.

Senators Dan Coats and Amy Klobuchar

Senators Coats (R-IN) and Klobuchar (D-MN), co-chairs of the Senate Medical Technology Caucus [communicated with CMS Acting Administrator Andy Slavitt](#), urging CMS to immediately reconsider the policy proposal. Other legislators have weighed in with letters to HHS Secretary Sylvia Burwell and to CMS Administrator Slavitt; read those letters [here](#).

Register for the Last Coding & Billing Seminar of 2015 in Las Vegas!

Get the Latest on the LCD Lower Limb Proposal, Prior Authorization, ICD-10 Transition and More

Join AOPA at the Mastering Medicare: Essential Coding & Billing Techniques Seminar. The AOPA experts will keep you updated on the policies that affect you, in addition to the coding and billing knowledge you have come to depend on.



Join your Colleagues November 9-10 in Las Vegas!

At this seminar you will:

- **Get up-to-date information on Hot Topic issues in O&P**
- **Learn how to assess risk areas in your practice;**
- **Learn successful appeal strategies and hints to avoid claim denials;**
- **Practice coding complex devices, including repairs and adjustment**
- **Attend break-out sessions for practitioners and office staff**
- **Earn 14 CEs**

Don't miss the opportunity to experience two jam-packed days of valuable O&P coding and billing information. [Learn more here.](#)

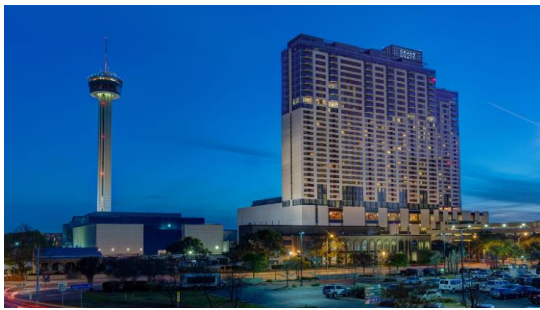
Register Now

Book Your Room Now for the 2015 National Assembly!



**2015 National Assembly ~ October 7-10 ~ San Antonio, TX
Stay Close to the Action!**

Book your room today at the National Assembly Headquarters Hotel: the Grand Hyatt! Hotel rooms are still available Thursday, October 8 - Saturday, October 10 but only for a limited time.



**The Grand Hyatt (Headquarters Hotel)
600 E. Market Street, San Antonio, TX 78205**

Expect the best at the Grand Hyatt San Antonio, one of the city's premier luxury hotels. Enjoy the sleek lines and contemporary decor of spacious guestrooms. Swim laps in the rooftop heated outdoor pool, keep up with your fitness routine in our 24-hour fitness center or challenge yourself to a round of golf at some of the top courses in San Antonio. Complimentary Wi-Fi access in guestrooms and public spaces.

The room rate at the Grand Hyatt is \$229. Book your room with the [convenient online reservation form](#) or call (888) 421-1442.

***Reservations made September 23rd will not be at the special convention rate of \$229.**

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- [Exhibit](#)
- [Exhibitor List](#)



Questions: Visit www.AOPAnet.org or Contact AOPA at (571) 431-0876 or info@AOPAnet.org

Don't Miss Out on the Fun: Register Today for the Wine Auction & Tasting

Registration is still open for the 8th Annual Wine Auction & Tasting being held on Thursday, October 8, from 6:30 to 8:00 PM during the 2015 AOPA National Assembly at the Henry B. Gonzalez Convention Center in San Antonio, Texas. You may register for the event when you register for the 2014 National Assembly or you may [register here](#).

Don't let the name fool you, the auction includes more than just wine. We have bourbon, scotch, cigars and special surprise items, plus a stocked open bar. But don't worry we also have several lots of world class wines. Don't believe us, then take a look at [this year's catalog](#).

So, if you have not made plans yet, be sure to pencil in the time and [register](#) for the 8th Annual Wine Auction & Tasting. The Wine Tasting & Auction is the perfect way to enjoy an evening on the historic San Antonio River Walk.

For more information about the 8th Annual Wine Auction & Tasting [click here](#) or contact Devon Bernard at dbernard@AOPAnet.org.

Upcoming AOPA Events

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| September 30, 2015 | Last day to Register Online for the 2015 National Assembly
Learn more or register online here |
| October 7-10, 2015 | <i>AOPA 2015 National Assembly</i>
San Antonio, TX
Learn more or register online here |
| October 14, 2015 | <i>Understanding the LSO/ TLSO Policy</i>
Webinar Conference
Learn more or register online here |