



American Orthotic & Prosthetic Association

www.AOPAnet.org

AOPA In Advance SmartBrief

Breaking News

December 8, 2016

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<p>U.S. District Court Grants Judgement to Hospital Association, Mandates HHS Remedial Action to Reduce ALJ Waiting Period</p>

In mid-2014, the American Hospital Association (AHA) filed suit against HHS challenging the long delays—far in excess of the statutory limit of 90 days—before RAC audit appeal cases are heard by an administrative law judge (ALJ). Early on, the District Court ruled against AHA, but was overruled by the Court of Appeals. In now ruling in favor of AHA, the Court clearly demonstrated its impatience with the long delays, but also was careful not to try to force the hand of HHS with specific steps. Instead, the Court adopted a remedy with four threshold dates at which HHS is instructed to have reduced the back-up in ALJ hearings by set percentages.

Namely,

By December 31, 2017 – 30% reduction in the backlog

By December 31, 2018 – 60% reduction in the backlog

By December 31, 2019 – 90% reduction in the backlog

By December 31, 2020 – 100% reduction in the backlog

AHA had also proposed the remedy that the Court automatically issue rulings for defendants as January, 2021 for any cases where there was a backlog of more than one year. The Court refused that request, at least for the present, though it left the door open to reconsider that if HHS fails to meet the above targets.

How will this potentially impact O&P RAC claims? O&P RAC claims comprise a disproportionately high percentage of all Part B RAC claims. The lawsuit by AHA involved Part A hospital claims. Nonetheless, AHA is very likely to set some new mechanisms—possibly the opportunity for those appealing audit decisions to accept settlements based on the history of success in appeals. Such a mechanism was previously crafted by HHS and extended to hospitals, but it did not succeed in markedly reducing the ALJ backlog.

Stay tuned, and AOPA will keep you apprised as finally, the courts demand that HHS/CMS take seriously the statutory requirement that entitles a provider who is audited, to receive an ALJ decision within 90 days of filing the appeal. The Court readily acknowledged that, “(T)he agency is also bound by statutorily mandated deadlines, of which it is in flagrant violation as to hundreds of thousands of appeals.”

[Read the memo from United States District Judge James E. Boasberg.](#)

CMS Releases the 2017 DMEPOS Fee Schedule

The Centers for Medicare and Medicaid Services (CMS) has released the [2017 Medicare DMEPOS fee schedule](#) which will be effective for Medicare claims with a date of service on or after January 1, 2017. The 2017 Medicare fee schedule for orthotic and prosthetic services will be increased by 0.7% over 2016 rates. The 0.7% increase is a net reflection of the 1% increase in the Consumer Pricing Index for Urban Areas (CPI-U) from June 2015 through June 2016, combined with the annual Multi-Factor Productivity Adjustment (MFP) of -0.3%.

The 0.7% increase in the O&P Medicare fee schedule for 2017 is relatively good news after the fee schedule was actually reduced by 0.4% in 2016. Unfortunately, the 2% sequestration based reduction to all Medicare payments remains in effect (currently through 2025) meaning that Medicare fee for service payments will continue to be reduced by 2% due to sequestration. While sequestration continues to impact Medicare reimbursement, it is not cumulative. You will still receive 0.7% more for a service you provide in 2017 than you did in 2016 since the 2% sequestration reduction would be applied to both claims.

[Download the 2017 Medicare DMEPOS fee schedule from the CMS website.](#)

As always, AOPA maintains the most current Medicare fee schedule information and will be happy to provide it to AOPA members.

Questions regarding the 2017 Medicare fee schedule may be directed to Joe McTernan at jmcternan@aopanet.org or Devon Bernard at dbernard@aopanet.org.

Join the AOPA Google+ Community

Looking for dialogue with colleagues in a secure, members-only environment? AOPA has opened up a Google Plus Community for responsible conversations about how to advance the profession. You can join the conversation on the [AOPA Google+ Community](#) by visiting and clicking "Ask to Join."



Thank you for your dedication to the advancement of the profession and your involvement in your state's efforts. And again, thank you for your willingness to participate in this forum.

Contact Ashlie White with any questions at awhite@aopanet.org.

Federal Judge Stops U.S. Department of Labor's Overtime Rule

A federal judge has blocked the implementation of an Obama administration rule that would have extended overtime eligibility to workers earning up to \$47,476. The new law was scheduled to be implemented December 1, 2016. The Labor Department's overhaul to the overtime rule required employers to pay time-and-a-half to employees who worked more than 40 hours a week and earned less than \$47,476 a year. The current law remains in effect, with the threshold at \$23,660. [Read the memo from AOPA's legal counsel.](#)

Pedorthic Foundation Provides Financial Assistance through Scholarships



The Pedorthic Foundation has put renewed effort and outreach into scholarship support by awarding 10 scholarships -- important financial assistance to qualified applicants pursuing a career in pedorthics and for continuing education opportunities for the pedorthic footwear/foot care retailing communities.

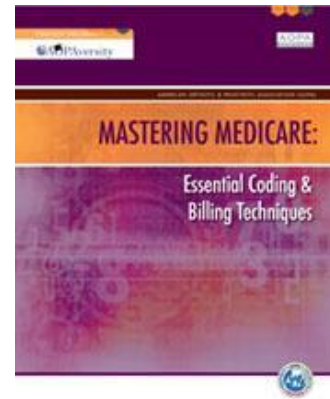
The Pedorthic Foundation supports education and training for students who are seeking pedorthic certification, credentialed pedorthists and retail footwear professionals and employees through its scholarship programs. Tuition support is available through two general pre-certification scholarship funds for students studying and training to become a credentialed Pedorthist. For employees of a pedorthic retail shoe store, there is also the Heather Moore Bernard (HMB) Scholarship Fund for continuing education, conference and/or seminar fees.

Applications and detailed information for scholarship funds and requirements can be found online at pedorthicfoundation.org. Candidates may also call 920-356-1200 or email: info@pedorthicfoundation.org and request an application by mail.

AOPA's In-Demand Coding & Billing Manuals are for Sale

AOPA will be making a limited supply of the Mastering Medicare: Essential Coding and Billing Techniques Manual, used at AOPA's popular Coding and Billing Seminars, available for purchase.

Manuals can be purchased at \$185 plus \$7 shipping and handling. Get yours while supplies last! [Purchase your copy.](#)



The First AOPA Coding & Billing Seminar of 2017 is in Nashville, TN!

The AOPA Coding & Billing Experts are Heading to Nashville January 23-24, 2017!

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.

Join your Colleagues January 23-24 in Nashville!

At this seminar you will:

- Receive up-to-date information on Prior Authorization and other Hot Topics
- Ensure your Proof of Delivery meets Medicare Requirements
- 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



[Register Now](#)

Jurisdiction D DME MAC Releases Pre-Payment Audit Results

Noridian Healthcare Solutions, the current Jurisdiction D DME MAC contractor, has recently released a summary of its pre-payment audit results for knee orthoses described by L1833; ankle foot orthoses described by L1960, L1970, and L4360; spinal orthoses described by L0631 and L0637; and therapeutic shoes described by A5500. The results of audit activity that took place from June through September of 2016 are summarized in the table below.

HCPCS Code	Claim Denial rate
L1833	92%
L1960	76%
L1970	72%
L4360	99%
L0631	100%
L0637	99%
A5500	74%

Common denial reasons for claims included in the pre-payment review were failure to respond to requests for additional documentation (all categories), lack of documentation of the need for a custom fitted orthosis rather than an off the shelf orthosis (knee, spinal orthoses, and walking boots), lack of documentation that supports objective knee instability (knee orthoses), lack of documentation to support the need for a custom fabricated orthosis (L1960 and L1970), and lack of documentation from the certifying physician (therapeutic shoes).

While the high error rate associated with these pre-payment reviews is frustrating, the only way to end a pre-payment review is to successfully pass the pre-payment audit process. While we may believe that the documentation requirements are unreasonable, AOPA members must continue to make every effort to secure the required documentation necessary to support their claims.

Questions regarding this issue may be directed to Joe McTernan at jmcternan@AOPAnet.org or Devon Bernard at dbernard@AOPAnet.org.

Call for Papers for the AOPA 2nd World Congress in Las Vegas

Gain International Recognition * Advance your Career * Improve Patient Care

AOPA is seeking high-quality educational and research content for the Second O&P World Congress to be held September 6-9, 2017 at the Mandalay Bay Resort in Las Vegas, Nevada, USA.



AOPA WORLD CONGRESS
LAS VEGAS | SEPTEMBER 6-9, 2017

Your submissions, will set the stage for a broad curriculum of high-value clinical and scientific offerings at the 2017 World Congress. All free paper abstracts for the 2017 World Congress 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

Receive a complimentary one-day registration (or 50% credit towards a full conference registration) when your free paper is selected as a podium presentation. Those presenting more than one Podium Free Paper will receive a Full Complimentary registration. Poster Presenters will receive a 40% discount off their full conference registration.

CLINICAL FREE PAPERS – Health care professionals with an interest in Orthotics, Prosthetics, Pedorthics and related fields wishing to present a Free Paper should [submit here](#) to have their abstracts considered for presentation at the 2017 World Congress. A model abstract has been provided with additional information [here](#).

The top scoring papers will compete for the prestigious Thranhardt Award. *Topics of interest include but are not limited to:*

- Additive manufacturing
- Microprocessor components
- Bio-sensors
- Powered joints (O&P Applications)
- Socket designs and socket issues
- Public Health topics related to O and P
- Osseointegration
- New and interesting O and P designs and clinical techniques
- Pediatric O and P
- Scoliosis
- Evidence based practice

SYMPOSIA/INSTRUCTIONAL COURSE – If you are interested in organizing a Symposium or Instructional Course, then please [submit here](#).

TECHNICIAN PROGRAM – If you would like your Technical education paper considered for submission in the Technical Track, please [submit your paper here](#). Topics of interest include but are not limited to:

- CAD and/or CAM applications
- The role of the technician in the CAD CAM environment
- The role of the technician in the Additive Manufacturing environment
- New and Cutting edge fabrication techniques and processes

BUSINESS EDUCATION PROGRAM – Are you a seasoned business professional with significant experience in managing an orthotics and prosthetics patient care or manufacturing business? Share your successes at the AOPA hosted World Congress and compete for the prestigious Sam E. Hamontree Business Education Award. The winner of the Hamontree award will take home \$1,000. Learn more or [submit your business paper here](#).

Register for AOPA's 2017 Webinar Series

**WEBINAR
WEDNESDAYS**



AOPA's 2017 Webinar topics have been announced! Register for the whole series to earn 1.5 credits and get 2 free Webinars! Just \$990 for members and \$1990 for non-members.

January 11- O&P Clinical Documentation: Who Needs to Document and What You Need to Document

February 8 - LSO/TLSO Policy

March 8 - Marketing Your Business

April 12 - Grassroots Advocacy

May 10- Modifiers: What do they mean and when to use them

June 14- Internal Audits: The Why and the How of Conducting Self-Audits

July 12 - Know Your Resources: Where to Look to Find the Answers

August 9 - What the Medicare Audit Data Tells Us & How to Avoid Common Errors

September 13 - ABC Inspections & Accreditation

October 11 - AFO/KAFO Policy

November 8 -Gift Giving: Show Your Thanks & Remain Compliant

December 13 - New Codes & Other Updates for 2018

Questions? Contact rgleeson@AOPAnet.org. Looking for 2016 webinars or individual webinars? [Visit here.](#)

REGISTER NOW

Upcoming AOPA Events

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| December 14, 2016 | <i>New Codes and What Lies Ahead for 2017</i>
AOPA Webinar
Learn more and register here |
| January 11, 2017 | <i>O&P Clinical Documentation: Who Needs to Document and What You Need to Document</i>
AOPA Webinar
Learn more and register here |
| January 23-24, 2017 | <i>Coding & Billing Seminar</i>
Nashville, TN
Learn more and register here |