



American Orthotic & Prosthetic Association

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**AOPA In Advance SmartBrief**  
***Breaking News***  
**November 8, 2018**

**AOPA Headlines:**

**[CMS Proposes OTS Spinal Orthoses and OTS Knee Orthoses as Product Categories for Next Round of Competitive Bidding](#)**

**[HCPCS Code Changes for 2019](#)**

**[CMS Releases Final Rule on DMEPOS Competitive Bidding and Potential Changes to Gap Filling Methodology](#)**

**[DME MACs Announce a Minor Revision to the LCD for Lower Limb Prostheses](#)**

**[QIC Independent Contractor Formal Telephone Discussion Demo has been Expanded to Jurisdiction A & B](#)**

**[AOPA 2019 National Assembly Call for Papers](#)**

**[CMS Introduces New Documentation Look-Up Service Initiative](#)**

**[DME MACs Release Revised “Dear Physician” Letter Regarding General Documentation Requirements](#)**

**[AOPA Board Addresses and Provides Guidance on Issues of Non-Discrimination and Anti-Harassment in the Workplace](#)**

**[2019 AOPA Webinars Announced](#)**

**[Upcoming Events](#)**

**CMS Proposes OTS Spinal Orthoses and OTS Knee Orthoses as Product Categories for Next Round of Competitive Bidding**

On November 1, 2018, the Centers for Medicare and Medicaid Services (CMS) announced that it is soliciting comments on its proposed inclusion of off-the-shelf spinal orthoses and off-the-shelf knee orthoses as product categories in the next round of Medicare competitive bidding. This announcement came on the same day that the final rule on changes to the competitive bidding program was announced. Ironically, a provision of the final rule was the announcement of a delay in the implementation of future rounds of competitive bidding until at least January 1, 2021. While the impact of inclusion of OTS spinal and knee orthoses will not be felt for at least two years, the recent CMS announcement represents the first indication that OTS orthoses of any kind will be included in competitive bidding.

There is a total of 16 OTS spinal orthoses and 8 OTS knee orthoses that have been identified for inclusion in the competitive bidding program. AOPA has performed preliminary analysis on the codes included in the proposal and traditional O&P providers are responsible for less than 15% of

overall claims submitted to Medicare for the codes in question. While these codes do not represent a large portion of a typical O&P practices business, AOPA continues to believe that no orthoses should be subject to competitive bidding and will be submitting comments to CMS indicating that competitive bidding for OTS orthoses is not in the best interest of patients or the Medicare program. [The CMS announcement may be viewed here](#). Comments must be submitted by December 3, 2018.

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).

## HCPCS Code Changes for 2019

The Centers for Medicare and Medicaid Services (CMS) has released the new Healthcare Common Procedure Coding System (HCPCS) codes for 2019, and there were a few minor changes. Below is a complete breakdown of the code changes which will be effective for claims with a date of service on or after January 1, 2019.

### New Codes

Code	Descriptor
A5514	For diabetics only, multiple density inserts, made by direct carving with cam technology from a rectified cad model created from a digitized scan of the patient, total contact with patient's foot, including arch, base layer minimum of 3/16 inch material of shore a 35 durometer (or higher), includes arch filler and other shaping material, custom fabricated, each
L8701	Powered upper extremity range of motion assist device, elbow, wrist, hand with single or double upright(s), includes microprocessor, sensors, all components and accessories, custom fabricated
L8702	Powered upper extremity range of motion assist device, elbow, wrist, hand, finger, single or double upright(s), includes microprocessor, sensors, all components and accessories, custom fabricated

### Changes in Code Descriptors

Code	New Descriptor	Old Descriptor
A5513	For diabetics only, multiple density inserts, custom molded from model of patient's foot, total contact with patient's foot, including arch, base layer minimum of 3/16 inch material of shore a 35 durometer (or higher), includes arch filler and other	For diabetics only, multiple density inserts, custom molded from model of patient's foot, total contact with patient's foot, including arch, base layer minimum of 3/16 inch material of shore a 35 durometer or higher, includes arch filler and other shaping material, custom fabricated, each

	shaping material, custom fabricated, each	
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The change in the descriptor is a minor grammatical change, and not an actual change in the code verbiage. The new descriptor places parenthesis around the phrase or higher. The change makes the descriptor in line with the verbiage of the A5512 and the new A5514.

### Deleted Codes

Code	Descriptor
K0903	For diabetics only, multiple density inserts, made by direct carving with cam technology from a rectified cad model created from a digitized scan of the patient, total contact with patient's foot, including arch, base layer minimum of 3/16 inch material of shore a 35 durometer (or higher), includes arch filler and other shaping material, custom fabricated, each

The temporary K code, K0903, which has been active since April 1, 2018 has been deleted and will be cross walked to the newly created A5514 code.

**AOPA's** Coding and Reimbursement Committee will review the list of changes and provide appropriate comments to CMS.

As a reminder registration is still open for the [December 12, 2018 AOPAversity webinar](#) (New Codes, Medicare Changes & Updates), which will focus on the changes to the HCPCS code set and any other upcoming Medicare changes which may impact your business in 2019.

Questions regarding the code changes 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).

<b>CMS Releases Final Rule on DMEPOS Competitive Bidding and Potential Changes to Gap Filling Methodology</b>
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On November 1, 2018 the Centers for Medicare and Medicaid Services (CMS) published a final rule that addressed changes to the DMEPOS Competitive Bidding program and potential changes to the gap filling methodology that is currently used to establish Medicare fee schedules for new HCPCS codes.

The final rule followed a proposed rule that was published on July 11, 2018. AOPA submitted comments on the proposed rule on September 10, 2018. The competitive bidding and gap filling provisions addressed in the final rule are part of the larger final rule entitled, "*Medicare Program; End-Stage Renal Disease Prospective Payment System, Payment for Renal Dialysis Services Furnished to Individuals with Acute Kidney Injury, End-Stage Renal Disease Quality Incentive Program, Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program (CBP) and Fee Schedule Amounts, and Technical Amendments to Correct Existing Regulations Related to the CBP for Certain DMEPOS*". This is a rule that is published annually to update the Prospective Payment system for the Medicare prospective payment system for the Medicare End

Stage Renal Disease program but has also been used to announce changes to the DMEPOS competitive bidding program.

The final rule confirmed that there will be at least a two year pause in the Medicare DMEPOS competitive bidding program while the provisions of the final rule are implemented, and new contract proposals are solicited and evaluated for award. In the final rule, CMS does not expect the next round of competitive bidding to begin prior to January 1, 2021.

The provision of the proposed rule that is of greater immediate interest to AOPA members is one that requested input on improving the gap filling methodology that is currently used to establish Medicare fee schedule amounts for new HCPCS codes. In the proposed rule, CMS announced that it was soliciting comments on how to improve the gap filling process. In its comments, AOPA recommended that the gap filling process must be completely transparent and must be modernized to include accurate resources when establishing Medicare fees. While CMS received significant comments on the gap filling process, it declined to initiate any changes to the gap filling process as part of the final rule. The final rule only acknowledged the comments on the gap filling process and indicated that it would consider the recommendations that were submitted. AOPA will continue to communicate with CMS regarding ways to improve the gap filling process and will report any changes to AOPA members.

#### **DME MACs Announce a Minor Revision to the LCD for Lower Limb Prostheses**

On November 1, 2018, the four Durable Medical Equipment Medicare Administrative Contractors (DME MACs) released an updated Local Coverage Determination (LCD) for lower limb prostheses. Since the changes to the LCD were minimal and do not restrict coverage, the notice and comment period required by the 21st Century Cures Act does not apply to this revision.

The only change to the LCD was the removal of the patient weight range (110 lbs to 275 lbs) for coverage of L5859--Addition to lower extremity prosthesis, endoskeletal knee shin system, powered and programmable flexion/extension assist control, includes any type motor(s). All other requirements for coverage of L5859 remain the same.

AOPA continually reviews the Medicare LCDs and Policy Articles for changes such as this and will keep you informed when they occur.

#### **Qualified Independent Contractor (QIC) Formal Telephone Discussion Demonstration Has Been Expanded to Jurisdictions A & B**

On January 01, 2016, CMS launched the QIC Telephone Discussion Demonstration project to determine if engagement between suppliers and the QIC could improve the understanding of the cause of appeal denials, and lead to increased proper claim submissions. The project was originally only limited to certain DME claims, however in October 2016, the project was expanded to include all DME claim types, including orthotics and prosthetics, but only in Jurisdictions C and D.

CMS has recently announced that the Formal Telephone Discussion Demonstration has been expanded to include Jurisdictions A & B starting on November 1, 2018.

Participation in the telephone discussion demonstration is voluntary, but unfortunately there is no way to “sign up” for this program. Your claim(s) must be selected for review by representatives of the QIC, currently that contractor is C2C solutions. C2C Solutions reviews reconsideration requests to identify appeals that may benefit from participation in the telephone discussion process. Eligible suppliers are then offered the opportunity to engage in a telephone discussion with QIC prior to the issuance of the reconsideration decision.

This extra step allows suppliers to discuss the facts of the appeal directly with C2C medical review staff and to submit any missing documentation that may have been identified by C2C. Early results of the initial phases of the demonstration project proved to be very successful with a denial overturn rate approaching 86%.

Questions? Contact Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org).

### AOPA 2019 National Assembly Call for Papers

The AOPA National Assembly Clinical Sessions Workgroup has issued a call for papers for the 102<sup>nd</sup> Annual AOPA National Assembly to be held September 25-28, 2019 in San Diego, California. The submission deadline is March 25, 2019. Share your expertise and advance your career by being part of the country’s longest serving and largest meeting for the orthotic, prosthetic and pedorthic profession.

- Papers are being accepted for podium, poster and/or symposium sessions for each of the five concurrent education tracks (orthotic, prosthetic, pedorthic, technician, and business). For more information or to submit a paper go to our dedicated web page <http://www.aopanet.org/education/2019-aopa-national-assembly/call-for-papers/>
- All submission must be submitted electronically.
- Before submitting a paper, please review the model abstract which also provides additional information about the submission process. The model abstract is available at <http://www.aopanet.org/wp-content/uploads/2018/10/National-Assembly-Abstract-Template-Model-1.pdf>

#### For general information about the Assembly

Visit: <http://www.aopanet.org/education/2019-aopa-national-assembly/>

Email: [Assembly@AOPAnet.org](mailto:Assembly@AOPAnet.org) or call Ryan Gleeson at (571) 431-0836.



### CMS Introduces New Documentation Look-Up Service Initiative

The Centers for Medicare and Medicaid Services held a special Open-Door Forum conference call on Tuesday, October 23, 2018, to educate the public about a new initiative tasked with developing an online resource where providers and suppliers can look up the documentation requirements necessary for Medicare to cover a service or item.

The goals of the Documentation Requirement Lookup Service prototype are to reduce provider burden, reduce improper payments and appeals, and improve "provider to payer" information

exchange. CMS is currently recruiting providers and suppliers to pilot the prototype system. The initial pilot project will be populated with the following information:

1. If Medicare FFS requires prior authorization for a given item or service; and
2. Documentation requirements for Oxygen and Continuous Positive Airway Pressure Devices.

The slide presentation from the conference call can be [accessed here](#).

Additional information about the Documentation Requirement Lookup Service Initiative can be [found here](#).

### DME MACs Release Revised “Dear Physician” Letter Regarding General Documentation Requirements

The four Durable Medical Equipment Medicare Administrative Contractors (DME MACs) have recently released a revised version of the “Dear Physician” letter that addresses the need for prescribing physicians to support the medical necessity of the DMEPOS services they prescribe through proper clinical documentation in the patient’s medical record. While the revisions to the Dear Physician letter were not significant from previous versions of the long-standing letter, the revision provides a reminder that for DMEPOS items or services to be covered, they must **always** be supported by physician documentation.

O&P won a battle in February 2018, with the enactment of Section 50402, which recognized the clinical notes of orthotists and prosthetists as part of the medical record for purposes of medical necessity determinations. While the legislative change essentially reset the clock back to 2011 and reversed the now retired Dear Physician letter for lower limb prostheses that said that O&P notes were not considered part of the medical record, Section 50402 **DID NOT** convey to O&P prescribing rights and **DID NOT** eliminate the need for physician notes supporting the medical need for O&P services they prescribe. Section 50402 specifically indicates that while orthotist and prosthetist notes are now part of the medical record, they are corroborative, and cannot, standing alone, trigger a finding of medical necessity.

The recognition of orthotist and prosthetist notes as part of the medical record is a long sought-after result, and one of great pride for AOPA but it is important to remember the crucial role of physician partners in documenting the medical need for O&P services they prescribe.

The revised Dear Physician letter regarding general documentation was just one of many minor revisions made to the Dear Physician letters. Most of the revised Dear Physician letters do not apply to O&P services. This includes the recently revised Dear Physician letter regarding face-to-face visit and written orders prior to delivery for certain DMEPOS items. It is important to remember that these specific requirements do not apply to O&P services as O&P services are specifically exempt from these requirements.

AOPA continually monitors the DME MAC websites for substantive changes to the Dear Physician letters that affect O&P providers and will communicate them to AOPA members immediately.

The revised Dear Physician letter on general documentation requirements may be viewed by clicking [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).

## AOPA Board Addresses and Provides Guidance on Issues of Non-Discrimination and Anti-Harassment in the Workplace

At its most recent meeting on September 24 at the AOPA National Assembly in Vancouver, the AOPA Board unanimously adopted the following statement, and determined to both include this in *AOPA Code of Interactions with Health Care Professionals*, and to recommend it to all AOPA Members (educational programming in support of this statement is being considered):

### **Nondiscrimination/Anti-Harassment in the Workplace**

AOPA member companies, as assembled groups of healthcare professionals, must operate in full compliance with all federal and state laws, including those that govern discriminatory practices. Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. By way of accreditation, it is established that O&P facility owners operate with compliance plans that adhere to these tenets and condemn any form of discriminatory practices in the workplace. *Every employee is entitled to fair treatment in the workplace.* Any violation of these conditions is not consistent with the standing of AOPA member companies as assembled groups of healthcare professionals and is not consistent with this Code. More importantly, any violation of these conditions is almost certainly illegal, and punishable under state or federal laws.

AOPA also provided input on this issue to the O&P Alliance at its meeting in Vancouver which resulted in establishment of an Alliance Work Group on this item. AOPA has since submitted suggested language for an open letter from the O&P Alliance.

## 2019 AOPA Webinars Announced

AOPA is pleased to announce the topics for its 2019 Webinars, which take place on the second Wednesday of each month at 1:00 P.M. Eastern Time. [Register here.](#)

January 9: Understanding the Knee Orthoses Policy  
February 13: Patient Outcomes: Best Practices & How to Use Them  
March 13: Advanced Beneficiary Notice: Get to Know the ABN Form  
April 10: Shoes, External Breast Prostheses, Surgical Dressings and Other Policies  
May 8: Are You Compliant-Know the Supplier Standards  
June 12: Documentation-Understanding Your Role  
July 10: T.P.E – Get to Know the Program & What the Results are Telling You  
August 14: Are You Ready for the Worst: Contingency Planning  
September 11: Veteran Affairs Updates: Contracting, Special Reports and Other News  
October 9: Performance Reviews: How is Your Staff Doing?  
November 13: The Holiday Season-How to Provide Compliant Gifts  
December 11: New Codes for 2020, Other Updates and Yearly Round-Up

Sign up for the entire series and get two conferences FREE. Entire Series (\$990 Members/\$1,990 Non-Members). [Register here.](#)

## Upcoming AOPA Events

- November 4-10, 2018      *AOPA Healthcare Compliance & Ethic's Week*  
AOPA Sponsored Events  
[Learn more here](#)
- November 12-13      *Mastering Medicare: Advanced Coding and Billing Techniques*  
The Tropicana Resort, Las Vegas, Nevada  
[Learn more here](#)
- November 14, 2018      *Evaluating Your Compliance Plan & Procedures: How to Audit Your Practice*  
AOPA Webinar  
[Learn more and register here](#)
- December 12, 2018      *New Codes, Medicare Changes & Updates*  
AOPA Webinar  
[Learn more and register here](#)
- January 4-6, 2019      AOPA Leadership Conference  
Scottsdale, Arizona  
[Learn more here](#)