



**American Orthotic &
Prosthetic Association**

AOPA in Advance

Breaking News for O&P Professionals

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Volume 16, Number 1

The Fusion™ Foot
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Newsletter Feedback

We invite your comments and questions. Please contact Steven Rybicki at srybicki@AOPAnet.org or (571) 431-0835.

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O&P NEWS

PDAC Product Labeling Authority Questioned

As reported in the [October 18, 2011 issue of AOPA in Advance](#), the Medicare Pricing, Data Analysis, and Coding contractor (PDAC) has recently published an announcement that any product that is subject to a PDAC coding verification review must be permanently labeled. According to the PDAC, the label must contain the manufacturer's name, product name and model number.

AOPA continues to question whether PDAC has the authority to require labeling of O&P devices and has been pursuing a strategy of trying to challenge the PDAC effort. Three documents support **AOPA** position. First, one of **AOPA's** lobbying firms, Foley Hoag, has issued a memorandum, over the signature of Thomas Barker, a former HHS General Counsel, which confirms the absence of clear CMS statutory authority to require labeling citing that only the FDA has clear authority in that area over medical devices. Second, **AOPA** has secured a legal opinion from Richard Cooper of Williams & Connolly, and a former Chief Counsel of the FDA, who has advised **AOPA** on previous FDA matters. Mr. Cooper's letter states clearly that neither CMS nor PDAC has been granted the statutory authority to require the labeling of O&P medical devices. Finally, **AOPA's** Executive Director Tom Fise sent a letter to CMS reiterating the points made in the other two documents.

[Click here to read the Foley Hoag memorandum to CMS.](#)

[Click here to read Richard Cooper's legal opinion on the matter.](#)

[Click here to read AOPA Executive Director Tom Fise's letter to CMS.](#)

Questions? Contact Steven Rybicki at srybicki@AOPAnet.org or (571) 431-0835.

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First Coding & Billing Seminar of 2012: Early Bird Registration is Extended for Tampa, FL

The early bird registration for the first **AOPA**versity Essential Coding and Billing Techniques Seminar of 2012 has been extended until Wednesday, January 18. Attendees who register prior to January 18, 2012 will receive a discount off the regular tuition price.

Don't miss out on this chance to save and join **AOPA's** coding and billing experts in sunny Florida. The seminar will be held at the Hyatt Regency in downtown Tampa, Florida on February 6-7.

AOPA has secured the competitive room rate of \$147 per night at the Hyatt Regency. Don't miss the opportunity to experience two days of valuable O&P coding and billing information, and earn 14 continuing education credits.

The Essential Coding and Billing Seminar includes breakout sessions for practitioners and administrators that will focus on each group's specific interests and educational needs.

What You Will Learn

- Medical Policies
- Hints on better documentation

- How to audit your charts

In the breakout session Practitioners will cover:

- Coding Principles
- How to code complex devices
- Coding of repairs and adjustments
- Usage of '99 codes
- Mutually exclusive codes

In the breakout session Administrators will cover:

- The Quality and Supplier Standards
- Strategies for handling appeals and denials
- How to handle unique billing situations
- How to use the ABN
- Modifiers

With the new revitalized format, you now have the ability to submit your specific questions ahead of time and the **AOPA** experts will be sure to answer all these questions. Register for the seminar now to learn what you want to learn and what you need to learn.

[Click here to register for the February 6-7 AOPA Essential Coding and Billing Techniques Seminar.](#)

Questions? Contact Stephen Custer at (571) 431-0876 or scuster@AOPAnet.org or Devon Bernard at (571) 431-0854 or dbernard@AOPAnet.org.

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AOPA Members Meet with Elected Representatives Regarding Emerging O&P Threats

As **AOPA** moves forward on plans to increase mobilization and interaction between members and their elected representatives, **AOPA** has received feedback from some of those members. On the issue of FDA enforcement changes and concerns with burdensome CMS requirements that have been affecting O&P, **AOPA** member Aaron Sorenson spoke with Rep. Marsha Blackburn, vice-chairwoman of the House the Commerce, Manufacturing and Trade subcommittee. Mr. Sorenson indicated that Rep. Blackburn was receptive to his remarks and put him in contact with members of her staff so that Mr. Sorenson will be able to submit written testimony on these issues to be used in relevant hearings.

To address the current FDA-related issues, **AOPA** has produced an FDA compliance manual (which was shipped in 2011 to all **AOPA** member companies) and will be offering a FDA compliance workshop in Baltimore on February 24. Please see the full notice describing the workshop below. The main goal of the FDA compliance workshop will be to educate members on the compliance policies required of O&P by the FDA. Penalties are severe if your company is in non-compliance ranging from fines to product recall.

In an additional meeting with an elected official, **AOPA** members in Oregon have mobilized to confront threats to cut reimbursements under Oregon's Health Plan and possibly deny coverage of benefits of O&P devices for Oregon's Medicaid beneficiaries. **AOPA** is assisting members in Oregon in a manner similar to how it has worked with members in Arizona, Nevada, Minnesota, and Texas: consulting with members and providing strategic and tactical guidance and public relations assistance in ways that members in those states judge to be most appropriate for the situation in their states.

Harold Anderson, CO and Derrick Kleiner, CPO met with their state representative, Tim Freeman, a

co-author of a bill that proposes to restructure the Oregon Health Plan. In the meeting Rep. Freeman indicated he did not know whether O&P benefits were being eliminated in the bill. Accordingly, in follow-up communications Mr. Anderson and Mr. Kleiner emailed to Rep. Freeman the document which contained a clause eliminating O&P benefits. On the topic of how O&P patients would be affected by the changes being proposed in the bill, Rep. Freeman indicated that those patient concerns should be directed to the appropriate Coordinating Care Organization (CCO) that is being set up to allocate Oregon Health Plan funds. Mr. Anderson and Mr. Kleiner, did note that Rep. Freeman seemed to be sympathetic to their concern that eliminating O&P benefits in the Oregon Health Plan would damage the ability to provide regional care for wounded war veterans. Mr. Anderson and Mr. Kleiner concluded from this meeting that continuing to pursue meetings such as this and advocacy for O&P care and patients should continue as ways of protecting O&P as this budget debate moves forward. **AOPA** will continue to assist Oregon members in this vital issue.

Questions? Contact Catherine Graf at cgraf@AOPAnet.org or (571) 431-0807.

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2012 AOPA FDA Compliance Workshop

Join **AOPA** on February 24, 2012 in Baltimore, MD at the Sheraton Inner Harbor for an exclusive one-day seminar examining the compliance policies required of O&P by the US Food and Drug Administration (FDA). FDA regulatory compliance awareness is important to provide O&P manufacturers, suppliers, component manufacturers, and distributors with a basic understanding of FDA regulations that apply to the O&P industry. Regulatory compliance training is critical for ensuring your organization's understanding of applicable FDA regulations as it relates to manufacturing & distributing practices, medical devices & device classification, and forms, fees, and key contacts. Penalties are severe if your company is in non-compliance ranging from fines to product recall.

AOPA is offering this compliance training in the wake of reports from members of increased FDA activity. A major interest is whether FDA good manufacturing practices (GMP) applies to O&P Patient Care Facilities, especially those with central fabrication companies.

[Click here to register.](#)

Questions? Catherine Graf at cgraf@AOPAnet.org or (571) 431-0807 with content questions. And contact Steve Custer at scuster@AOPAnet.org or 571/431-0876 with registration questions.

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PDAC Releases Coding Guidelines for AFOs

The Pricing, Data Analysis and Coding (PDAC) Contractor for Medicare recently released coding guidelines for three L codes related to Ankle Foot Orthoses (AFO). In order for the L2340 (addition to lower extremity, pre-tibial shell, molded to patient model), to be added to an AFO it must provide a rigid overlapping interlocking anterior tibial control between the tibial tuberosity and extend to a point no greater than 3 inches proximal to the medial malleolus. The L2340 must also be fabricated from thermosetting materials, thermoplastics, or composite type materials.

In order to bill for an L1906 (AFO, multiligamentous ankle support, prefabricated, includes fitting and adjustment), the AFO must provide control of the ankle joint between the medial and lateral malleoli while allowing for dorsiflexion and plantar flexion and include wrap around straps, a rigid stirrup and foot plate, which provides functional tracking of the ankle with hind-foot and mid-foot stability during ambulation. The PDAC has also stated that no addition codes may be added to the L1906.

Also, effective for claims with dates of service on or after April 1, 2012, the only products which may be billed to Medicare using code L1906 are those which have been reviewed and listed on the PDAC website. After April 1, 2012 if a product is not listed on the PDAC website it must be coded as an

A9270, and will be considered non-covered by Medicare.

Lastly, in order for an AFO to be considered an L1960 (AFO, Posterior solid ankle, plastic, custom fabricated), the proximal border should extend to a height no greater than 1.5 inches distal to the apex of the head of the fibula.

[Click here to read the full announcement.](#)

Questions? Contact Joe McTernan at (571) 431-0811 or jmcternan@AOPAnet.org or Devon Bernard at (571) 431-0854 or dbernard@AOPAnet.org.

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Affordable Care Act "Sunshine" Rule for Increased Transparency in Health Care

CMS released a proposed rule that is aimed at increasing the transparency of financial relationships between drug and device manufacturers and certain health care providers. CMS's goal with this proposed rule is to reduce the potential for conflicts of interest that physicians or teaching hospitals may have arising from financial relationships with manufacturers. The proposed rule requires that transfers of value or payments to physicians and teaching hospitals by manufacturers of drugs, devices, biologicals, and medical supplies covered by Medicare, Medicaid or CHIP be reported to CMS. Additionally, manufacturers (and group purchasing organizations (GPOs)), must also disclose to CMS any physician ownership or investment interests.

These reported payments and interests will be published for public review. However, prior to publication manufacturers, GPOs, physicians and teaching hospitals will be provided the opportunity to review and correct information.

Failure to report required information may result in civil monetary penalties. Manufacturers and GPOs do not need to start data collection until the final regulation is issued. The final regulation is expected to be issued in 2012. Comments on the proposed rule will be accepted until Feb. 17, 2012.

[Click here to review the proposed "sunshine" rule.](#)

Questions? Catherine Graf at cgraf@AOPAnet.org or (571) 431-0807.

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DMEPOS Competitive Bidding Timeline Announced

CMS announced the timeline for the DMEPOS Competitive Bidding Program Round Two. The timeline, which includes target dates, can be found [here](#). Notice of the actual dates will be announced via the DMEPOS Competitive Bidding listserv.

[Click here to sign-up for the DMEPOS Competitive Bidding listserv.](#)

Questions? Catherine Graf at cgraf@AOPAnet.org or (571) 431-0807.

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CMS Announces 32 Health Systems to Participate in Pioneer ACO Program

The Pioneer ACO program, not to be confused with the Medicare Shared Savings Program, is one of CMS' options for value-based payment models. The Pioneer ACO Model was designed for providers who already have experience coordinating care for patients. CMS announced that 32 health systems were chosen to participate in the Pioneer ACO Model. CMS' goal with this initiative is to "test the

effectiveness of several innovative payment models and how they can help experienced organizations provide better care for beneficiaries, work in coordination with private payers, and reduce Medicare cost growth." According to CMS, successful payment models under this Program that improve care and lower cost growth will allow organizations to move away from the fee-for-service system to being paid based on the value of the care provided.

[Click here for the list of providers participating in Pioneer ACO program.](#)

Questions? Catherine Graf at cgraf@AOPAnet.org or (571) 431-0807.

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Revised ABN Reminder

As a reminder mandatory use of the new ABN form, CMS-R-131 (3/11), began on January 1, 2012. The new form is available for download from the Center for Medicare & Medicaid Services (CMS) website.

[Click here to access the form.](#)

In order for an ABN to be considered valid by Medicare, it is mandatory that you use the approved CMS ABN form. To verify that you are using the proper ABN form, check the lower left hand corner of your ABN form, it should read Form CMS-R-131 (03/11) and not Form CMS-R-131 (03/08).

Questions? Contact Devon Bernard at dbernard@AOPAnet.org or (571) 431-0854, or Joe McTernan at jmcternan@AOPAnet.org or (571) 431-0811.

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O&P PAC Corner

The O&P PAC Corner provides updates on the activities of the O&P PAC, including the names of individuals who have made recent donations to the O&P PAC and the names of candidates the O&P PAC has supported. The O&P PAC would like to thank all those who supported the efforts of the O&P PAC in 2011.

[Click here to view a list of 2011 O&P PAC Donors and Supporters.](#)

The purpose of the O&P PAC is to advocate for legislative or political interests at the federal level, which have an impact on the orthotic and prosthetic community. The O&P PAC achieves this goal by working closely with members of the House, Senate and other officials running for office to educate them about the issues, and help elect those individuals who support the orthotic and prosthetic community.

In order to participate in and receive information about the O&P PAC, federal law mandates that you must first sign an authorization form.

[Click here to view and sign an O&P PAC authorization form.](#)

Questions? Contact Devon Bernard at dbernard@AOPAnet.org or (571) 431-0854, or Catherine Graf at cgraf@AOPAnet.org or (571) 431-0807.

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Announcing 2012 Policy Forum: April 17-18 in Washington, DC

The Policy Forum is once again being held at the L'Enfant Plaza Hotel in Washington, DC on April

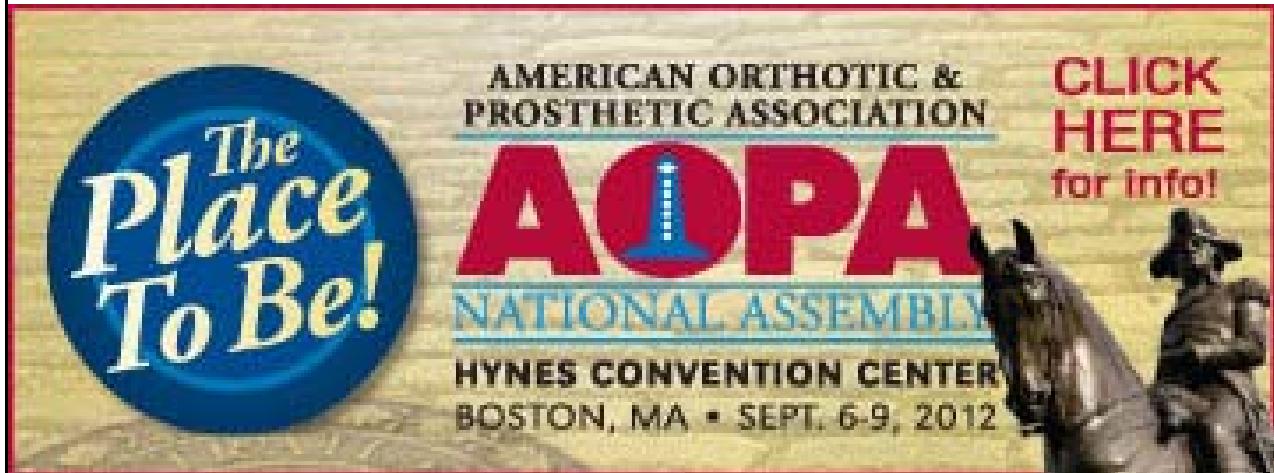
17-18. Join **AOPA** and your fellow colleagues to learn about important federal policy issues and meet with your legislators to advocate on behalf of critical issues affecting the O & P field. Make a difference for the entire profession and enjoy our historic city, with easy access to all the attractions of our nation's capital from this ideal location. Registration is \$125 per person.

[Click here for more information about the 2012 AOPA Policy Forum.](#)

[Click here to register for the 2012 AOPA Policy Forum.](#)

Questions? Contact Catherine Graf at cgraf@AOPAnet.org or (571) 431-0807.

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2012 AOPA National Assembly: A Call for Papers

AOPA is excited to announce this "Call for Papers" for the **95th Annual AOPA National Assembly to be held September 6-9, 2012 in downtown Boston**. The "call for papers" requests that all interested presenters submit an abstract of their proposed scientific paper or description of their proposed business paper. Presentations will be selected from among papers received by the **AOPA** Assembly Program Committee. Currently, submissions are being accepted for the following **AOPA** National Assembly programs and awards:

- **Clinical Presentations and Award Winning Thranhardt Lectures:** 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 2012 **AOPA** National Assembly. [Click here to submit your Clinical Abstracts.](#)
- **Business Presentations and Sam E. Hamontree, CP Award Submissions:** **AOPA** is looking for qualified O&P professionals and business management experts who have significant business experience. Join the ranks of our profession's recognized experts and share your knowledge and know-how at the 2012 **AOPA** National Assembly. [Click here to submit your business presentation for consideration as a general business program or the Hamontree Award.](#)
- **Poster Presentations:** Present your research findings or a particular case presentation at the 2012 **AOPA** National Assembly. Presentations should be a graphical display in a poster format using photographs, diagrams, flowcharts and graphs and any sample educational materials developed. Applications for poster presentations will be accepted through July 1, 2012. [Click here to submit abstracts for a poster presentation.](#)
- **Otto and Lucille Becker Award** will be presented for the best orthotic abstract submitted and the **Edwin and Kathryn Arbogast Award** for the best prosthetic abstract submitted by a qualifying student or resident. [Click here if you are a student and/or resident to submit your abstract.](#)

Eligible presenters will receive a complimentary full-conference registration for the 2012 **AOPA** National Assembly. Due to programming time constraints and the volume of abstracts typically received by the committee, please remember that only top-quality papers will be accepted for presentation at the 2012 Assembly. Submissions for Clinical and Business Presentations will be accepted through January 31 and Poster Submissions will be accepted through July 31.

Questions? Contact Tina Moran at tmoran@AOPAnet.org or (571) 431-0808.

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Announcing the 2012 Audio Conference Series from AOPA

AOPA has confirmed the dates and topics for its 2012 Audio Conferences. These one hour sessions come to you in the comfort of your office on the second Wednesday of each month at 1:00 PM Eastern. This series provides an outstanding opportunity for you and your staff to stay abreast of the latest hot topics in O&P, as well as gain clarification and ask questions on topics that you may not understand as fully as you would like to.

Seminars are priced at just \$99 per line for members (\$199 for non-members). Buy the series and get two free; members pay just \$990 and non-members pay \$1990. If you purchase all the conferences, all conferences from months prior to your purchase of the set will be sent to you as CDs.

These convenient one-hour telephone seminars are designed to fit easily into your busy schedule. Any practitioners needing credit can get 1.5 per audio conference by returning the provided quiz within 30 days and scoring at least 80 percent. Billing staff and others who don't need credit can nonetheless gain information they will use right away. The topics for 2011 are:

- January 11: RAC Audits, What Are They and How to Prepare
- Feb. 8: Resources for O&P Patient Care Facilities
- March 14: AFO/KAFO Policy - What You Need to Know
- April 11: Network and Market Your Way to Success
- May 9: Contracting 101
- June 13: Improving Your Bottom Line
- July 11: Perfecting the Intake Process
- August 8: The Ins and Outs of Advance Beneficiary Notices (ABNs)
- September 12: How to Get Paid for Orthopedic and Diabetic Shoes
- October 10: What Every O&P Facility Needs to Know about the FDA
- November 14: Medicare Enrollment Procedures
- December 12: Are You Ready for the New Year? 2013 New Codes and Policies

[Click here to register for any 2012 Audio Conference.](#)

If you miss an audio conference, it will be available on CD after the fact. Cost is the same as if you participate live (\$99/\$199). We hope you'll be able to join us for this year's series.

Questions? Contact Stephen Custer at scuster@AOPAnet.org (571) 431-0876.

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O&P RESOURCES FROM AOPA

Check Out the AOPA Job Board for New Opportunities in O&P

If you need a position filled at your business or are interested in looking at other job possibilities within the O&P field, check out the [AOPA Online Job Board](#). The online job board sports a freshly updated look and an easy-to-navigate profile creation system.

And remember: if you advertise on the Online Job Board and decide to also advertise in the O&P

Almanac, then you'll receive a 5 percent discount on the cost of advertising in the *Almanac* and on the Job Board.

Questions? Contact Steven Rybicki at srybicki@AOPAnet.org or (571) 431-0835.

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O&P INSIDER'S TRACK

The Only Up-to-the Minute O&P Newsline

People in the News

[The American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. \(ABC\)](#) announced the leadership transition of its Board of Directors.

- President: Donald D. Virostek, CPO;
- Board Member: Christopher J. Fairman, CPO;
- Board Member: Deborah Merritt Plescia, CPO
- Public Board Member: Anthony Sertick, Jr.

As part of ABC's annual leadership transition, Mr. Virostek takes over the presidency from **John M. Kenney, CPO, FAAOP** of Lexington, Ky. Mr. Kenney will continue to serve ABC as Immediate Past President of the board.

[The Amputee Coalition](#) has elected **Mahesh Mansukhani**, president of [Össur Americas](#), to serve a three-year term on the organization's Board of Directors.

The [Board of Certification/Accreditation, International \(BOC\)](#) elected its 2012 Executive Committee, and selected two new members for its Board of Directors, effective January 1, 2012. The elected members include:

- Chairman: **John Kenney, BOCO**;
- Vice chair and Board Member: **Jim Hewlett, BOCO**;
- Secretary: **Jeff Hedges**;
- Treasurer: **Bill Powers**;
- Re-elected as member-at-large: **Jim Newberry, BOCPO**;
- Re-elected as Board Member: **Terri McLeod, COF, CMF**;
- Board Member: **Ronnie Bias, BOCPO, CPO, CPed**;
- Public Board Member: **Scott Lane**.

The **BOC** Executive Committee will serve for a one-year term beginning in January. **Sharon Nichelson**, who served as Chairwoman of the BOC Board for two terms, 2010 and 2011, will remain on the Executive Committee as Immediate Past Chairwoman.

Nabtesco and [Proteor](#) announce the hiring of **Leslie Roberts, CP, MSS** as their Clinical and Technical Services Manager. Ms. Roberts will head the companies' clinical education efforts, work with national distributors, and conduct workshop and CEU courses.

[Otto Bock](#) announced the hiring of **Robert Schmidt** as a Technical Orthopedics sales representative.

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Businesses in the News

[Ability Prosthetics & Orthotics, Inc.](#) recently opened its tenth patient care facility in Mechanicsburg, Pennsylvania.

[The American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. \(ABC\)](#) its new interactive licensure map, easily accessible from the [ABC home page](#).

[The Amputee Coalition](#) and the [Minnesota Warriors Ice Hockey Program](#), an ice hockey team of disabled American veterans, have formed a partnership to promote and grow the team. The Minnesota Warriors Hockey Recruitment Initiative, powered by a \$20,000 grant from the U.S. Olympic Committee through Veterans Affairs, will be a joint effort to build recognition and recruitment for the team by enhancing marketing, media and fundraising efforts.

The [California Orthotic & Prosthetic Association \(COPA\)](#) announced its 2nd Annual COPA Educational Event on Friday, March 2, 2012 at CSUDH O&P Program in Long Beach, California. [Click here for more information](#).

[Essentially Women](#) announced that its 12th annual Educational Conference and Tradeshow, will take place on March 11 - 13, 2012 in Orlando, Florida.

Nabtesco and [Proteor](#) announced their partnership in the United States and have established their headquarters in Muskego, WI.

[OPAF](#) has changed its name to the **Orthotic & Prosthetic Activities Foundation**.

[OPAF](#) & The First Clinics announced that [Allard USA](#) has remained a Silver Level Sponsor for 2012

[OPAF](#) & The First Clinics and [Gulbrandson Orthotics & Prosthetics](#), will host a First Dance Clinic on Sunday, February 12 at the Holiday Inn Crystal Lake from 2-5 pm. First Dance is adaptive social dancing for those with physical challenges. The event will be held on.

[WillowWood](#) was recognized by the *Columbus Business First* newspaper as one of the top 50 places to work in central Ohio.

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Send Us Your News!

The next **AOPA in Advance** will arrive in your inbox on January 24. So if you have a new employee or a new office, tell us! Share your news with the over 15,000 readers of the *O&P Almanac* and **AOPA In Advance** newsletter. Contact Steven Rybicki at srybicki@AOPAnet.org.

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