



American Orthotic &
Prosthetic Association

AOPA in Advance

Breaking News for O&P Professionals

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SPECIAL EDITION

O&P News

Release of Institute of Medicine Recommendations Marks Another Benchmark in Defining Essential Health Benefits Package Under Health Care Reform Law

Determination that orthotics and prosthetics be included within the definition of essential health benefits is of critical importance to everyone in the O&P field. While we believe the case is very strong that O&P should be included under the category of habilitative and rehabilitative services defined by the statute, the final decision rests with the Secretary of HHS (click [here](#) and [here](#) to read about AOPA efforts with HHS and others advancing this issue). On October 7, the Institute of Medicine provided its long-awaited report to HHS. The IOM had been contracted by HHS, not to define what should or should not be considered part of the essential health benefits package (EHB), but to make a series of recommendations on how the decision should be made, and to offer key topics/factors that the Secretary should consider.

Those who were looking for some decision, or even clear signals toward a final decision about orthotics and prosthetics will come away disappointed by the 297-page report—the words orthotics and prosthetics do not appear at all in the body of the report (they are referenced in the appendices under some comparisons to what is covered in plans by insurers such as Aetna, CIGNA, United and Wellpoint coverages). Some key findings/comments from the report include:

1. the EHB decision should focus on what is included in a typical small employer health plan to help ensure the affordability criteria;
2. there is a recommendation that nothing be included which does not fall within the 10 categories defined in the law (including habilitative and rehabilitative treatment and devices), and that not everything that falls under those 10 categories are necessarily essential—and expansion in some plans will be needed just to encompass those 10;
3. medical necessity should be a prerequisite for anything to be included;
4. a special committee (referred to as the National Benefits Advisory Council) is recommended to help HHS with determinations of additions/refinements over time to the EHB, but with the stipulation that pre-set cost target limit initial EHB inclusion, and subsequent additions cannot increase the average premium cost of the plans;
5. evidence-based practice and comparative effectiveness research should be a key determinant in considering potential ongoing re-assessments of and additions to the EHBs;
6. There are several references, including specific mentions of habilitative and rehabilitative services, recognizing the need to avoid discrimination in the EHBs against persons with disabilities, and under-served individuals with special needs.

7. Distinguished from the Department of Labor report which stated prevalence of the O&P benefit at 46%, the IOM report references a Mercer report with prosthetics at 86%!
8. In the appendices, prosthetics appears to be covered by most insurer plans, but there appears to be some vacillation in understanding of orthotics (and less universality of coverage in existing plans)-references to the term seem to reference more about shoes than demonstrate a recognition of the unique status of customized orthopedic bracing. Within the body of the report however, there are clearer references to rehabilitative aids to help restore keys functions, including mobility, and a specific reference to such functions in patients with multiple sclerosis.

The next step will likely be for HHS to prepare a draft regulation to define the EHB more specifically, and there seems a clear plan for inclusion of public input, probably via special "town hall" type events, as well as by opportunity to comment on a written proposal. AOPA will provide some comments to HHS about the IOM report, as well as monitoring, participating, and informing members when/how they can provide input. Please see the links below in the event that you wish to review: (1) the executive summary as well as selected excerpts from the report as to portions with greatest interest to O&P interests ([available by clicking here](#)); and/or (2) to review the entire report ([available by clicking here](#)).

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

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