



A TOPIC AOPA IS WORKING ON THAT IS IMPORTANT TO THE FUTURE OF YOUR BUSINESS

The Crazy Never Stops!

This is probably the biggest Catch-22 that's come down the pike stemming from Medicare's over the top RAC audit program. Now the folks who inject some reality into the claims appeal process in overturning the egregious claims denials, the Administrative Law Judges, won't even schedule your appeal for a hearing

for at least the next two years. Then who knows when the hearing would actually take place. Probably it will be months, maybe even more than a year after it gets scheduled. So we're not talking the 90 days for resolution required by the law but years for ALJ resolution. What a fix providers are in—and it applies across the board.

The Core of the Issue

The Office of Medicare Hearings and Appeals in a Memorandum that AOPA first saw on January 6, 2014 informed providers of their temporary suspension in assigning most new requests for an Administrative Law Judge to allow OMHA to adjudicate 375,000 claims already assigned to their 65 ALJ's. Their announcement said, "This temporary measure was necessitated by a dramatic increase in the number of decisions being appealed to OMHA." The memorandum went on to note their backlog has gone from 92,000 pending appeals to more than 460,000 in less than two years. No surprise here! OMHA acknowledged that average wait time for a hearing has risen to 16 months. AOPA members report even longer wait times—waits extending as long as 26 months.



Why Is It Important To You?

There is no end in sight so even though your ALJ appeal request may have been in the queue for the last several months, if it was filed after the suspension's July 15, 2013 effective date, it may just languish in the pending file for roughly another two years. AOPA members have to carefully plan how they are going to continue to provide care, particularly on those services that have already had claims denials. What options are available? Darn few.

What Is AOPA Doing About This?

AOPA immediately began educating legislators who already have expressed outrage at how these audits have affected patients and providers in O&P and in other areas. A letter to Administrator Tavenner was sent January 27, 2014 demanding CMS suspend all RAC, CERT, ZPIC and other audits, "until CMS and HHS put their house in order so that ALJ hearings are available within 90 days to conform to the law."

“Join your colleagues if you haven't already done so in contacting your legislators through the easy and quick to use www.AOPAVotes.org.”

AOPA's letter stated that "the policies and actions of CMS and your contractors (many of whom are compensated on a 'bounty' system) have already strangled the cash flow for principled and legitimate O&P health professionals through draconian, and unjustified audits to the point of putting roughly 100 such practices out of business." There is likely many more than 100 O&P business casualties but the actual number is hard to document.

As of February 24, 2014 the AOPAVotes web site has helped 337 AOPA members generate 1124 letters to 260 Members of Congress and the outrage keeps growing. But, you can add the ALJ problem as one more very important reason to the list of "why you must attend," the AOPA Policy Forum because it's no longer should attend the AOPA Policy Forum.

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The American Hospital Association also influenced Congress to weigh in on the RAC audit overreach by urging their Congressional advocates to write Secretary Sebelius. One hundred and eleven Members of Congress joined in signing on to the letter which called on the Secretary to "recommend that CMS consider dedicating additional resources to help resolve OMHA's backlog issue in order for the claims appeal process to resume as usual. Furthermore, we strongly urge CMS to immediately reform the RAC process."

AOPA also attended the Office of Medicare Hearings and Appeals (OMHA) forum held February 12, 2014 which further explained delays and how OMHA is trying to deal with the huge backlog. The concerns and efforts expressed in the OMHA session are laudable but still from AOPA's standpoint, they come up decidedly short. Unfortunately, the ALJ process is really the only due process right that O&P professionals and other providers have at their disposal to try to reverse the overreaching 'long arm' of the government in 'clawing back' huge sums of legitimate claims paid-moneys which without such recourse puts small business providers out of business.

The Bottom Line

AOPA is doing everything possible in mounting pressure from all sources to suspend audits until the appeals process is resolved and that's why self interest alone should convince you to be part of the upcoming AOPA Policy Forum event April 2-4 at the Renaissance Hotel in downtown Washington, DC. There's a new format providing you not only the basic Policy Forum experience with briefings and Congressional visits but to really make your trip to Washington more valuable, a third day has been added

with great take home value. It all starts with a 11 a.m. State Reps meeting on Tuesday, April 2nd, followed by a 11:45 a.m., Congressional fundraiser reception preceding the 1 p.m. kick off for the Policy Forum program with the all important briefings sessions. A 5:30 p.m. PAC Fundraiser Reception is followed by a 6:30 p.m. reception and dinner. The second day starts with a review of talking points and Your Mock Congressional Visit—great preparation for the Congressional visits ahead. A compare notes de-briefing session at 3:15 p.m. is followed by a 5 p.m. to 8 p.m. special business and clinical education program with a nuts and bolts presentations on how Washington will impact your business, primers on Appropriations money flowing to research and education, the key role of the Congressional Budget Office, new payment models ACOs, DRGs, Post Acute Care Bundling as well as suing Medicare.

The third day program runs from 8:30 a.m. to 1:00 p.m. and will cover the all important steps of how you can avoid RAC/Pre-Payment audits and how to win if you get them. You'll receive guidance on how to avoid becoming a witness against yourself in billing the new Off-the-shelf orthotic codes. There will be more on taking your claims all the way to the ALJ and how to win followed by what you need to know about FDA regulations and the new Unique Device Identifier System, how to keep complaint files and central fabrication compliance issues. Complete details at www.AOPAnet.org. We hope to see you there.

Very truly yours,



Thomas F. Fise, JD
AOPA Executive Director



You can make a difference.

**AOPA 2014
POLICY FORUM**

APRIL 2-3, 2014
Special Extended Program April 3-4



**RENAISSANCE HOTEL
WASHINGTON, DC**

TENTATIVE SCHEDULE

WEDNESDAY April 2

11:45 AM	O&P PAC Fundraiser <i>(optional event)</i>
12:30 PM	Policy Forum General Sessions
	<ul style="list-style-type: none"> • The Horrific RACs Era for Prosthetics, Where Are We, and Where/When (If Ever) Might It End? • Emerging RAC Fairness Legislation • Appeals to the ALJs and AOPA's Litigation • Research and Education-Appropriations, VA, DoD—Where Are We Now? • Competitive Bidding—Off the Shelf (OTS), New HCPCS Codes—How Does It All Make Sense? • Post Acute Care Bundling—Risk of O&P Being "One of the Many" • Medicare O&P Improvements Act, H.R. 3112—curbing fraud and abuse • Appropriations, Funding for Research & Education, S 521/S.522
4:45 PM	O&P PAC Fundraiser <i>(optional event)</i>
6:30 PM	Reception and Dinner <i>(included)</i>

THURSDAY April 3

7:30 AM	Breakfast and General Session
	<ul style="list-style-type: none"> • Review of Talking Points • Mock Congressional Visit
8:30 AM – 3 PM	Congressional Visits
Noon	Lunch
3:15 PM	Debriefing Session

EXTENDED VALUE PROGRAMMING

THURSDAY April 3

5 – 8 PM	Extended Value Bottom Line Programming/Dinner
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FRIDAY April 4

8 AM – 1 PM	Solutions to RAC, HCPCS Coding, ALJ Appeals and FDA/Breakfast & Lunch
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Registration is open. Register at www.AOPAnet.org. Make your plans now to attend the 2014 AOPA Policy Forum.

April is Limb Loss Awareness Month

What better way to support the profession than to participate in the annual Policy Forum, April 2-3 at the Renaissance Hotel in Washington, DC, with extended educational programs offered April 3-4.

Meet your member of congress and tell them how Orthotics & Prosthetics *Mobility Saves Lives (and Money)*

www.AOPAnet.org