



American Orthotic & Prosthetic Association

www.AOPAnet.org

## **AOPA In Advance SmartBrief**

*Breaking News*

August 27, 2015

### **AOPA Headlines:**

[\*\*A Chronology and Summary Comments on the Events of August 25-26 Relating to the DME MAC Proposed LCD on Lower Limb Prosthetics\*\*](#)

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### **A Chronology and Summary Comments on the Events of August 25-26 Relating to the DME MAC Proposed LCD on Lower Limb Prosthetics**

We started with a Tuesday press advisory which included AC and AOPA—Senator Bob Kerrey, Charles Dankmeyer, Adrienne Haslet-Davis, Drs. Paul Pasquina and Stephen Fisher, and Amputee Coalition President Dan Berschinski. It began the tide of press interest which carried over to the August 26<sup>th</sup> events. The DME MAC hearing attracted roughly 200 amputees, to hear 81 witnesses speak for 3 minutes each—roughly 50 addressing prosthetics and ALL opposing the DME MAC proposal. AOPA President Charles Dankmeyer, CPO, Tom Watson, CP, Boston Bombing Amputee Adrienne Haslet-Davis and Executive Director Tom Fise each made presentations for AOPA. Spirits were high as the DME MAC Medical Directors listened without comment or note-taking to 5 solid hours of presenters.

The scene shifted to the Amputee Patient Rally at the HHS Headquarters. Approximately 150 amputees attended, carrying signs, marching, chanting, and sharing stories (see photos below). Last week, AOPA Executive Director [\*\*Tom Fise had written to HHS Secretary Burwell\*\*](#), informing her of the planned rally, and offering to meet with her. It came as a surprise when late Tuesday night, NAAOP Counsel Peter Thomas and Tom Fise received a reply offering a 4 pm meeting to 8 individuals with CMS Administrator Slavitt, the Senior Counsel to the HHS Secretary, Kevin Thurm, Deputy CMS Administrator Sean Cavanaugh (AOPA had met with Mr. Cavanaugh previously, on August 11) CMS Chief Medical Officer Patrick Conway, MD, And HHS' Sharon Lewis along with other senior officials.

The O&P community was represented by 5 amputees among the group of 8 which consisted of: AOPA President Charles Dankmeyer, CPO; Tom Watson, CP; Adrienne Haslet-Davis, NAAOP President Dave McGill, Jack Richmond and Sue Stout from the Amputee Coalition, NAAOP Counsel Peter Thomas and AOPA's Tom Fise. The group had a good, and hopefully productive meeting with CMS/HHS folks. The official CMS press release can be seen (below). From AOPA's perspective, CMS officials underscored that cost and financial concerns are not an appropriate basis for writing or changing an LCD, and that such decisions must have a strong evidence basis, and that assuring high quality of patient care for Medicare beneficiaries is a paramount concern. Some strong attention focused on the [letter from researchers](#) (Jim Campbell, PhD, CO; working with Wendy Beattie, CPO; Gary Berke, MS, CP; Jason Highsmith, PhD, DPT, CP) and others had prepared and presented at the DME MAC session a powerful statement which was shared for the CMS/HHS officials, and the asserted absence of evidence-based rationale. The CMS officials indicated that there will be follow-up conversations with the DME MACs, and if those discussions lead to strong emphasis on evidence and high quality patient care, I think it would point to a very different kind of LCD, one that may prompt some of the concerns expressed in various forms yesterday to be allayed.

Very modest, quick feedback from a source on Capitol Hill reporting word from CMS that any action advancing a final LCD won't restrict access.

The rally and other events surrounding the LCD policy have been heavily featured in the media. Below are some photos and links to the media stories generated.

Overall, a very good day for O&P, as our TV and print messages continue to appear in major outlets seen by D.C. policymakers (in today's Hill, Washington Post and on TV news programs). Below the press release is the media list of links through 11 a.m today

#### TEXT OF CMS PRESS RELEASE

Readout of Senior CMS and HHS Officials' Meeting with Amputee Advocates  
Importance: High

#### FOR IMMEDIATE RELEASE

August 26, 2015

Readout of Senior CMS and HHS Officials' Meeting with Amputee Advocates  
Today, senior officials from CMS and HHS met with individuals and representatives of groups concerned with a recent policy proposal issued by regional Medicare payment contractors regarding coverage of lower-limb prosthetics. CMS and HHS officials expressed the critical importance of Medicare beneficiaries' access to appropriate and medically necessary lower-limb prosthetics, and appreciated hearing personal stories and comments on the proposal from the group.

As the proposal is still open for public comment, CMS and HHS officials stressed that stakeholders' input was vital to the process as the Medicare regional payment contractors finalize a new policy. CMS officials said they would work with the

regional contractors' medical directors so that any final policy is supported by clinical evidence and does not limit necessary services for Medicare beneficiaries.

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Senior CMS and HHS officials participating:

Andy Slavitt, Acting Administrator, Centers for Medicare and Medicaid Services  
Dr. Patrick Conway, Acting Principal Deputy Administrator, Centers for Medicare and Medicaid Services

Sean Cavanaugh, Deputy Administrator and Director of the Center for Medicare, Centers for Medicare and Medicaid Services

Kevin Thurm, Senior Counselor to the HHS Secretary, Department of Health and Human Services

Sharon Lewis, Senior Disability Policy Advisor to the HHS Secretary and Principal Deputy Administrator, Administration for Community Living

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1. [Associated Press \(as appearing on ABCNews.com\)](#)
2. [CNN](#)
3. [The Washington Post](#)
4. [Scripps Media](#)
5. [UPI](#)
6. [Politico.com](#)
7. [Baltimore Sun](#)
8. [Baltimore Sun – Story #2](#)
9. [Washington Examiner](#)
10. [Columbus \(OH\) Dispatch](#)
11. [Minneapolis Star Tribune](#)
12. [Palm Beach Post](#)
13. [Richmond Times-Dispatch – photo feature and news story](#)
14. [Ventura County Star](#)
15. [Memphis Commercial Appeal](#)
16. [Naples Daily News](#)
17. [Knoxville \(TN\) News Sentinel](#)
18. [Chattanooga Times Free-Press](#)
19. [ABC15 TV/Phoenix, AZ](#)
20. [WXYZ/Detroit, MI](#)
21. [KSHB TV/Kansas City, KS](#)
22. [10News TV/San Diego, CA](#)
23. [WMAR TV/Baltimore](#)
24. [WCPO/Cincinnati, OH](#)
25. [WRTV TV/Indianapolis, IN](#)
26. [ABC Action News/Tampa Bay, FL](#)
27. [Richmond.com](#)
28. [WTVR TV Richmond VA](#)
29. [WGNO TV/Metairie & New Orleans](#)
30. [WKMG TV/Orlando, FL](#)
31. [Good Morning Chattanooga, ABC](#)
32. [Connecticut Post, Hearst News](#)
33. [KERO 23 TV/Bakersfield, CA](#)
34. [WISC TV/Madison, WI](#)
35. [WTN Talk Radio/Nashville, TN](#)
36. [KMJ Talk Radio/Fresno CA](#)
37. [Roanoke \(VA\) Times](#)
38. [WKBW TV/Buffalo NY](#)
39. [WDBJ TV/Roanoke VA](#)
40. [KKOH Talk Radio/Reno, NV](#)
41. [WRBL TV/Columbus GA](#)
42. [KXLH TV/Helena, MT](#)
43. [KTRV TV/Great Falls, MT](#)
44. [WVNN Radio/Athens, AL](#)
45. [WDTN TV/Dayton OH](#)
46. [Fox 8 TV/High Point NC](#)
47. [WPSD TV/Paducah KY](#)
48. [KTUL TV/Tulsa, OK](#)
49. [Redding \(CA\) Record Searchlight](#)
50. [Evansville \(IN\) Courier & Press](#)
51. [Anderson \(SC\) Independent Mail](#)
52. [San Angelo \(TX\) Standard Times](#)
53. [Kitsap \(WA\) Sun](#)
54. [WWLP TV/Springfield, MA](#)
55. [WPTZ TV/Plattsburgh, NY](#)
56. [Storm Lake \(IA\) Pilot-Tribune](#)
57. [Insurance News Net](#)
58. [MD Magazine](#)

- 59. [Nurse.com](#)
- 60. [Rehab Management](#)
- 61. [Tech Times](#)
- 62. [New Mobility magazine](#)
- 63. [Healio](#)
- 64. [Healio](#) – story #2
- 65. [O&P magazine](#)
- 66. [Surgical Products](#)
- 71.
- 72. [NY Times](#)

- 67. [Disabled World magazine](#)
- 68. [National Center for Public Policy Research blog](#)
- 69. [Strategic Health Care Weekly e-Bulletin](#)
- 70. [Strategic Health Care Weekly e-Bulletin](#)



The comment period ends August 31 – make sure to send your comments through [www.AOPAvotes.org](http://www.AOPAvotes.org). To date, 1307 practitioners and 2445 patients have submitted letters to the DME MACs and to their Congressional representatives through AOPAvotes. More than 800 patients have returned postcards with letters for AOPA to submit on their behalf.

## Download the 2015 National Assembly App



### Download the 2015 National Assembly App

- Get up to date information regarding the National Assembly
- Easily view the agenda and set up your own personal schedule
- Interact with colleagues
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- Review speaker bios

...but that's not all

- Learn About AOPA
- Review the O&P Almanac
- See how membership with AOPA has its benefits
- Get current with Hot Issues
- See how Mobility Saves
- Visit the AOPA Bookstore
- Access the AOPA Membership Directory
- Connect with AOPA through social media
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Download the app by either scanning the QR code or by visiting [www.tripbuildermedia.com/apps/aopa365](http://www.tripbuildermedia.com/apps/aopa365)

**Register online:** <https://www.expotrashows.com/aopa/2015/>

**General Information:** <http://www.aopanet.org/education/2015-assembly/>

**Hotel Reservations:** <http://www.aopanet.org/education/2015-assembly/5151-2/>

**Questions:** Visit [www.AOPANet.org](http://www.AOPANet.org) or Contact AOPA at (571) 431-0876 or [info@AOPANet.org](mailto:info@AOPANet.org)

## Exclusive Offer for AOPA in Advance Readers



For information about the show, scan the QR code with a code reader on your smartphone or visit [www.AOPAnet.org](http://www.AOPAnet.org).

**O&P Almanac readers are invited** to tour the AOPA National Assembly Exhibit Hall on Saturday, October 10 at the Henry B. Gonzalez Convention Center in San Antonio. You may choose to pre-register online at [bit.ly/aopa2015](http://bit.ly/aopa2015) and use the promocode OPALMANAC (Be sure to select the registration category, Exhibit Hall Only and then Saturday, Oct. 10) or you may choose to bring the adjacent coupon to the registration desk in San Antonio. Earn 3 ABC Category II and 5 BOC Category II CE credits for completing the Exhibit Hall form onsite.

**Valid for Admission** to the AOPA National Assembly Exhibit Hall Only on Saturday, October 10, 2015  
Henry B. Gonzalez Convention Center  
San Antonio, Texas

free admission **\$75 Value** free admission

Cannot be combined with any other offer. Valid on Saturday, October 10 only.  
Compliments of 

AOPAnet.org 

## Upcoming AOPA Events

- September 1, 2015      Last Day of *Early Bird Registration* for the 2015 National Assembly  
[Learn more or register online here](#)
- September 9, 2015      *Prior Authorization, How Does it Work?*  
Webinar Conference  
[Learn more or register online here](#)
- October 7-10, 2015      *AOPA 2015 National Assembly*  
San Antonio, TX  
[Learn more or register online here](#)