



American Orthotic & Prosthetic Association

www.AOPAnet.org

## **AOPA In Advance SmartBrief**

*Breaking News*

January 24, 2017

### **AOPA Headlines:**

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### **Upcoming Events**

<p><b>An Interim Report from the AOPA Board Meeting Relating to the Proposed Regs under BIPA 427; and In Depth Summary of the Proposed Regulations</b></p>
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As was stated in our notice last week, AOPA greatly applauds CMS for finally releasing the Proposed Regulation under BIPA 427. The proposal is far from perfect. That, coupled with: (a) the start of the new Trump Administration and the prospect that the Administration could easily view the Proposed regulations favorably as an effort to regulate business; and (b) the fact that all signs indicate there is likelihood of several business interests in potential opposition to the rule make it critically important that AOPA, AOPA members and everyone in the prosthetics and orthotics community provide thoughtful and comprehensive comments by the March 13 deadline.

The AOPA Board of Directors met on Monday, January 16 to discuss key aspects of AOPA's position. The most dominant takeaways from those deliberations were that:

- (1) AOPA will establish a 2-3 week "listening period" when we will invite and encourage AOPA members to review the ten or so categories of potential concerns which likely will need to be addressed in AOPA's comments, AOPA will be surveying members,

that is, inviting input from members around a series of questions we will frame around aspects of the proposed regulation; and

- (2) AOPA has created a committee of Board members composed of 3 patient care professionals and 1 orthotic manufacturer—all four AOPA Board members-- to guide interim decision-making on this issue.

We have asked AOPA's outside legal counsel, Alston & Bird, to prepare a comprehensive summary of the BIPA proposed rule, which may be [viewed by clicking here](#). We also urge you to provide your feedback using the AOPA listening period survey/input" tool. [Click here to take the survey](#).

AOPA will be listening, securing your input before formulating our comments between now and the end of January. At that point, AOPA will also prepare a mechanism to facilitate members submitting their own comments to CMS on the proposed regulation.

In closing, we note with interest two concepts highlighted in a recent article by BNA about the proposed BIPA 427 reg.

*A CMS spokesman told Bloomberg BNA, the proposal began appearing on the CMS regulatory agenda around the time of a 2013 letter to the Department of Health and Human Services from 35 House members suggesting that implementing the law could reduce fraud.*

[Click here to view the letter](#). Those who attended AOPA's 2013 Policy Forum and urged legislators to sign this letter can now see how their advocacy delivered results—mark your calendars for the 2017 AOPA Policy Forum, May 24-25—you can make a difference!)

*A beneficiary advocate, however, expressed concern that implementation of strict requirements on practitioners and suppliers could harm beneficiary access to needed items. "For example, qualified suppliers who submit claims for equipment that were not furnished by an entity that meets these requirements risks revocation of their Medicare enrollment and eligibility to submit claims for any DMEPOS items or services," Ashkon Roozbehani, an attorney for the Center for Medicare Advocacy, told Bloomberg BNA. "A reduction in the number of qualified suppliers available to a beneficiary in their locality may result in loss of access to otherwise unattainable medically necessary items and services."*

A very important tactical issue in light all of the above, and which is included in the "AOPA Listening Survey" is that it appears there may be as many as six groups that potentially might oppose the Proposed BIPA regulation. So, among other topics, AOPA will be seeking your thoughts including crystallizing the tactical choice between the very difficult odds in the new Administration of pulling through the proposed regulation applicable to all those persons essentially as written vs. an improved prospect if we are open to some give and take to solidify support (and blunt the poignant criticism that this is an anti-business regulation) by at least some of the potential opponents—do we take a cue perhaps learning from the long history of negotiated rulemaking conflict, etc., or do remain absolutely resolute on the terms exactly as written, even if doing so greatly diminishes the prospect of getting any BIPA 427 qualified provider rule through the process to have the force of law? As noted above, AOPA has created a committee of Board members composed of 3 patient care professionals and 1 orthotic manufacturer—all four AOPA Board members-- to guide

interim decision-making on this issue and all content aspects of its position after reviewing AOPA member input and feedback.

### **Jurisdiction D DME MAC Releases Quarterly Audit Results**

Noridian, the DME MAC for Jurisdiction D, recently released the results of their ongoing audits of Knee Orthoses and Spinal Orthoses. Noridian reviewed 1,529 claims between July 2016 and October 2016 focusing on L1832, L1843, L0648 and L0650. Here were the results:

- L1832: 153 claims reviewed and 152 claims were denied
- L1848: 115 claims reviewed and 114 claims were denied
- L0648: 402 claims reviewed and 315 claims were denied
- L0650: 859 claims were reviewed and 750 claims were denied

Based on these results Noridian will continue its widespread prepayment reviews for L1832, L1843, L0648 and L0650.

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

### **CMS Announces Proposed Rule on O&P Qualified Providers**

Last week, CMS released a proposed rule that would enact the long awaited provisions of Section 1834(h) of the Social Security Act which "requires that no Medicare payment shall be made for an item of custom-fabricated orthotics or for an item of prosthetics unless furnished by a qualified practitioner and fabricated by a qualified practitioner or a qualified supplier at a facility that meets criteria the Secretary determines appropriate. The statute also establishes requirements for both qualified suppliers and qualified practitioners. The proposed rule would implement these provisions." [Read the full press release from CMS.](#)

Based on the press release, in the most general and preliminary terms, these provisions appear to be in line with what AOPA has supported with the Medicare O&P Improvements Act in defining qualified providers as those accredited with ABC or BOC and that only qualified providers can submit claims for prosthetics or custom-fabricated orthotics. That said, clearly, there are areas of the proposed regulations which will require revisions, edits and improvements, via comments to be prepared and submitted by AOPA and others in the O&P profession. Further analysis of the rule is underway.

This proposal straddles two Administrations - published as a proposal at the end of the Obama Administration, to be acted upon by the new Trump Administration. It will take some time before we even know the new Administration's regulatory intentions as to O&P, and what priority they may or may not have to move this forward.

CMS will accept comments on the proposed rule over a 60 day period from the time the proposed rule appears in the Federal Registrar- with a deadline of March 13, 2017 and will

respond to comments in a final rule. AOPA is currently analyzing the rule and will provide a more detailed summary once it becomes available. [Read the proposed rule.](#)

Questions regarding this announcement may be directed to Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org).

### **Revised Medicare Application for DMEPOS Suppliers**

Medicare has updated their standard enrollment application, the CMS-855S form. The new form should be used for any new enrollments or changes in information for existing suppliers as of January 1, 2017. A copy of the new enrollment form may be found on the CMS website or the National Supplier Clearinghouse website.

There are no substantial changes to the form, but the new form will allow for better data collection on the types of services and items being provided by DMEPOS suppliers. The revised form also includes information and instructions on the application fee and fingerprinting requirements.

If you are uncertain if you are using the old version or the new version of the 855S form just examine the lower left-hand corner of any page on the form and if it reads “CMS-855S (05/16) “ then you are using the revised form.

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

### **AOPA Policy Forum Dates Announced – May 24-25**



#### **Mark Your Calendars!**

AOPA's 2017 Policy Forum will be held May 24-25 in Washington, DC. The Policy Forum is your best opportunity to learn the latest legislative and regulatory details and how they will affect you, your business and your patients. Make your voice heard by meeting with your Members of Congress to offer common sense solutions and share how the O&P profession restores lives and puts people back to work.

### **DME MACs Announce Format Change for LCDs**

The four Durable Medical Equipment Medicare Administrative Contractors (DME MACs) have recently announced that there will be a change to the existing format for Local Coverage Determinations (LCDs). Specifically, the general documentation requirements that apply to all Medicare covered services will be removed from individual LCDs and will be published as a single Policy Article that will apply to all Medicare covered services. The DME MACs have stated in the past that revising and reissuing every LCD to reflect minor changes in general documentation language seemed redundant and overly time consuming.

The DME MACs will be revising the LCDs once the General Documentation Policy Article is written and published.

While this format change does not create any new policies regarding Medicare coverage of O&P services, O&P providers will still be required to meet all of the general documentation requirements even though they will no longer be published as part of every LCD. AOPA will work with the DME MAC Medical Directors to ensure that the General Documentation Policy Article is consistent with what is currently published in individual LCDs and will work to ensure that providers are educated properly regarding general requirements for Medicare coverage.

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)

### Exhibit at the 2017 AOPA O&P World Congress in Las Vegas

AOPA is currently accepting exhibit applications for the 2017 AOPA O&P World Congress, which is to be held September 6-9, 2017 in Las Vegas, Nevada in conjunction with AOPA's 100<sup>th</sup> Anniversary Celebration. Now is your chance to sign up and showcase your products at the largest O&P tradeshow in the Western Hemisphere. This world-wide convention opportunity features 4 days of high-level networking, exhibits, the latest techniques in O&P treatment, and the finest industry specific business and clinical training programs. We hope you make plans to join us. The first Congress was a great learning experience for all and with your participation we can create a larger and even more successful event.

#### Why you should attend:

- Research and Development expenditures in the United States are more than \$95 billion, making the United States the leader in medical innovation and creating the ideal location for a unique gathering of high visibility and importance.
- Superior Clinical Education featuring the best speakers from around the world. Hear from physicians, researchers and top-notch practitioners.
- Practical Learning and live demonstrations
- Learn how U.S. Health Care reform continues to influence patient care and global health policy.
- Networking with an elite and influential group of professionals.
- Largest Display of exhibits in the United States for the orthotic, prosthetic and pedorthic profession.
- Ideal U.S. Location chosen for travel ease and popularity.



#### Exhibiting at this important global event will give you the opportunity to:

- Build your customer base and increase sales;
- Experience face-to-face time with existing customers to answer questions and build relationships;

- Enjoy sponsored networking opportunities, including an opening reception in the exhibit hall;
- Take advantage of fun traffic building opportunities;
- Increase visibility for your company/organization in a targeted market;
- Host a Manufactures Workshop and/or Product Preview Theater;
- Take advantage of education sessions to learn what's happening with health care reform, Medicare, and other regulatory agencies that affect your bottom line;
- Speak to AOPA coding experts to learn what' is happening with U.S. government sponsored healthcare programs and what you need to do to sell your products in the U.S.

**Check out these Exhibit Hall attractions, designed to bring customers to your booth:**

- The Welcome Reception in the Exhibit Hall;
- O&P Happy-Hour Reception in the Exhibit Hall;
- Coffee Breaks and Lunch in the Exhibit Hall;
- Continuous Product Preview Theater presentations (PPTs) in the Exhibit Hall;
- Mobile device charging stations in the Exhibit Hall;
- Clinical poster presentations;
- Free advertisements for exhibitor raffles and new product launches;
- Free copy of post-show attendee list;
- Free product index in exhibitor directory;
- Free listing in the mobile app;
- Free internet link from show web site to your company web site;
- Many inexpensive sponsorship opportunities to market your presence; and
- Much more!

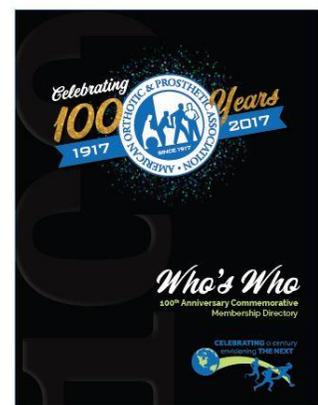
[Sign up today to exhibit at the 2017 AOPA O&P World Congress.](#) Contact Kelly O'Neill with any questions at [koneill@AOPAnet.org](mailto:koneill@AOPAnet.org) or call (571) 431-0852.

**AOPA Celebrates 100 Years in 2017 – Become a Part of the Story**

AOPA will be celebrating its 100 year anniversary in 2017! AOPA will be memorializing the centennial by producing a keepsake member directory and a commemorative website. We will host special events at the World Congress in Las Vegas September 6-9, and each issue of the 2017 O&P Almanac will have highlight some aspect of our shared history.

The 100th Anniversary Commemorative Who's Who Membership Directory will be printed and distributed as a gift to all of our AOPA members. In it, you will see your company name, address, and employee names – all AOPA members will be listed. The directory will also include special sections for O&P history, technology timelines, and photographs that will showcase our members' proud heritage.

AOPA members have the opportunity to add a special message to AOPA in the directory. We are offering congratulatory ads that you can submit that would include your logo,



name, and website with your message to AOPA. You can design your own or use our template.

We are also collecting photographs, memorabilia, and personal stories to be used on the commemorative website, social media, and at the AOPA World Congress. [Please share here.](#) Your story is our story.

[Review the details of the directory.](#) We look forward to celebrating 100 years with you. [You can order your ad online.](#) The deadline to reserve a space in the directory is February 15. Ad materials will need to be submitted by February 27.

Contact Bob Heiman at [bob.rhmedia@comcast.net](mailto:bob.rhmedia@comcast.net) or (856) 673-4000 with any questions.

## Call for Papers for the AOPA 2<sup>nd</sup> World Congress in Las Vegas

### Gain International Recognition \* Advance your Career \* Improve Patient Care

AOPA is seeking high-quality educational and research content for the Second O&P World Congress to be held September 6-9, 2017 at the Mandalay Bay Resort in Las Vegas, Nevada, USA.



Your submissions, will set the stage for a broad curriculum of high-value clinical and scientific offerings at the 2017 World Congress. All free paper abstracts for the 2017 World Congress must be submitted electronically. Abstracts submitted by e-mail or fax will not be considered. All abstracts will be considered for both podium and poster presentations. The review committee will grade each submission via a blind review process, based on the criteria below and reach a decision regarding acceptance of abstracts.

- Relevance, level of interest in topic
- Quality of Scientific Content
- Quality of Clinical Content

Receive a complimentary one-day registration (or 50% credit towards a full conference registration) when your free paper is selected as a podium presentation. Those presenting more than one Podium Free Paper will receive a Full Complimentary registration. Poster Presenters will receive a 40% discount off their full conference registration.

**CLINICAL FREE PAPERS** – Health care professionals with an interest in Orthotics, Prosthetics, Pedorthics and related fields wishing to present a Free Paper should [submit here](#) to have their abstracts considered for presentation at the 2017 World Congress. A model abstract has been provided with additional information [here](#).

The top scoring papers will compete for the prestigious Thranhardt Award. *Topics of interest include but are not limited to:*

- Additive manufacturing
- Microprocessor components
- Bio-sensors
- Powered joints (O&P Applications)
- Socket designs and socket issues

- Public Health topics related to O and P
- Osseointegration
- New and interesting O and P designs and clinical techniques
- Pediatric O and P
- Scoliosis
- Evidence based practice

**SYMPOSIA/INSTRUCTIONAL COURSE** – If you are interested in organizing a Symposium or Instructional Course, then please [submit here](#).

**TECHNICIAN PROGRAM** – If you would like your Technical education paper considered for submission in the Technical Track, please [submit your paper here](#). Topics of interest include but are not limited to:

- CAD and/or CAM applications
- The role of the technician in the CAD CAM environment
- The role of the technician in the Additive Manufacturing environment
- New and Cutting edge fabrication techniques and processes

**BUSINESS EDUCATION PROGRAM** – Are you a seasoned business professional with significant experience in managing an orthotics and prosthetics patient care or manufacturing business? Share your successes at the AOPA hosted World Congress and compete for the prestigious Sam E. Hamontree Business Education Award. The winner of the Hamontree award will take home \$1,000. Learn more or [submit your business paper here](#).

<b>Upcoming AOPA Events</b>
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| February 8, 2017  | <i>LSO/ TLSO Policy</i><br>AOPA Webinar<br><a href="#">Learn more and register here</a>                              |
| February 15, 2017 | <i>Deadline to reserve a space in the AOPA Directory</i><br><a href="#">Review the details of the Directory here</a> |
| April 10-11, 2017 | <i>Coding &amp; Billing Seminar</i><br>Denver, CO<br><a href="#">Learn more and register here</a>                    |