



American Orthotic & Prosthetic Association

www.AOPAnet.org

**AOPA In Advance SmartBrief**  
**Breaking News**  
**July 27, 2017**

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**Full U.S. House Approves Legislation, Including Text to Legitimize the O&P Practitioner's Notes as Part of the Medical Record in Medical Necessity Determination**

On July 26, the full House of Representatives acted by consent on suspension to adopt H.R. 3178, a bill to cut red tape and make some non-controversial changes to the Medicare program. Included in this bill was a single provision on O&P-- the long-awaited provision to recognize the orthotist-prosthetist's notes as part of the medical record in Medicare Medical Necessity Determinations. Here is the specific text as enacted by the House:

1 SEC. 103. ORTHOTIST'S AND PROSTHETIST'S CLINICAL NOTES AS PART OF THE PATIENT'S MEDICAL RECORD.

Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraph:

"(5) DOCUMENTATION CREATED BY ORTHOTISTS AND PROSTHETISTS.- For purposes of determining the reasonableness and medical necessity of orthotics and prosthetics, documentation created by an orthotist or prosthetist shall be considered part of the individual's

medical record to support documentation created by eligible professionals described in section 1848(k)(3)(B)."

AOPA wants to recognize and thank Reps. Mike Bishop (R-MI and a Ways & Means member), Glenn Thompson (R-PA) who advanced the similar provision as part of the broader Medicare O&P Improvement Act, H.R. 2599, and Mike Thompson (D-CA and a Ways & Means Committee Member), and both House Ways & Means Committee Chairman Kevin Brady (R-TX) and Richard Neal (D-MA and the Ranking Minority Member of the Ways & Means Committee), for their strong support which resulted in this important action. Now it is on to the Senate, where S. 1191, the Grassley-Warner bill, supported by Senators Cassidy (R-LA) and Duckworth (D-IL) will hopefully move forward similarly to favorable action.

AOPA will keep you updated on any developments.

### **Recent Jurisdiction D Reports Pre-Payment Audit Results**

Noridian Healthcare Services, which serves as the Jurisdiction D DME MAC, recently released results of pre-payment audits for knee orthoses (KO) described by codes L1810, L1812, L1820, L1830, L1831, L1832, L1833, L1834, L1836, L1840, L1843, L1844, L1845, L1846, L1847, L1848, L1850, L1851, L1852 and L1860.

The pre-payment review included 95 claims, submitted between January 2017 and April 2017, of which 88 were denied for an overall claim potential improper payment rate of 96%. Common reasons for denial included failure to respond to requests for additional documentation, invalid proof of delivery documentation, coverage criteria not met, and the claim was same or similar to the one on file. Based on the overall denial rates, Noridian will continue its pre-payment review for the above listed KOs.

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).

### **AOPA is Looking for Legislative Contacts – Do you have a Relationship with a Legislator?**

AOPA needs a few good men and women to advance our advocacy efforts. Many AOPA members have treated a member of Congress, or member of their family. Or maybe you know a member of the U.S. House or Senate because you go to the same church, or your children go to the same school, or play on the same soccer team.

In the end, all politics is local. AOPA is starting a systematic plan to identify AOPA members who may either have such an existing relationship with their legislator, or are interested and have a path where they can develop such a relationship. Making a "cold call" and asking your legislator to help with something is hard - both for you as constituent and for your legislator, who clearly can't say "yes" to everyone. On the other hand, if you have built a relationship when there isn't an "ask," have invited your legislator to visit your practice, have educated him/her about the care you provide to their constituents, maybe have supported them at a fundraiser, then it becomes much more natural to ask for help when you really need it.

Contact Lauren Anderson at [landerson@AOPAnet.org](mailto:landerson@AOPAnet.org) with the name of your legislative contact.

## In Remembrance of John Sabolich, CPO



John Sabolich, CPO passed away on July 23, 2017. He is survived by children, Scott Sabolich, CP, Brian Sabolich, and Laura Lee Sabolich. He is also survived by his sister, Carole Tiemann, seven grandchildren, and many nieces and nephews. John's father, Lester Sabolich, was also a CPO; he followed in his father's footsteps by starting in the family prosthetics business at the age of 10. John later began blazing his own trail by graduating at the top of his prosthetic and orthotic post-graduate class from New York University.

By the 1980's, he was a true visionary in his field. In 1993, he became the youngest man to be inducted into the Oklahoma Hall of Fame. John's innate ability, combined with uniquely radical ideas and his boundless passion, helped modify the modern world of prosthetics and patient care. He founded the nation's largest and most advanced prosthetic center in the world, patented the Sabolich Socket, authored the book, *You're Not Alone*, and founded the Limbs for Life Foundation, to name a few.

John's boldness and dedication led to drastically changing the world's expectations of what an amputee could accomplish in life which culminated into the Sabolich name becoming synonymous with excellence in prosthetic care around the world. John's methods are now standard university curriculum and he is remembered by thousands of patients around the world as well as by the industry he helped revolutionize.

## Register Your Position on the Latest Senate Action on "Repeal and Replace"

Senate action on a "repeal and replace" bill for the Affordable Care Act (ACA) is expected to move quickly, and will leave little time for people to register their comments. What do you need to know?

AOPA has meticulously looked at "repeal and replace" through the lens of three key issues - higher premiums linked to pre-existing conditions, essential health benefits, and Medicaid cuts - as these three have a profound impact on O&P patients, and therefore on the professionals who serve those patients. AOPA is NOT taking a position either in favor of, or opposed to the Senate bill. Here is the essence of how the new Senate bill could be expected to impact those three factors.

- The so-called Cruz amendment would permit insurers who offer at least one plan which complies with the ACA guidelines to also offer a number of less expensive plans, with lesser coverage. This is seen as driving down premiums. Risk pool negotiations have resulted in the likelihood that any impact this provision would have on prospect of higher premiums for those with pre-existing conditions would be modest.
- Another impact of the Cruz amendment is that it could serve to further undercut the essential health benefits, which already would be subject to potential state-by-state waiver revision/exclusion provisions. The less expensive plans that would be available could potentially result in short-cutting the essential health benefit-in the case of O&P, the rehabilitative and habilitative services assurances of ACA would be subject to being diminished or reduced.
- The new Senate bill has been described as generating Medicaid cuts - totaling \$772 billion over ten years. Clearly, any patient who's O&P costs are currently paid in some measure via Medicaid would be significantly less likely to be able to pay for their coverage.

Every AOPA member needs to look at this picture - the Affordable Care Act has proven to be significantly less than perfect, though it has increased the number of Americans with a modicum of insurance coverage. The Senate repeal and replace plan has readily identifiable shortcomings, costs and uncertainties. While there is not yet a CBO score on the latest version, CBO has consistently reported significant reductions in the number of insured Americans tracking to the repeal and replace bills.

### **If You Want to Register Your Position**

We have set up a mechanism on our AOPAVotes site to permit AOPA members to register to their Senators their position either in favor of the latest Senate repeal and replace, or opposed to the latest Senate repeal and replace bill.

If you are in favor of the latest Senate repeal and replace bill [you may use this letter](#).

If you are opposed to the latest Senate repeal and replace bill [you may use this letter](#).

AOPA will continue to keep you informed on key steps in the ongoing debate on repeal and replace which has the potential to markedly modify both the current and future environment for American health care.

### **Enter AOPA Logo Contest**

AOPA is getting a new logo for 2018, and we need your help! We are reaching out to the O&P Profession and designers around the world to enter a contest to design the new logo. One winner will receive \$500, and the contest ends July 31, 2017.

AOPA has used a different variations of the same logo since 1967, and unveiled a special Centennial logo to use for 2017. Now, we are looking for a logo for 2018 and beyond. The theme is "advocacy to restore mobility".

[Learn more and enter here](#). Please forward this to any designers you know!

### **AOPA Announces Winners of 2017-2018 Pilot Grant Awards**

In February, AOPA, in partnership with the Center for O&P Learning & Evidence-Based Practice (COPL), announced a Request for Pilot Grant Proposals in 16 potential areas of orthotic and prosthetic research including an open topic. A record 38 proposals were received in response to the request for proposals, and the board took the extraordinary step of choosing seven projects to fund, instead of the usual 3-4 projects. The previous years' projects, dating back to 2009, are available for review on [AOPA's website](#).

The 2017 COPL grants that are selected for funding are listed below:

- Sarah Anderson, La Trobe University, *Comparison of quality of life in people with partial foot or transtibial amputation*
- Brian Kaluf, BSE, CP, Ability Prosthetics and Orthotics, Inc., *Hydraulic and Microprocessor Controlled Ankle-Foot Prostheses for Limited Community Ambulators with Unilateral Transtibial Amputation: Pilot Study*
- Sarah Chang, PhD, Northwestern University, *A pilot study to evaluate the effects of the hydraulic ankle-foot prostheses on standing and walking in K2-level ambulators*

- Benjamin Padilla, MD, University of California San Francisco Benoiff Children's Hospital, *The Effects of a Custom Pectus Carintum Orthosis on Dosing Response and Quality of Life*
- Eric Weber, CPO, FAAOP, Hanger Clinic - Department of Clinical and Scientific Affairs, *Mobility and Global Health among Users of Lower Limb Orthoses: The Establishment of a National Data Base*
- Chris Hovorka, Ph.D., CPO, LPO, FAAOP, Georgia Institute of Technology, *Gait and Motion Control Benefits of Custom Molded Passive-Dynamic AFOs versus Custom Fit Carbon Composite AFOs in Persons with Neuromuscular Impairment*
- Kenton Kaufman, PhD, Mayo Clinic, *Prevalence, correlates, and risk of prescription drug use and abuse in individuals with above knee amputations*

### O&P PAC Corner

The O&P PAC Corner provides information 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 recently supported. The O&P PAC recently received donations from the following AOPA member(s)\*:

- Robert Leimkuehler, CPO

The O&P PAC recently contributed to following members of Congress\*:

- Sen. Tom Carper (D-DE)

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.

To participate in, support and receive additional information about the O&P PAC, federal law mandates that eligible individuals must first [sign an authorization form](#), or contact Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org).

\*Due to publishing deadlines this list was created on 07/27/2017 and includes only donations/contributions made/ received between 07/20/2017 and 07/27/2017. Any donations/contributions made/ received on/or after 07/27/2017 will be published in a future issue of the SmartBrief.

### When in Vegas... Party with a Purpose

Attending the 2017 AOPA World Congress? Don't forget to register for the "Party with a Purpose" on Thursday, September 7 at 6:30 pm at the 1923 Bourbon Bar, a private and modern speakeasy.

Network and socialize with your friends and colleagues while enjoying dinner, prohibition inspired cocktails, a private cigar lounge, live entertainment, a silent auction (sports packages, jewelry, wine packages, etc.), and much more. Don't miss the fun!



**Space will be limited**, so be sure to secure your spot today!

This is a special event and certain rules and restrictions may apply. For additional information about the Party with a Purpose or to register, contact Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org).

## Take Advantage of the Summer Saving's Webinar Deal

August

9

1:00 PM Eastern

[REGISTER](#)

### What the Medicare Audit Data Tells Us & How to Avoid Common Errors

- \* What claims & services are being denied?
- \* Why are they being denied?
- \* What I can fix, so my claims will not be denied?

### Summer Savings: Buy 5 Webinars and Get 3 Free \$495 members/ \$995 nonmembers

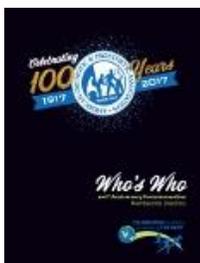
#### [Register for the 2017 half year webinar series](#)

August 9	What the Medicare Audit Data Tells Us & How to Avoid Common Errors
September 13	ABC Inspections & Accreditation
October 11	AFO/KAFO Policy
November 8	Gift Giving: Show Your Thanks & Remain Compliant
November 9*	"Three Amigos" of a Compliance Program- Compliance Officer, Legal, and Human Resources-Can Work Together to Support and Advance an Effective Compliance Program
November 10*	Teaching Professionalism and Ethics during Residency
December 13	New Codes & Other Updates for 2018

\*These webinars are free to all AOPA members as part of Healthcare Compliance & Ethics Week Webinar; and \$50 for non-members.

#### [Register for the 2017 half year webinar series](#)

## AOPA's Centennial Directory Now Available to Case Managers



As part of AOPA's 100 year anniversary activities, AOPA has produced our Centennial membership directory. In addition to history and technology, the directory includes contact information for all 2017 AOPA members and a supplier listing with a detailed product index, making it helpful for networking and providing referrals.

AOPA is pleased to announce that the directory is now being featured in the Commission for Case Manager Certification (CCMC) newsletter. CCMC is the largest membership organization for case managers, with a total of 47,874 members. A description and link to the

downloadable directory will appear in their bi-weekly online newsletters for 7 weeks. Part of AOPA's mission is to help members raise awareness and understanding of the industry and the association. Case managers are an important link between patients needing referrals and AOPA members. [Purchase your copy here.](#)

### Register by August 7<sup>th</sup> for Early Bird Pricing to Attend the AOPA World Congress



AOPA is excited to share the great news of our new lower room rate at the Mandalay Bay. **Only \$125/night** for a great room during the World Congress at the Mandalay Bay Resort in Las Vegas! The room block will fill up early, so [book your room today.](#)

Register for the World Congress by **August 7** to register at the discounted early-bird rate!

AOPA and our 9 international partners welcome you to expand your knowledge, grow your market presence, and advance your career at this unique global gathering. [Register now.](#)



### Upcoming AOPA Events

- |                     |   |
|---------------------|---|
| August 9, 2017      | <i>What the Medicare Audit Data tells us &amp; How to Avoid Common Errors</i><br>AOPA Webinar<br><a href="#">Learn more and register here</a> |
| September 6-9, 2017 | <i>AOPA World Congress</i><br>Las Vegas, NV<br><a href="#">Learn more and register here</a>   |
| November 6-7, 2017  | <i>Coding &amp; Billing Seminar</i><br>Phoenix, AZ<br><a href="#">Learn more and register here</a>  |