

## PRESS RELEASE

### Media Contact:

Joy Burwell

[jburwell@AOPAnet.org](mailto:jburwell@AOPAnet.org)

571/431-0817



**AMERICAN  
ORTHOTIC & PROSTHETIC  
ASSOCIATION**  
SERVING THE O&P FIELD FOR OVER 90 YEARS

FOR IMMEDIATE DISTRIBUTION

### **Statement from Eve Lee, Executive Director of the American Orthotic and Prosthetic Association on DOJ Operation Brace Yourself**

ALEXANDRIA, VA – April 10, 2019 - On March 28, 2019, the American Orthotic and Prosthetic Association (AOPA) released a [statement](#) strongly criticizing the use of lead generation marketing to deliver orthotic devices to patients covered by Medicare or other insurances. This practice puts patients at risk as it does not provide clinical care by a qualified orthotic professional and could lead to providing medically unnecessary orthoses with no instruction on the proper fitting, care, or use.

Yesterday, less than two weeks after this, the U.S. Department of Justice (DOJ) [announced](#) multiple indictments against 24 individuals responsible for more than \$1.2 billion in losses to the Medicare program through fraudulent schemes involving the use of lead generation marketing to deliver orthoses that were not medically necessary or not wanted by the beneficiary. Simultaneously, the Centers for Medicare and Medicaid Services (CMS) announced the immediate suspension of Medicare payments to 130 Medicare enrolled Durable Medical Equipment suppliers suspected of participating in the scheme and responsible for more than \$1.7 billion in Medicare claims and more than \$900 million in Medicare reimbursement.

AOPA is highly encouraged by both the DOJ indictments and the administrative action taken by CMS. We are hopeful that this sweeping action will drive this criminally negligent activity out of the orthotic and prosthetic marketplace. AOPA first expressed concern about potential fraud and abuse involving off-the-shelf (OTS) orthoses when CMS identified a complete set of OTS codes that, according to its own policy, required little to no fitting by properly certified or licensed orthotic professionals to deliver and bill to Medicare. We have continued to voice our concern at every opportunity.

Most recently, AOPA has pursued legislation that will ensure that Medicare patients continue to have access to clinically appropriate orthotic care delivered by properly educated, certified and/or licensed professionals. AOPA, with the support of its O&P Alliance partners, is preparing legislation which contains several provisions that would further guarantee that criminal elements such as those uncovered by DOJ will no longer be able to use OTS orthoses to generate illegal profits through exploitation of the Medicare program and its beneficiaries. AOPA is currently meeting with key members of Congress to discuss potential sponsorship. The hope is for the bill to be introduced prior to the 2019 AOPA Policy Forum taking place May 7-8, 2019 in Washington, DC. During

the Forum, AOPA members will meet with members of Congress to encourage them to take action that protects patients.

***About the American Orthotic and Prosthetic Association (AOPA):*** AOPA, based in Alexandria, Virginia, is the largest non-profit organization dedicated to helping orthotic and prosthetic businesses and professionals navigate the multitude of issues surrounding the delivery of quality patient care. AOPA's membership draws from all segments of the field of artificial limbs and customized bracing for the benefit of patients who have experienced limb loss, or limb impairment resulting from a trauma, chronic disease or health condition. These include patient care facilities, manufacturers and distributors of prostheses, orthoses and related products, and educational and research institutions. The association was founded in 1917 when needs of returning veterans in the aftermath of World War I required a national organization to address the educational and research requirements of the industry.