AOPA In Advance SmartBrief

*Breaking News*
April 16, 2020

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- Revisions to the Lower Limb Prostheses Policy
- Thank you to our 2020 Supplier Plus Members
- Learn how the Co-OP will Elevate your Business with a FREE Tutorial

**Upcoming Events**
We may not be able to come together in Washington DC, but we aren't going to let that stop us from having our voices heard. Join us May 6 at 1pm ET for the 2020 Virtual Policy Forum. Albeit a much different format, the 2020 Virtual Policy Forum is still your opportunity to learn about the latest legislative and regulatory issues and how they will affect you, your business, and your patients. It is also still your opportunity to educate members of Congress on the needs of the O&P profession.

Participants will hear the latest on the impacts of COVID-19, what has been done legislatively to date, and what more can be done from a policy perspective to best support the profession. The AOPA team will also familiarize you with the basics on laws, procedures, and how-to get your point of view across.

Our voices truly are louder together, we hope you will join us for the 2020 Virtual Policy Forum! Click here to register now.

COVID-19 Update: CMS Expands Medicare Accelerated and Advance Payment Program

As part of its ongoing efforts to provide relief during the COVID-19 Public Health Emergency (PHE), the Centers for Medicare and Medicaid Services (CMS) has expanded the Medicare Accelerated and Advanced Payment Program to temporarily increase cash flow for impacted providers. The program, which has been in existence for many years, is "intended to provide necessary funds when there is a disruption in claims submission and/or claims processing. Expedited payments can also be offered in circumstances such as national emergencies, or natural disasters in order to accelerate cash flow to the impacted health care providers and suppliers." As part of CMS’ response to the COVID-19 PHE, the Accelerated and Advance Payment Program has been expanded to include a larger number of Part A and Part B Medicare providers and time frames for issuing accelerated and advance payments have been significantly reduced from several weeks to approximately seven days.

The Accelerated and Advance Payment Program allows eligible providers to request up to three months of expected Medicare payments to be made if their business operations have been impacted by the COVID-19 PHE. In order to be eligible to participate in the program, providers must have billed Medicare within the last 180 days, cannot be in bankruptcy, cannot be under active medical review, and cannot have any delinquent Medicare overpayments. Repayment of Medicare accelerated, or advance payments will begin after 120 days of the request and all repayment must be completed within 210 days of the request.
CMS has published a very informative fact sheet on the Medicare Accelerated and Advance Payment Program, including additional resources on how to apply for accelerated and advance payments.

The decision regarding whether to apply for Medicare accelerated and advance payments should be based on the individual needs of your practice but may be a viable option to temporarily increase cashflow during the COVID-19 PHE.

Calling all AOPA Members, You Now Have FREE Access to AOPAversity

AOPA knows you and your employees are being tremendously impacted by COVID-19. To help, we are offering you, our AOPA members, the ability to access our online learning management system, AOPAversity, for FREE for the rest of 2020. It is our hope that this will make it easier to navigate the current unprecedented situation.

What does this mean? You and your employees can now access all 72 online offerings which are pre-recorded videos available on demand. That’s 33 business offerings worth 34.5 Business Credits and 39 clinical offerings worth 60.5 Scientific Credits. FREE.

If you do not currently have an AOPAversity account, click here to create a profile. You will need your AOPA member ID and zip code affiliated with your membership when you create your profile to access the free offering. If you already have an AOPAversity account, log in here. Your username is the e-mail used to create your profile.

This offer is valid through December 31, 2020. It does exclude any refunds to purchases made prior to the start of this offer. We truly hope this offers you additional support during this uncertain time.

Questions? Contact Ryan Gleeson at rgleeson@AOPAnet.org.

COVID-19 Update: CMS Suspends Most Audit Activities

This is an update to the April 2, 2020 announcement, where AOPA informed you that the Centers for Medicare and Medicaid Services (CMS) have suspended most Medicare fee-for-service medical review activity for the duration of the COVID-19 Public Health Emergency (PHE).

AOPA has confirmed that CMS, effective immediately, will also not be sending out any additional documentation requests (ADRs), either by mail or over the phone, as part of the Comprehensive Error Rate Testing (CERT) program. This suspension of documentation requests and reviews will be in place until further notice from CMS.

AOPA has also confirmed that any claims under the Targeted Probe and Educate (TPE) program which were denied due to no response on or after March 1, 2020 will be reversed.


Questions? Contact Joe McTernan at jmcternan@AOPAnet.org, or Devon Bernard at dbernard@AOPAnet.org.
CMS Pauses Medicare DMEPOS Prior Authorization Program and Provides Other Regulatory Relief in Response to COVID-19

On March 30, 2020, the Centers for Medicare and Medicaid Services (CMS) announced several temporary regulatory waivers intended “to equip the American health care system with maximum flexibility to respond to the 2019 Novel Coronavirus (COVID-19) pandemic.”

Included in the announcement was a notice that CMS will pause the national DMEPOS prior authorization program for certain DMEPOS. Prior authorization was scheduled for implementation for six lower limb prosthesis codes (L5856, L5857, L5858, L5973, L5980, and L5987) in four states (PA, MI, TX, and CA) on May 11, 2020 and nationwide on October 8, 2020.

AOPA has been in communication with CMS and the DME MACs to express our concerns regarding the impact prior authorization would have on patients’ access to O&P care during the COVID-19 crisis. We believe that this pause will allow Medicare providers to continue to focus on providing medically necessary, clinically appropriate O&P care to Medicare beneficiaries without having to dedicate valuable resources to unfamiliar processes and documentation requirements.

In addition, CMS also announced that they are temporarily waiving signature and proof of delivery requirements for Part B drugs and DMEPOS when a signature cannot be obtained due to COVID-19. In this situation, providers should document in the medical record the appropriate date of delivery and that a signature was not able to be obtained because of COVID-19.

The CMS announcement also discussed a previously announced relaxation of DMEPOS accreditation requirements to facilitate provider enrollment. ABC and BOC have expressed their strong concern that suspending DMEPOS accreditation requirements may expose the Medicare program to increased fraud and abuse. To address this, AOPA and its partners in the O&P Alliance are preparing a letter to CMS asking them to reconsider the suspension of DMEPOS accreditation.

The announcement also indicated increased flexibility in the processing of appeals by both fee for service and Medicare Managed Care contractors. AOPA will look into this provision in more detail and provide additional information regarding these flexibilities in the near future.

Finally, the announcement discussed the potential for advanced Medicare payments that may be available to providers to address immediate cash flow issues. This is a very complex issue and AOPA, in conjunction with our consultants at McGuireWoods, is developing member resources regarding how this program will be implemented.

The CMS announcement may be viewed [here](https://www.cms.gov/Medicare/Medicare-fee-for-service-program/Prior-Authorization). AOPA will continue to maintain open lines of communication with CMS and the DME MACs and will relay COVID-19 developments to AOPA members as soon as AOPA is aware of them.
COVID-19 Update: Clarification on Emergency-Based Waivers Guidance

AOPA has received questions and concerns from members about CMS guidance regarding replacement of DMEPOS during COVID-19. To address these questions and concerns, AOPA has been in contact with the DME MACs to discuss actions that they will take to implement the provisions of these emergency-based waivers.

During a recent presentation the DME MACs addressed some of our questions. Specifically, they stated that the 1135 waivers only apply to replacements that are necessary as a direct result of the emergency. For example, a patient is being transported to the hospital with COVID-19 symptoms and the brace is lost in the ambulance. A beneficiary's inability to make an appointment or see the referring physician does not qualify under the waiver's current provisions. It must also be stressed that the waivers don't apply to new services such as socket replacements.

When providing a replacement item under the waiver, suppliers are reminded to include a narrative description explaining why the item needs to be replaced with their claims and must maintain documentation for the need of the replacement item. Suppliers must also use the CR modifier on their claims. Find more information on the waiver here.

CMS and the DME MACs continue to make sure every effort is made to ensure that Medicare and Medicaid beneficiaries continue to have complete access to clinically appropriate medical care during this emergency. And as a result, information and guidance is continually being released and revised. AOPA will continue to provide this information and guidance as it becomes available.

In the meantime, AOPA members should continue to make every effort to obtain the appropriate documentation to support the O&P services they provide.

Questions? Contact Joe McTernan at jmcternan@AOPAnet.org or Devon Bernard at dbernard@AOPAnet.org.

COVID-19 Update: Congress Passes CARES Act to Help Provide Financial Relief

On March 27, in response to COVID-19, Congress finalized the CARES Act, a massive financial relief package designed to tide the U.S. economy and its strained healthcare sector over for the next few months. In terms of tax relief and benefits for O&P, the bill:

- Carves out $350 billion in aid for small businesses, much of which would be in loans through the Small Business Administration (SBA) and banks, guaranteed by the federal government.
  - The loans would be forgiven provided the businesses meet certain requirements, including limiting reductions in pay and layoffs, though with some flexibility for employers. (Applicants must make good faith certifications that coronavirus has impacted their business and that the loan is necessary for continuation of their business.)
  - These loans can be used to cover payroll expenses, including salaries and compensation; various forms of paid sick, medical or family leave; group health insurance premiums; state and local taxes assessed on employee compensation; rent; utilities; and interest paid on debt.
Applicants that previously received a loan from another source for the same purpose are not eligible.

Companies that secured an SBA loan since January 15, 2020 can refinance those recent loans under the terms and conditions of the special SBA coronavirus relief loans.

Language added late in the process ensures that an inspector general and congressional oversight committee (with members yet-to-be-determined) oversee how the money is spent.

This funding is in addition to the significant assistance provided in legislation previously passed by Congress, which authorizes approximately $2 billion worth of 100 percent guaranteed SBA loans, a portion of which SBA will forgive based on allowable expenses for the borrower. SBA is already accepting applications for these funds.

Provides a refundable payroll tax credit for 50 percent of wages paid by employers to employees during the COVID-19 crisis. The credit is available to employers whose gross receipts declined by more than 50 percent when compared to the same quarter in the prior year. The credit is based on qualified wages paid to the employee. For employers with greater than 100 full-time employees, qualified wages are wages paid to employees when they are not providing services due to the COVID-19-related circumstances described above. For eligible employers with 100 or fewer full-time employees, all employee wages qualify for the credit, whether the employer is open for business or subject to a shut-down order. The credit is provided for the first $10,000 of compensation, including health benefits, paid to an eligible employee. The credit is provided for wages paid or incurred from March 13, 2020 through December 31, 2020 and is NOT available to employers receiving Small Business Interruption Loans.

Relaxes the limitations on a company's use of losses. Net operating losses (NOL) are currently subject to a taxable-income limitation, and they cannot be carried back to reduce income in a prior tax year. The legislation provides that an NOL arising in a tax year beginning in 2018, 2019, or 2020 can be carried back five years. The provision also temporarily removes the taxable income limitation to allow an NOL to fully offset income. Congress hopes that these changes will allow companies to utilize losses and amend prior year returns, which will provide critical cash flow and liquidity during the pandemic.

Allocates funding to support "short-time compensation" programs, where employers reduce employee hours instead of laying off workers and the employees with reduced hours receive a pro-rated unemployment benefit. This provision would pay 100 percent of the costs they incur in providing this short-time compensation through December 31, 2020.

Creates a temporary Pandemic Unemployment Assistance program to provide payment to those not traditionally eligible for unemployment benefits (self-employed, independent contractors, those with limited work history, and others) who are unable to work as a direct result of COVID-19. It also creates an additional 13 weeks of unemployment benefits to help those who remain unemployed after weeks of state unemployment benefits are no longer available.

Authorizes the Treasury Department to provide advance payment of tax credits that are available to private sector employers that are required to provide up to 12 weeks of coronavirus-related paid leave to their employees.
Clarifies the limitation on compensation during paid sick days, stating an employer shall not be required to pay more than $511 per day and $5,110 in the aggregate for sick leave or more than $200 per day and $2,000 in the aggregate.

In terms of healthcare provisions, the bill:

- Temporarily lifts the Medicare sequester, which reduces payments to providers by two percent, from May 1, 2020 through December 31, 2020.
- Directs the Secretary of Health & Human Services to develop a comprehensive and coordinated plan to identify workforce projection needs.
- Prevents scheduled reductions in Medicare payments for durable medical equipment subject to competitive bidding. (This does not impact the January 1, 2021 scheduled implementation of Medicare competitive bidding for off-the-shelf orthoses.)
- Finally, AOPA was able to include language in the bill to ensure Veterans can receive care from their choice of practitioner throughout the crisis. Specifically, the bill says "The Secretary of Veterans Affairs shall ensure that, to the extent practicable, veterans who are receiving or are eligible to receive a prosthetic appliance...are able to receive such an appliance that the Secretary determines is needed from a non-Department of Veterans Affairs provider under a contract with the Department during a public health emergency." This is especially timely for our industry as the VA recently announced it would discontinue offering nonurgent community care referrals to veterans during the coronavirus pandemic.

AOPA stands ready to assist members with taking advantage of the applicable provisions of this $2.2 trillion-dollar bill as they are implemented. We'll be holding a webinar next Thursday, April 2 at 2pm ET that will go into more detail on the legislation, the SBA loans, and the process for applying. Register here. We will also update the COVID-19 Response and Resources webpage as information is made available by the SBA, the Department of Treasury, and other entities. In the meantime, if you have any questions about the legislation, please contact Justin Beland, Director of Government Affairs, at jbeland@AOPAnet.org.

**RAC Contractor Suspends New Additional DocumentationRequests for At Least 30 Days**

In response to CMS guidance as a result of COVID-19, Performant, the national RAC contractor for Medicare DMEPOS, Home Health, and Hospice claims has announced that, effective March 18, 2020, they have suspended the issuance of any new Additional Documentation Requests (ADRs) for a minimum of 30 days. This announcement provides some limited, temporary relief to providers struggling with COVID-19 related challenges in obtaining and maintaining appropriate documentation to support the medical need of services they are currently providing, never mind having to track down documentation for claims that were originally reimbursed several years ago.

In addition to suspending new ADR requests, Performant has indicated that any providers that require additional time to gather and submit requested documentation for ADRs received prior to March 18th should contact RAC customer service by telephone at 866-201-0580 or by e-mail at info@performantrac.com.

Unfortunately, AOPA has confirmed that the suspension of the issuance of new ADRs has no impact on Performant’s continued use of automated reviews for issues like reasonable useful lifetime (RUL). Performant has indicated that automated reviews will continue to occur under existing CMS guidelines.
AOPA will continue to monitor this situation and will provide any updates as they are made available.

### COVID-19 Update: Guidance on O&P Businesses Operations During State & Local Restrictions

As state and local governments begin to implement restrictions to population interaction in response to COVID-19, AOPA members have requested guidance regarding the continued operation of orthotic and prosthetic (O&P) businesses. AOPA has been monitoring developments on this issue closely and offers the following guidance based on the current available information.

As of March 23, 2020, at least 11 states (Delaware, Kentucky, Louisiana, Ohio, California, New Jersey, New York, Illinois, Connecticut, Oregon, and Pennsylvania) and multiple local municipalities have issued orders that restrict or close "non-essential" businesses until further notice. AOPA has reviewed each of these orders and found very consistent language that clearly considers the continued operation of healthcare facilities as "essential" services that are exempt. This exemption applies to both patients who may continue to receive care from healthcare facilities and employees who may continue to work at these facilities.

AOPA fully expects additional state and local authorities to follow suit and implement these restrictions but expects that O&P facilities will continue to be exempt from these restrictions. If additional restrictions are implemented that affect the continued operation of O&P businesses, AOPA will alert its members as soon as we receive the information.

AOPA urges O&P patient care facilities to carefully consider all factors when making decisions regarding the continuation of operations during COVID-19. While there is a clear exemption that permits O&P facilities to continue to operate during state and locally implemented restrictions, the decision on how to operate and how to interact with the public must be made with the best interest of your communities, your employees and, most of all, your patients. Additionally, AOPA highly recommends continued compliance with the latest guidelines published by the Centers for Disease Control.

### AOPA’s COVID-19 Responses, Guidance, and Resources

To say we are in unprecedented times would be an understatement. Since my last message, the American Orthotic and Prosthetic Association (AOPA) leadership has continued to closely follow the coronavirus disease (COVID-19) and its widespread impacts. We have also been taking your calls and emails and hearing firsthand how extremely difficult and uncertain things are for you, your businesses, and your patients.

To that end, we are responding with support. We are responding with outreach to legislators about how they can best support the O&P profession. We are responding by providing guidance on regulations like documentation, telehealth, and stay at home orders. We are responding by pulling together resources. We are responding by creating a space on the Co-OP to share your experiences and strategies with one another.
All of this can be found on the newly developed [COVID-19 Response and Resources webpage](https://www.aopanet.org/covid-19-response-and-resources). We will be updating this webpage frequently with actions, guidance, and resources as well as pushing out updates via email, Smartbrief, and our social media channels.

Thank you for all you continue to do for your patients and the O&P profession. The Board and staff are here to support you so that you can do this. If you have questions, concerns, or needs do not hesitate to reach out to any of the staff at info@AOPAnet.org.

### Certain Enrollment Procedures Waived for COVID-19

In response to COVID-19, the Centers for Medicare and Medicaid Services (CMS) continues to use its authority to issue waivers to temporarily suspend or modify certain Medicare requirements to ensure Medicare beneficiaries continue to receive prompt and proper care.

As part of these efforts CMS has made the following modifications to the enrollment process for all DMEPOS suppliers:

- CMS and the National Supplier Clearing House (NSC) will expedite any pending or new applications received on or after March 1, 2020. If there are no issues with your CMS-855S form your application will be processed within 7 business days (if submitted online), and 14 business days (if submitted by paper).

- CMS and the NSC will be waiving the following screening requirements for all enrollment applications received on or after March 1, 2020: the supplier application fee, criminal background checks, and site visits.

- CMS and the NSC will be posting all revalidation actions and deadlines.

- CMS is postponing all accreditation and reaccreditation timetables and deadlines.

If you have any questions about how these waivers and modifications effect your current or future enrollment applications contact the NSC at 1-866-238-9652. This toll-free line was established specifically for questions about the above-mentioned waivers.

If you have specific questions about the postponing of accreditation timetables and deadlines, you may want to contact your accrediting organization directly.

### COVID-19: Impact of CMS Waivers on AOPA Members

On March 13, 2020, President Trump issued an emergency declaration under the Stafford Act and the National Emergencies Act to help address issues being caused by the spread of the coronavirus disease (COVID-19). As part of this declaration, the Centers for Medicare and Medicaid Services (CMS) put in place certain blanket waivers to help Medicare beneficiaries impacted receive prompt care.

The two issues of importance to American Orthotic and Prosthetic Association (AOPA) members are the proposed relaxation of existing requirements for telehealth visits and the relaxation of the referring practitioner documentation requirements for replacement of orthoses and prostheses.
AOPA has been in contact with the DME MACs to discuss actions that they will take to implement the provisions of these emergency-based waivers. While they are awaiting specific guidance from CMS on how to properly implement, they have indicated that CMS intends to make every effort to ensure that Medicare and Medicaid beneficiaries continue to have complete access to clinically appropriate medical care. In the meantime, AOPA members should continue to make every effort to obtain appropriate documentation to support the O&P services they provide.

CMS has issued the following guidance regarding replacement of DMEPOS during the state of emergency: "Where Durable Medical Equipment Prosthetics, Orthotics, and Supplies (DMEPOS) is lost, destroyed, irreparably damaged, or otherwise rendered unusable or unavailable, contractors have the flexibility to waive replacements requirements such that the face-to-face requirement, a new physician’s order, and new medical necessity documentation."

When providing a replacement item under this waiver, suppliers are reminded to include a narrative description explaining why the item needs to be replaced with their claims and must maintain documentation for the need of the replacement item. Suppliers must also use the CR modifier on their claims. CMS has also declared that the documentation waiver is retroactive to dates of service on or after March 1, 2020. Find more information on the waiver here.

For more information on telehealth, read Medicare's Telemedicine Fact Sheet and the companion Medicaid piece.

AOPA remains committed to making sure its members can continue to provide clinically appropriate, medically necessary care with minimal interruption as a result of COVID-19. To this end, AOPA will continue to provide additional information and resources as they become available.

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**CMS Releases a Provider Toolkit of Resources Related to COVID-19**

The Centers for Medicare & Medicaid Services (CMS) has released a Virtual Toolkit to help providers stay up-to-date on CMS materials available on COVID-19. The toolkit provides multiple links to valuable information for providers, caregivers, Medicare beneficiaries, and other CMS partners.

AOPA believes that the toolkit is a valuable resource and encourages AOPA members to review and utilize the resources as needed.

Questions? Contact Joe McTernan at jmcternan@AOPAnet.org or Devon Bernard at dbernard@AOPAnet.org.

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**2020 COPL RFP Deadline Extended to May 21st**

We know many are dealing with major disruptions to their daily lives. To accommodate this, we have decided to extend the deadline for the Center for Orthotic and Prosthetic Learning and Outcomes/Evidence-Based Practice’s (COPL) 2020 Request for Pilot Grant Proposals. Proposals will now be due **May 21, 2020**.

For 2020-2021, COPL is seeking proposals in 10 potential areas of orthotic and prosthetic research including an open topic at two funding levels for one-time grants, $15,000 and up to two
exceptional proposals for $30,000 for one year. Preference will be given to grants that address evidence-based clinical application in orthotics and prosthetics. View the RFP topics and guidelines and then apply online.

If you have any questions, please contact AOPA’s Director of Strategic Alliances, Ashlie White, at awhite@AOPAnet.org or 571/431-0812.

AOPA Message on COVID-19

Like all of you, the American Orthotic and Prosthetic Association (AOPA) leadership is closely following the coronavirus disease (COVID-19). As you have likely heard, we have made the tough decision to cancel several of our upcoming events in light of it.

We know that these are difficult and uncertain times for you and your patients. Please know, the Board and staff are here to support you so that you can continue to provide quality care to your patients.

As the situation evolves daily, we encourage you to follow the guidance being issued from the Centers for Disease Control and Prevention (CDC), the World Health Organization, and your local, state, and the federal governments. Specifically, the CDC has this webpage with resources and guidance for healthcare facilities. AOPA will continue to monitor the situation and provide guidance as appropriate.

Thank you for all you do for your patients and the O&P profession. As always do not hesitate to contact any of the AOPA staff with questions, concerns, or needs.

DME MAC & PDAC Announce New Coding Verification Requirement

The DME MACs and PDAC recently released a joint announcement for a new coding verification requirement for L3960 (SEWHO, abduction positioning, airplane design, prefabricated, includes fitting and adjustment). For all claims with a date of service on or after August 1, 2020 the only braces which may be billed using L3960 must have a written PDAC coding verification and listed on the PDAC Product Classification list.

The joint announcement also included new coding guidelines for the L3960. According to the announcement the L3960 is used for abducting the arm away from the body and capable of immobilizing the shoulder, elbow, wrist, and hand. It contains adjustable rigid cuffs and joints/components to optimize the shoulder, elbow, wrist and hand angles; the shoulder position is capable of 90 degrees abduction from torso. It also contains adjustable rigid chest and pelvic frames, or panels supports shoulder and arm components; and the L3960 is considered all-inclusive of soft interface and closures/straps.

Revisions to the Lower Limb Prostheses Policy

On March 12, 2020 the DME MACs released a revised Lower Limb Prostheses Policy. Most of the revisions were clerical and organizational in nature, such as listing out all codes instead of printing them in ranges, changing “ordering physician” to “treating practitioner”, and updating the policy with the new standard written order (SWO) instructions. The Policy Article was reorganized to have direct headings and sections for knees, sockets, ankles and feet.
AOPA’s Coding & Reimbursement Committee is reviewing the revisions and will provide the DME MACs with appropriate recommendations and concerns if necessary.

Thank you to our 2020 Supplier Plus Members

Learn how the Co-OP will Elevate your Business with a FREE Tutorial

Are you utilizing your AOPA membership? Attend the upcoming live tutorial to learn about one of the best resources available for O&P practices, the AOPA Co-OP.

A Wikipedia for all things O&P, the Co-OP is a one-stop resource for information about reimbursement, coding, and policy. It is searchable database that provides up-to-date information on developments in Medicare policy, state-specific legislation, private-payer updates, and more. Members can access detailed information on everything from modifiers to product-specific L Codes and associated policies. Additionally, members can share information and insights on developments impacting the entire O&P profession.

If you haven’t signed up for the Co-OP yet, this is your opportunity to learn about O&P’s most comprehensive resource for coding, billing, and reimbursement. AOPA’s Director of Strategic Initiatives, Ashlie White will demonstrate how to use the Co-OP and answer all your questions.

Pick the date using the drop-down menu. Register now for FREE:

- **Friday, April 17 at noon ET**
- **Friday, May 15 at noon ET**
- **Friday, June 19 at noon ET**
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