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## FOR IMMEDIATE RELEASE

### **Medicare Orthotics and Prosthetics Patient-Centered Care Act Introduced in the Senate**

Washington, DC (August 7, 2020) - Yesterday, Senators Mark R. Warner (D-VA), Steve Daines (R-MT), Tammy Duckworth (D-IL), John Cornyn (R-TX), and Bill Cassidy (R-LA) introduced the Medicare Orthotics and Prosthetics Patient-Centered Care Act (S. 4503) in the Senate.

“The American Orthotic and Prosthetic Association applauds the introduction of the Medicare Orthotics and Prosthetics Patient-Centered Care Act and greatly appreciates the support and efforts of its co-sponsors, Senators Warner, Daines, Duckworth, and Cassidy,” said Eve Lee, MBA, CAE, Executive Director of the American Orthotic and Prosthetic Association. “We look forward to working with Congress to pass this important piece of legislation.”

The Act has four provisions, the first would create separate statutory requirements for the provision of orthoses and prostheses to reflect the distinction between the clinical, service-oriented nature of orthotics and prosthetics care and the commodity-based nature of durable medical equipment. The second would restore Congress’ intended meaning of the term “minimal self-adjustment,” to more clearly define off-the-shelf orthoses that subject to Centers for Medicare and Medicaid Services’ competitive bidding program. Third, it would prohibit the practice of “drop shipping” custom orthoses and prostheses to Medicare beneficiaries, and prohibit drop shipment of off-the-shelf orthoses. This provision would reduce ongoing Medicare waste, fraud, and abuse in the orthotic and prosthetic benefit; the Department of Justice uncovered \$1.2 billion in fraud through last year’s “Operation Brace Yourself,” and recently, in the midst of the pandemic, several owners of medical equipment companies have been charged with submitting false and fraudulent claims to Medicare for orthotic braces that were medically unnecessary, ineligible for Medicare reimbursement, or not provided as represented. Finally, the Act ensures that patients have access to the full range of orthotic care from one orthotic/prosthetic practitioner rather than requiring patients to visit multiple providers in the case where the treating orthotist or prosthetist does not have a competitive bidding contract. This provision helps ensure efficient and convenient patient care and is similar to the treatment afforded physicians and other practitioners.

“The provision of orthotics and prosthetics care requires clinical services provided by highly trained practitioners. Currently, it is unfairly regulated through a DME lens instead of the clinical care lens,” said Jeff Lutz, CPO, President of the American Orthotic and Prosthetic Association. “By differentiating the clinical care in which orthoses and limb prostheses are provided from the provision of durable medical equipment, this important legislation will ensure patients get the safe, quality care they deserve.”

The companion bill, H.R. 5262 was introduced in the House on November 22, 2019. Like in the Senate, the bill enjoys broad bipartisan support.

*About the American Orthotic and Prosthetic Association (AOPA): Through advocacy, research, and education, AOPA improves patient access to quality orthotic and prosthetic care. AOPA, based in Alexandria, VA, is the largest non-profit organization consisting of more than 2,000 O&P patient care facilities and suppliers, dedicated to helping O&P businesses and professionals navigate the multitude of issues surrounding the delivery of quality patient care.*