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FOR IMMEDIATE RELEASE

AOPA Applauds Introduction of the Medicare Orthotics and Prosthetics Patient-Centered Care Act in the Senate

Washington, DC (July 30, 2021) – Yesterday, Senators Mark Warner (D-VA), Steve Daines (R-MT), Tammy Duckworth (D-IL), Chuck Grassley (R-IA), John Cornyn (R-TX) and Bill Cassidy (R-LA) introduced S. 2556, the “Medicare Orthotics and Prosthetics Patient-Centered Care Act” in the Senate.

“The American Orthotic and Prosthetic Association (AOPA), who’s over 2,000 members represent both the facilities that treat patients and the manufacturers of orthotic and prosthetic (O&P) devices, has been advocating for years for Medicare to protect patients’ access to quality O&P clinical care. The bipartisan Medicare O&P Patient-Centered Care Act would do just this, differentiating O&P care from the provision of Durable Medical Equipment supplies while also protecting patients from fraudulent practices that are costly to the Medicare system.” said Eve Lee, MBA CAE, AOPA Executive Director. “AOPA is grateful for the efforts of Senators Warner, Daines, Duckworth, Grassley, Cornyn, and Cassidy to introduce this important piece of legislation. If passed, it will undoubtedly impact the lives of millions of Americans living with limb loss and limb impairment.”

“Under current law, the provision of highly specialized orthotic and prosthetic care is improperly regulated in the same way as durable medical equipment (DME), which does not reflect the service our seniors receive under the Medicare program,” said Senator Warner. “This commonsense legislation redesigns the way Medicare delivers orthotic and prosthetic care to ensure seniors have safe access to the care they need without adding any additional cost to the Medicare program.”

“It’s important that Montana seniors who rely on orthotic braces and prosthetic limbs have access to appropriate, patient-centered, quality care,” Senator Daines stated. “We need to improve care for Medicare patients in Montana while also reducing government waste, fraud, and abuse.”

This important legislation has four provisions:

- The first would create separate statutory requirements for the provision of orthoses and prostheses to reflect the clinical, service-oriented nature of orthotics and prosthetics care.
- The second would restore Congress’ intended meaning of the term “minimal self-adjustment,” to more clearly define off-the-shelf orthoses that are subject to the Centers for Medicare & Medicaid Services’ competitive bidding program.
- Third, it would prohibit the practice of “drop shipping” custom orthoses and prostheses to Medicare beneficiaries. This provision would reduce ongoing Medicare waste, fraud, and abuse in the orthotic and prosthetic benefit; a need recently highlighted when the Department of Justice uncovered \$1.2 billion in fraud through last year’s “Operation Brace Yourself,” and during the pandemic, several owners of medical equipment companies were 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 to physicians and therapists under the competitive bidding program.

The companion bill, H.R. 1990 was introduced in the House on March 18, 2021. As 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.