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## **2022 Medicare DMEPOS Fee Schedule Update Confirmed at 5.1%. Medicare Sequestration Delayed Again**

On December 2, 2021, the Centers for Medicare and Medicaid Services (CMS) announced the 2022 Medicare Fee Schedule update for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS). The 2022 Medicare DMEPOS Fee Schedule will increase by a net total of 5.1% for claims with a date of service on or after January 1, 2022. The 5.1% increase is the result of a CPI-U increase of 5.4% from June 2020 to June 2021 and a -0.3% productivity adjustment. AOPA previously reported an assumed net increase of 5.1% but it has now been officially confirmed by CMS.

In addition to the 5.1% increase to the Medicare DMEPOS Fee Schedule, on December 10, 2022 Congress passed a bill that will extend the delay of the 2% Medicare sequestration based reimbursement reductions that were scheduled to be re-implemented as of January 1, 2022. The bill, which was signed into law by President Biden the same day, will extend the moratorium on sequestration reductions through March 31, 2022 and reduce sequestration reductions to 1% from April 1<sup>st</sup> through June 30, 2022.

The 5.1% increase to the 2022 Medicare DMEPOS Fee Schedule is the largest annual increase in over 30 years. Questions regarding the Medicare fee schedule or Medicare sequestration 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 Pleased to Introduce the COMET**

The Clinical Outcome Measures Electronic Toolkit (COMET) provides a database of validated outcome measures geared towards prosthesis and orthosis users and practitioners. It was developed by Orthocare Innovations, LLC in coordination with AOPA and with the support of a Center for Orthotic and Prosthetic Learning and Outcomes/Evidence-Based Practice (COPL) Pilot Grant.

COMET simplifies and standardizes the use of outcome measures in daily clinical practice to inform evidence-based clinical care. Practitioners using COMET are able to easily select the appropriate measure, administer a test, and immediately receive the result.

Using COMET, practitioners can:

- Justify and document effectiveness of P&O treatments
- Easily record and score treatment outcome measures
- Export PDFs to include in medical records (See [example](#))

Using it is easy! Start by selecting one or multiple outcome measures for your patient to complete. After your patient completes the measures, COMET instantly calculates the scores and automatically generates a results report that can be exported as a PDF for inclusion in the electronic patient health record or where external documents are supported or needed.

It includes timed metrics such as the Timed Up and Go, patient-reported outcomes such as the Socket Comfort Score and Lower Extremity Functional Scale, and surveys such as the Patient Satisfaction Questionnaire.

**COMET is now available! To use the mobile app, visit the [Google Play store](#) or [App store for iOS](#) to download.**

Questions? Contact Dr. David Boone at [dboone@orthocareinnovations.com](mailto:dboone@orthocareinnovations.com).

### **Impact of Court Rulings on COVID-19 Vaccine Mandates**

AOPA is aware of and is closely following recent state and federal court rulings that will impact the ability of the Federal Government to implement COVID-19 vaccine requirements for large businesses (OSHA), healthcare workers (CMS), and federal contractors. All three Emergency Temporary Standards (ETS) have been challenged in both state and federal court. To date, federal courts have issued temporary injunctions preventing full implementation of both the CMS and OSHA vaccine requirements and several state courts have issued injunctions preventing implementation of the federal contractor requirement.

AOPA will continue to follow developments as the courts hear these and other cases and will update AOPA members regularly.

AOPA remains in support of all measures to ensure the safety and well-being of all of its members and their patients, including COVID-19 vaccination.

Questions regarding the status of vaccination requirements for AOPA members 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).

### **Medicare O&P Fee Schedule Set for its Largest Annual Increase in Over 30 Years**

While the Centers for Medicare and Medicaid Services (CMS) has not officially released it, the 2022 O&P Medicare fee schedule is expected to be increased by 5.1%, this is larger than any annual Medicare increase in the last 30 years.

The annual increase to the Medicare O&P fee schedule is based on the annual change to the Consumer Pricing Index for all urban areas (CPI-U) from June to June of the previous year adjusted by an annual productivity adjustment (MFPA). The CPI-U from June 2020 to June 2021 was 5.4%. While the MFPA has not officially been released for the 2022 DMEPOS Medicare fee schedule, the 2022 MFPA for ambulance services, which is based on the same statute as DMEPOS, is -0.3%. Assuming the DMEPOS MFPA for 2022 will be -0.3%, AOPA is confident that the net increase in the 2022 Medicare O&P fee schedule will be 5.1%.

AOPA is your strongest advocate and will continue to work to ensure fair and reasonable reimbursement for your valuable services. AOPA was instrumental in developing the legislation that tied the Medicare O&P fee schedule to the CPI-U more than 20 years ago and continues to work for you through efforts like the recent introduction of the Medicare O&P Patient-Centered Care Act.

Questions regarding the 2022 Medicare O&P Fee Schedule 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).

## **HHS Applications Open for \$25.5B in PRF Phase 4 and APR Funding for Healthcare Provider Pandemic Relief**

On September 29<sup>th</sup>, the Health Resources and Services Administration (HRSA) made available \$25.5 billion in new funding for healthcare providers affected by the COVID-19 pandemic.

Of this total, \$17 billion will be paid out through Phase 4 of the Provider Relief Fund (PRF), based on providers' lost revenues and expenditures between July 1, 2020 and March 31, 2021. To ensure equity, smaller providers will be reimbursed at a higher rate than larger providers, and bonus payments at Medicare rates will be included for providers that serve Medicaid, Medicare, and/or CHIP patients.

The remaining \$8.5 billion will be allocated through the American Rescue Plan (ARP) rural program. Payments will be distributed to providers based on the amount of Medicaid, Medicare, and/or CHIP services they provide to patients that live in rural areas, as defined by HHS's [Federal Office of Rural Policy](#). Like the PRF Phase 4 bonus payments, ARP rural payments will generally be based on Medicare reimbursement rates.

To streamline the application process, providers will apply to both programs through a single application, which will use existing Medicaid, Medicare, and CHIP claims data to calculate payments. For more information about eligibility, required documentation, and the application process for the PRF and APR rural programs, click [here](#).

Questions regarding this issue may be sent to Joe McTernan at [jmcternan@aopanet.org](mailto:jmcternan@aopanet.org), Devon Bernard at [dbernard@aopanet.org](mailto:dbernard@aopanet.org), or Sam Miller at [smiller@aopanet.org](mailto:smiller@aopanet.org).

## **New HCPCS Code: K1022**

Begging for claims with a date of service on or after October 1, 2021 there will be a new HCPCS code for lower limb prostheses, K1022 (Addition to lower extremity prosthesis, endoskeletal, knee disarticulation, above knee, hip disarticulation, positional rotation unit, any type).

This new code is the result of a code application submitted during CMS' First Biannual 2021 HCPCS code application review cycle. The code application was submitted by Ottobock to describe the Ottobock 4R57 Rotation Adapter.

Questions? Contact Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org)

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## Certain Supplier Enrollment Activities to Resume in October

Beginning October 2021, CMS will resume certain provider enrollment activities that were paused during the COVID-19 public health emergency (PHE), including: Application Fees, Fingerprinting/Background Checks, and Revalidations.

Suppliers who missed their original revalidation date because of the PHE will be notified of their new revalidation due date in two ways, a letter will be sent to the correspondence address on file in the Provider Enrollment Chain and Ownership System (PECOS), and The [Medicare Revalidation Tool](#) will be updated to reflect the new date. The letters and revalidation tool site will be sent and updated at least 3 months in advance of the new revalidation due date.

If you were originally scheduled to revalidate your location(s)/PTAN(s) during the PHE you will want to keep an eye out for your revalidation letter and begin checking the revalidation tool website starting in October, because a failure to respond to the revalidation request by the revalidation due date, will result in the deactivation of your Medicare billing privileges.

Questions? Contact Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org).

## TPE Audits to Resume

The Targeted Probe and Educate (TPE) program was temporarily suspended due to the COVID-19 Public Health Emergency (PHE), but the Centers for Medicare & Medicaid Services (CMS) has recently authorized the DME MACs to resume the TPE program. In

resuming the TPE program the DME MACs should also be closing all post-payment reviews.

For a reminder on how the TPE program works visit the CMS TPE page.

Questions? Contact Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org).

### **QIC Telephone Discussion/Reopening Demonstration Project Ending**

The Centers for Medicare & Medicaid Services (CMS) has issued a reminder, that all activities associated with the Qualified Independent Contractor (QIC) Telephone Discussion and Reopening Process Demonstration Project will be ending on December 31, 2021.

The demonstration project gave elected suppliers who submitted second level appeals (reconsiderations) to the QIC, currently the QIC for O&P claims is MAXIMUS, a chance to participate in a formal telephone discussion. These discussions allow suppliers to present additional information, documentation and facts about their appeal to support a favorable determination. The program has been very successful with approximately 70% of claims chosen for telephone discussion approved for payment versus only 30% of those not chosen for telephone discussion.

AOPA will continue to support programs that are designed to help suppliers and reduce the backlog of appeals at the Administrative Law Judge level. AOPA is currently with several other associations to engage CMS and the QIC to ensure that this valuable demonstration project is extended or made permanent. The demonstration project has been extended once, as it was originally intended to end on December 31, 2020.

Questions? Contact Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org).

### **We Need Your Help, Ask Your Members of Congress to Support the Medicare O&P Patient-Centered Care Act**

The Medicare O&P Patient-Centered Care Act (S. 2556) [was introduced](#) in the Senate. This bipartisan legislation would improve access to, and quality of, orthotic and prosthetic care while simultaneously combating fraud and abuse. The bill is identical to legislation introduced in the House in March.

To move this legislation forward, we need to garner as much support as possible for it. Please write to your Senators and urge them to support this important legislation – simply enter your information on the AOPAvotes platform, personalize the letter as you see fit – it’s important to tell YOUR story – and click send.

In addition to asking your Senators to sponsor the Medicare O&P Patient-Centered Care Act, please also take a few minutes to reach out to your Representative following the same steps and ask them to support H.R. 1990 if they aren’t already.



Finally, as you are using the AOPAvotes platform to send letters to your Senators and Representatives, be sure to utilize the automated Twitter campaign. Every Member of Congress has a Twitter account making it a great way to ask for their support.

Doing these three things will take just a few minutes and will go a long way in securing passage of this legislation. If Members of Congress do not hear from you, they will not know how important this legislation is to your businesses and more importantly, your patients

If you have any questions, contact Ashlie White AOPA's Director of Health Policy and Strategic Alliances, at [awhite@AOPAnet.org](mailto:awhite@AOPAnet.org).

Thank you for your efforts, they really do make a difference!

### **TAKE ACTION**

#### **DME MACs Expand Medical Review on a Post-payment Basis**

As a result of the COVID-19 public health emergency (PHE) the DME MACs had limited their post-payment reviews to focus on claims with dates of service prior to the beginning of the PHE on March 1, 2020. CMS has announced that Medicare Administrative Contractors, including the DME MACs, will now conduct post-payment reviews for later dates of service, including those after the declaration of the PHE. There is still no announced timeframe for the renewal of pre-payment audit activity through the Target, Probe, and Educate (TPE) program.

AOPA has contacted the DME MACs and has confirmed that post-payment reviews for dates of service during the PHE will take into account any policy waivers and regulatory flexibilities that were put in place by CMS to reduce provider burden but all applicable statutory, regulatory and coding and billing requirements will be subject to review.

Questions? Contact Joe McTernan at [jmctern@AOPAnet.org](mailto:jmctern@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org)

#### **CMS Updates System Edits for Custom Fabricated and Custom Fitted Orthoses**

On May 20, 2021, the Centers for Medicare and Medicaid Services (CMS) issued updated program instructions to the DME MAC contractors that will result in the creation of additional Medicare claim edits in the 17 states that currently require licensure and/or certification of orthotists and prosthetists.

The updated claim edits will be implemented on October 4, 2021. In the 17 states that currently require licensure/certification, Medicare will only pay claims for custom fabricated orthoses (OR01) or custom fitted orthoses (OR02) when they are furnished by a provider that is enrolled under one of the following provider specialties:

- Medical Supply Company with Orthotics Personnel – Specialty Code 51;
- Medical Supply Company with Prosthetics Personnel – Specialty Code 52;
- Medical Supply Company with Orthotics and Prosthetics Personnel – Specialty Code 53;

- Orthotics Personnel – Specialty Code 55; • Prosthetics Personnel – Specialty Code 56;
- Orthotics Personnel, Prosthetics Personnel, and Pedorthists – Specialty Code 57;
- Physical Therapist – Specialty Code 65;
- Occupational Therapist – Specialty Code 67;
- Pedorthic Personnel - Specialty Code B2;
- Medical Supply Company with Pedorthic Personnel - Specialty Code B3;
- Ocularist – Specialty Code B5

The updated program instructions are consistent with the legislative requirements of the Benefits Improvement and Protection Act (BIPA) of 2000, the implementation of which AOPA has supported since passage.

While most AOPA members are enrolled in Medicare under one of the qualifying specialty codes above, it may be in your best interest to confirm your enrollment classification with the National Supplier Clearinghouse.

The CMS program instruction may be accessed [here](#).

Questions regarding this issue may be sent to Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org).

#### **PDAC Product Classification List Process Change**

Manufacturers/distributors are reminded that they must submit a [Code Verification Review Application](#) to the PDAC if they are looking to update any product information already listed on the PDAC Product Classification List.

Questions? Contact Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org)

#### **Medicare Sequestration Suspension Extended Through the Remainder of 2021**

The 2% sequestration-based reduction in Medicare reimbursement has been suspended for the remainder of the year. The sequestration suspension technically expired on March 31, 2021 but there was bi-partisan support to continue suspension of sequestration to reduce the burden on providers so they can focus on delivering necessary healthcare services.

As part of the anticipated extension CMS has instructed its contractors, including the DME MACs to hold claims with a date of service on or after April 1, 2021. With the extension now in place the DME MACs will release any previously held claims with dates of service on or after April 1, and will reprocess any claims paid with the reduction applied.

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).



### **Corrections to the 2021 DMEPOS Fee Schedule**

CMS recently announced that they have identified, and corrected errors found in the 2021 DMEPOS fee schedule. Claims which were submitted prior to January 26, 2021 with dates of service on or after January 1, 2021 may have been affected. The list of HCPCS codes which included errors and were correct didn't contain any orthotic and prosthetic codes. The complete list of codes affected and corrected maybe downloaded [here](#).

Most of the corrections to the fee schedule amounts were minor and resulted in an increase of less than 1%. However, there may be a small percentage of claims were corrections resulted in changes that range from a 2021 fee schedule amount decrease of 30% to a 2021 fee schedule amount increase of 57%. The majority of these large increases/decreases were for claims submitted with the KE modifier, which does not apply to O&P claims.

If you provided any items included on the complete list of codes impacted by the corrections, you may contact your DME MAC and request them to reprocess and adjust all your claims accordingly.

Questions? Contact Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org).

### **Post Pay Review for Replacement Sockets**

CGS, the DME MAC for jurisdictions B and C, has recently announced that they will be conducting post payment reviews for select replacement sockets. The two socket replacement codes selected for review are:

- L5700- Replacement, socket, below knee, molded to patient model
- L5701- Replacement, socket, above knee/knee disarticulation, including attachment plate, molded to patient model

Read the [full announcement](#) from CGS.

Questions? Contact Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org).

**Thank you 2021 Supplier Plus Partners**



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For more information, contact Kelly O'Neill at 571-431-0852 or [kelly.oneill@AOPAnet.org](mailto:kelly.oneill@AOPAnet.org).



### Introducing AOPA Connection

Welcome to AOPA Connection, your one-stop-shop for all things AOPA.

Logging into AOPA Connection you will instantly have access to all your AOPA benefits, including:

- AOPAversity
- Your Membership Record
- Your Individual Profile
- Event Calendar
- Bookstore (including past purchases)
- Co-OP

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But, it doesn't stop there! We are pleased to introduce a new benefit accessible through AOPA Connection, My O&P Community. In this online community of your O&P colleagues you can get guidance, share advice, have one-on-one and group conversations, and access resources.

#### For Primary/Principal Member Contacts:

- For security reasons, we couldn't bring over passwords during conversion from our old database, so you get to start fresh. To access AOPA Connection click [here](#) and enter your unique email address to reset your password. Then, just follow the instructions for logging in. Note: accounts are tied to email addresses.
- If for some reason you are told your email is not found, create an account [here](#).
- If, you had multiple emails addresses in the old database and receive this email to all accounts please contact us at [info@AOPAnet.org](mailto:info@AOPAnet.org) and we will help you reconcile your accounts.

- Once logged in be sure to complete your profile, this will help us better meet your needs as well as allow others to connect with you. Once you do this, play around with all the features, re-familiarize yourself with all the AOPA benefits, check out the discussions happening in My O&P Community.
- You can set all your employees up with their own credentials so they too can access all the AOPA member benefits. Spread the word, send them [here](#) and tell them to setup an account using their unique email and follow the instructions to link to your organization's name.

**For Employees of Members:**

- Accessing AOPA Connection is simple, all you need to do is set up your account [here](#) using your unique email and follow the instructions to link to your organization's name.
- Once logged in be sure to complete your profile, this will help us better meet your needs as well as allow others to connect with you. Once you do this, play around with all the features, re-familiarize yourself with all the AOPA benefits, check out the discussions happening in My O&P Community.

To learn how to access and use AOPA Connection, watch Betty Leppin, Senior Manager of Membership demo AOPA Connection [in this recording](#).

Questions? Check out these [Tips for Logging In](#). Still have questions? Contact Betty Leppin at [bleppin@AOPAnet.org](mailto:bleppin@AOPAnet.org) or 571-431-0876.

<b>Upcoming Events</b>
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**January 12**

Strategies for Effective Revenue Collection

[Register](#)

**January 20**

AOPA Advocacy in Action

[Register](#)

**February 9**

Lower Limb Protheses Policy: A Review

[Register](#)