



Medicare Orthotic and Prosthetic Patient-Centered Care Act

H.R. 1990 – Reps. Mike Thompson (D–CA), Brett Guthrie (R–KY), GK Butterfield (D–NC), and GT Thompson (R–PA), Dutch Ruppersberger (D–MD), Blaine Luetkemeyer (R–MO), David McKinley (R–WV), Dean Philips (D–MN), Brad Wenstrup (R–OH), Markwayne Mullin (R–OK), Cynthia Axne (D–IA), Adrian Smith (R–NE), Jackie Walorski (R–IN), Suzan DelBene (D–WA), Jefferson Van Drea (R–NJ), Troy Balderson (R–OH), Angie Craig, (D–MN), Mike Kelly (R–PA), Mariannette Miller-Meeks (R–IA), Joe Neguse (D–CO), Paul Ruiz (D–CA)

S. 2556 – Senators Mark Warner (D–VA), Steve Daines (R–MT), Tammy Duckworth (D–IL), Chuck Grassley (R–IA), John Cornyn (R–TX), Bill Cassidy (R–LA), John Thune (R–SD)

The Medicare Orthotic and Prosthetic Patient-Centered Care Act will ensure orthotic and prosthetic (“O&P”) patients have access to quality care and will reduce fraud and abuse in the Medicare O&P benefit. Specifically, this legislation will fundamentally ensure that patients are receiving the best quality care by licensed, credentialed, and trained professionals, guarantee that patient care is easily accessible, and reduce fraud and abuse that carries both a patient care and financial cost.

The legislation would accomplish four patient-centric goals:

- *Differentiates O&P Clinical Care from Durable Medical Equipment:* The legislation would differentiate in statute the clinical, service-oriented nature in which O&P care is provided from durable medical equipment (DME). DME is totally different than O&P care and should be treated separately in statute and regulations. O&P clinical care would no longer be viewed through a DME lens, permitting more appropriate regulation.
- *Refine Competitive Bidding of Off-the-Shelf Orthotics:* Revises the interpretation of “off-the-shelf” (OTS) orthotics for purposes of competitive bidding by clarifying that the Centers for Medicare and Medicaid Services may only competitively bid orthoses that require “minimal self-adjustment” by patients themselves, restoring congressional intent and ensuring that patients in need of custom fit orthoses will continue to have the clinical care necessary to achieve proper orthotic fit and function.
- *Exempts Appropriately Credentialed Clinicians from Competitive Bidding:* This bill would exempt certified and/or licensed orthotists and prosthetists from the requirement to have a competitive bidding contract in order to provide OTS orthoses to their patients, much like the law treats therapists and physicians. These orthoses would be subject to the competitive bidding rate so this provision would increase patient convenience without increasing Medicare outlays.
- *Prohibits “Drop Shipping” of Custom Fit and Fabricated O&P:* The bill would reduce waste, fraud, and abuse by prohibiting “drop shipping” of all prosthetic limbs and orthotic braces that are not truly OTS (i.e., subject to minimal self-adjustment by the patient). This would save Medicare outlays and ensure the provision of clinical O&P care.

About Orthotists and Prosthetists: Certified and/or licensed orthotists and prosthetists are clinicians who are highly trained to provide direct patient care in assessing, fitting, and fabricating orthotic braces and prosthetic limbs and providing ongoing O&P patient care management involving functional status, range of motion, joint stability, and skin integrity.

About AOPA: A trusted partner, advocating for and serving the orthotic and prosthetic community, the American Orthotic and Prosthetic Association (AOPA) fosters relationships with decision makers, provides education, supports research, and advances equality to strengthen the orthotic and prosthetic profession and improve the lives of its patients. Since 1917, AOPA has been the largest non-profit organization consisting of more than 2,000 patient care facilities and suppliers that together manufacture, distribute, design, fabricate, fit, and provide clinical care for patients using orthopedic braces and prostheses (artificial limbs). Each and every day, AOPA and its members strive for a world where orthotic and prosthetic care transforms lives.