



American  
Orthotic &  
Prosthetic  
Association

## AOPA In Advance SmartBrief February 14, 2023

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## ISPO World Congress

With the 19<sup>th</sup> World Congress of the International Society for Prosthetics and Orthotics (ISPO), the leading international event for mobility products (prosthetics, orthotics, and wheelchairs), assistive technology and rehabilitation services will be taking place in Latin America for the first time from 24 to 27 April. The renowned World Congress will bring together professionals from diverse fields from around the globe in Guadalajara, Mexico, to share a high-calibre scientific programme including keynote lectures, symposia, instructional courses, free paper and poster presentations. In the exhibition, more than 90 exhibitors will provide a comprehensive market overview. View the [Preliminary Programme](#) now!



## CMS Expands its List of Codes Subject to Face to Face Encounters and Written Orders Prior to Delivery

On January 17, 2023, the Centers for Medicare and Medicaid Services (CMS) added the following ten O&P HCPCS codes to the list of codes which require a written order prior to delivery (WOPD) and a face-to-face encounter (F2F) as a condition of payment for claims with a date of service on or after April 17, 2023:

- L0631- Lumbar-Sacral Orthosis, Sagittal Control, With Rigid Anterior And Posterior Panels, Posterior Extends From Sacrococcygeal Junction To T-9 Vertebra, Produces Intracavitary Pressure To Reduce Load On The Intervertebral Discs, Includes Straps, Closures, May Include Padding, Shoulder Straps, Pendulous Abdomen Design, Prefabricated Item That Has Been Trimmed, Bent, Molded, Assembled, Or Otherwise Customized To Fit A Specific Patient By An Individual With Expertise
- L0637-Lumbar-Sacral Orthosis, Sagittal-Coronal Control, With Rigid Anterior And Posterior Frame/Panels, Posterior Extends From Sacrococcygeal Junction To T-9 Vertebra, Lateral Strength Provided By Rigid Lateral Frame/Panels, Produces Intracavitary Pressure To Reduce Load On Intervertebral Discs, Includes Straps, Closures, May Include Padding, Shoulder Straps, Pendulous Abdomen Design, Prefabricated Item That Has Been Trimmed, Bent, Molded, Assembled, Or Otherwise Customized To Fit A Specific Patient By An Individual With Expertise

- L1843-Knee Orthosis, Single Upright, Thigh And Calf, With Adjustable Flexion And Extension Joint (Unicentric Or Polycentric), Medial-Lateral And Rotation Control, With Or Without Varus/Valgus Adjustment, Prefabricated Item That Has Been Trimmed, Bent, Molded, Assembled, Or Otherwise Customized To Fit A Specific Patient By An Individual With Expertise
- L1932-Ankle Foot Orthosis, Rigid Anterior Tibial Section, Total Carbon Fiber Or Equal Material, Prefabricated, Includes Fitting And Adjustment
- L1940-Ankle Foot Orthosis, Plastic Or Other Material, Custom-Fabricated.L1951Ankle Foot Orthosis, Spiral, (Institute Of Rehabilitative Medicine Type), Plastic Or Other Material, Prefabricated, Includes Fitting And Adjustment
- L1960-Ankle Foot Orthosis, Posterior Solid Ankle, Plastic, Custom-Fabricated.L1970Ankle Foot Orthosis, Plastic With Ankle Joint, Custom-Fabricated
- L2005-Knee Ankle Foot Orthosis, Any Material, Single Or Double Upright, Stance Control, Automatic Lock And Swing Phase Release, Any Type Activation, Includes Ankle Joint, Any Type, Custom Fabricated
- L2036-Knee Ankle Foot Orthosis, Full Plastic, Double Upright, With Or Without Free Motion Knee, With Or Without Free Motion Ankle, Custom Fabricated.

Questions regarding this list 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) .

### **NAAOP Announces 2023 Breece Fellowship on Public Policy and Advocacy**

*ATTENTION ALL O&P CONSUMERS:* The National Association for the Advancement of Orthotics and Prosthetics (NAAOP) is soliciting applications for its annual orthotic and prosthetic policy/advocacy fellowship, known as the George and Dena Breece Fellowship (“Breece Fellowship”). The deadline for submitting an application for this fellowship is Tuesday, February 28, 2023 by 12:00 Midnight, Eastern Time.

NAAOP is a national nonprofit association advocating for consumers/patients requiring orthotic and prosthetic care, as well as the providers who serve them. The Breece Fellowship is a paid, 10-week summer program based in Washington, D.C. The fellow will learn about orthotic and prosthetic (O&P) policy, advocacy, and how NAAOP and other O&P organizations function on behalf of the O&P community and within the broader rehabilitation and disability policy and advocacy environment at the federal and state levels. The fellowship also includes exposure to O&P clinical and business settings, and state-based public policy and advocacy.

One or two fellows will be selected for the summer of 2023 through a competitive process using the application on the [www.naaop.org](http://www.naaop.org) website. Finalists will be interviewed via videoconference by an NAAOP Selection Committee. If the finalist(s) selected cannot accept the fellowship for any reason, the next highest ranked fellow will be offered the position.

**Selection Criteria:** All applicants must:

- Personally use a custom fabricated orthosis or prosthesis;
- Have an interest in public/health policy and advocacy;
- Demonstrate an interest in advancing O&P care;
- Have excellent writing, speaking, and analytical skills (see application for additional factors).

NAAOP fellows each receive a stipend of \$500 per week for a ten-week period, although the fellow will have paid time-off during Independence Day week. NAAOP will provide the fellows with an office, phone, and computer in its DC offices at NAAOP's counsel, the Powers Law Firm, 1501 M Street, NW, Suite 700, Washington, DC 20005. NAAOP will assist the fellows in exploring summer housing options with area colleges or other settings for those with no other housing options. NAAOP will provide a stipend to help defray housing costs if needed.

The NAAOP fellows will shadow NAAOP's General Counsel, Peter W. Thomas, who will assign and oversee the fellows' health policy and advocacy work. This work will focus on O&P policy but also include exposure to the broader rehabilitation and disability policy environment. Other O&P organizations may host the fellows to understand their respective role and contribution to the O&P field's policy framework. The fellows will also be exposed to policy and advocacy speakers, attendance at Congressional hearings, participation in coalition and "think tank" meetings/presentations throughout Washington, and meetings with advocacy organizations in the broader rehabilitation and disability field.

**Application Deadline:** Tuesday, February 28, 2023 at 12:00 Midnight, Eastern. Applications must be submitted electronically to [Fellowship@naaop.org](mailto:Fellowship@naaop.org).

**Fellowship Selection Announcement:** March 24, 2023

**Fellowship Term:** 10-weeks (Late May to Early August, 2023).

### **Medicare DMEPOS Fee Schedule Will See its Largest Annual Increase in 2023**

The Centers for Medicare and Medicaid Services (CMS) has officially released the 2023 DMEPOS Medicare fee schedule and it has increased by 8.7%, this is larger than any annual Medicare increase in the last several decades.

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) or Total Factor Productivity (TFP). The CPI-U from June 2021 to June 2022 was 9.1%. The MFPA or TFP for the 2023 DMEPOS Medicare fee schedule was 0.4%. So, when the 9.1% increase in the CPI-U is reduced by the 0.4% increase in the MFPA or TFP the results are a total net increase of 8.7% in the DMEPOS fee schedule for 2023.

Questions regarding the 2023 Medicare DMEPOS 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).

### **New National Provider Enrollment Contractors**

Prior to November 6, 2022, there was only one contractor handling all enrollments and revalidations for durable, medical equipment, prosthetic, orthotic and supplies (DMEPOS) suppliers; and that was the National Supplier Clearinghouse (NSC) . Palmetto GBA had the contract to be the NSC contractor. As of November 7, 2022 there are now two National Provider Enrollment (NPE) contractors handling enrollment and revalidation activities for DMEPOS suppliers, and each contractor is handling a different region.

Novitas Solutions will handle all suppliers in the eastern part of the United States including Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia, Puerto Rico, US Virgin Islands; and will be referred to as National Provider Enrollment (NPE) East. Novitas Solutions website for NPE East is: [www.novitas-solutions.com/webcenter/portal/DMEPOS](http://www.novitas-solutions.com/webcenter/portal/DMEPOS).

Palmetto GBA will continue to handle all suppliers in the western part of the United States including Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, Northern Mariana Islands; and will be referred to as National Provider Enrollment (NPE) West. You may still use the old National Supplier Clearinghouse website for Palmetto GBA to access information about NPE West or you may use the new site [www.palmettogba.com/palmetto/npewest.nsf](http://www.palmettogba.com/palmetto/npewest.nsf).

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

### **Final Phase of Prior Authorization for Select Orthoses Begins October 10**

As a reminder Phase III, the final phase, of Prior Authorization for the following five orthoses:

- L0648 Lumbar-Sacral Orthosis, Sagittal Control, With Rigid Anterior And Posterior Panels, Posterior Extends From Sacrococcygeal Junction To T-9 Vertebra, Produces Intracavitary Pressure To Reduce Load On The Intervertebral Discs, Includes Straps,

Closures, May Include Padding, Shoulder Straps, Pendulous Abdomen Design, Prefabricated, Off-The-Shelf

- L0650 Lumbar-Sacral Orthosis, Sagittal-Coronal Control, With Rigid Anterior And Posterior Frame/Panel(S), Posterior Extends From Sacrococcygeal Junction To T-9 Vertebra, Lateral Strength Provided By Rigid Lateral Frame/Panel(S), Produces Intracavitary Pressure To Reduce Load On Intervertebral Discs, Includes Straps, Closures, May Include Padding, Shoulder Straps, Pendulous Abdomen Design, Prefabricated, Off-The-Shelf
- L1832 Knee Orthosis, Adjustable Knee Joints (Unicentric Or Polycentric), Positional Orthosis, Rigid Support, Prefabricated Item That Has Been Trimmed, Bent, Molded, Assembled, Or Otherwise Customized To Fit A Specific Patient By An Individual With Expertise
- L1833 Knee Orthosis, Adjustable Knee Joints (Unicentric Or Polycentric), Positional Orthosis, Rigid Support, Prefabricated, Off-The Shelf
- L1851 Knee Orthosis (KO), Single Upright, Thigh And Calf, With Adjustable Flexion And Extension Joint (Unicentric Or Polycentric), Medial-Lateral And Rotation Control, With Or Without Varus/Valgus Adjustment, Prefabricated, Off-The-Shelf

Will begin in all remaining states and territories for all claims with a date of service on or after October 10, 2022.

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

### **CO-261 Claim Rejections Resolved**

Several AOPA members had reported having an issue with select lower limb prosthetic claims being rejected with the remark code CO-261 (The procedure or service is inconsistent with the patient's history). Since the claims were rejected and not denied the claim could not be appealed; it could only be fixed and resubmitted. However, there was no information or directions provided as to what was "inconsistent", and how it could be fixed. This inability to fix/appeal the claims was also causing some members to miss their timely filing window.

AOPA, over the last several months, has been working diligently with key staff members at the DME MACs, the DME MAC Medical Directors and high-ranking CMS officials to find a reasonable solution and provide a pathway for suppliers to appeal these rejections; especially for those who may have missed their timely filing windows. The DME MAC Medical Directors recently [informed AOPA that the issue has been resolved](#), and that they will be contacting the affected suppliers and provide them with directions on how to resubmit and/or appeal their claims.

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



## **AOPA to Respond to Request from CMS Input on Improving the Medicare Advantage Program**

On August 1, 2022, the Centers for Medicare and Medicaid Services (CMS) published a *Request for Information on Medicare* that seeks input from the public regarding actions that CMS can take to improve various aspects of the Medicare Advantage program. The notice, published in the Federal Register, seeks input from stakeholders and the public in the following five specific areas of the Medicare Advantage Program:

- Advancing Health Equity
- Expansion of Access: Coverage and Care
- Driving Innovation to Promote Person-Centered Care
- Supporting Affordability and Sustainability
- Engaging Partners

Medicare Advantage, also known as Medicare Part C, is a partnership between CMS and private insurance companies that allows private payors to offer healthcare services to Medicare beneficiaries as a replacement for their traditional fee-for-service Medicare benefits. Medicare Advantage plans must, at a minimum, offer the same benefits that a patient has access to under traditional fee-for-service based Medicare but may offer additional benefits such as vision or dental benefits. In addition, Medicare advantage plans typically offer services at a reduced cost-sharing expense to the beneficiary.

The Request for Information is an excellent opportunity to provide valuable input to CMS on how they can make definitive improvements to the Medicare Advantage program that will facilitate your organization's ability to provide the best O&P care to your patients enrolled in Medicare Advantage plans. AOPA will be submitting comments on behalf of its members, but encourage you to provide your own input based on your individual experience as well.

The August 1, 2022 Federal Register notice may be accessed [here](#). Comments will be accepted until August 31, 2022 and may be submitted electronically, by regular mail, or by express or overnight delivery. Instructions on how to submit your comments are available in the Federal Register notice.

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

## **Microprocessor Knee Class Action Settlement with Anthem set for August 29, 2022 Final Approval Hearing**

In October 2021, AOPA reported a preliminary settlement that had been reached in the class action suit, *Lacy Atzin v. Anthem UM Services Inc. et al.* The preliminary settlement agreement resulted in a change to the previous Anthem policy for microprocessor

prosthetic knees that required prosthetic patients to demonstrate that they could use the microprocessor knee to walk at variable cadence and to walk faster than normal walking speed. The revised policy, which has now been in effect for several years focuses more on the ability of the microprocessor knee to assist patients facilitate their activities of daily living.

The settlement has been agreed to by all involved parties, including representatives of Anthem Blue Cross & Blue Shield and attorneys representing the class of plaintiffs. The U.S. District Court for the Central District of California will formally approve the settlement in a hearing scheduled for August 29, 2022.

More information regarding the class action suit including how claims for previously denied services may be submitted may be found [here](#).

Questions regarding this issue may be directed to Joe McTernan at [jmcternan@aopanet.org](mailto:jmcternan@aopanet.org)

#### **Reminder: Sequestration Amount to be Increased to 2%**

Be advised that the current partial 1% sequestration reduction applied to your final Medicare payment amounts officially ends on June 30, 2022. Beginning on July 1, 2022 you will begin to see the full sequestration amount of 2% applied to your final Medicare payment amounts.

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

#### **OIG Releases Report on Medicare Advantage Plan Denials of Prior Authorization Requests**

On April 28, 2022, the Department of Health and Human Services Office of Inspector General (OIG) released a report entitled *Some Medicare Advantage Organization Denials of Prior Authorization Requests Raise Concerns About Beneficiary Access to Medically Necessary Care*. The report indicated that in many instances, the OIG determined that Medicare Advantage Organizations (MAOs) inappropriately denied prior authorization requests that impacted Medicare beneficiaries' access to medically necessary care. The OIG highlighted the following key takeaways in its report.

“MAOs denied prior authorization and payment requests that met Medicare coverage rules by:

- using MAO clinical criteria that are not contained in Medicare coverage rules;
- requesting unnecessary documentation; and
- making manual review errors and system errors.”



The OIG report included a sample of five hundred prior authorization requests denied by various sized MAOs across the full spectrum of Medicare covered services. The report included a representative sample of some of the prior authorization denials that were identified including several examples of claims involving DMEPOS services. While no O&P prior authorization denials were specifically identified in the report, the findings and recommendations of the report remain significant. The OIG reported that of the prior authorization denials that were reviewed, 13 percent met Medicare coverage requirements and 18 percent met both Medicare and MAO coverage requirements. In both scenarios, the OIG reported that the prior authorization requests should not have been denied by the MAO.

As a result of its investigation the OIG made the following three recommendations to the Centers for Medicare and Medicaid Services (CMS).

- issue new guidance on the appropriate use of MAO clinical criteria in medical necessity reviews;
- update its audit protocols to address the issues identified in this report, such as MAO use of clinical criteria and/or examining particular service types; and
- direct MAOs to take steps to identify and address vulnerabilities that can lead to manual review errors and system errors.

CMS concurred with all three OIG recommendations.

AOPA is encouraged that the OIG and CMS remain committed to ensuring Medicare beneficiaries have access to medically necessary, clinically appropriate care, including O&P services and supports the recommendations in the OIG report. Medicare beneficiaries will benefit from increased oversight of MAOs and additional guidance from CMS regarding MAO adherence to Medicare coverage policies.

Access the [OIG report](#).

Questions regarding the OIG report 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).

<b>Written Order Prior to Delivery &amp; Face-to-Face Encounter Reminder</b>
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As a reminder, effective for dates of service on or after April 13, 2022 CMS requires a Written Order Prior to Delivery (WOPD) and documentation of a Face-to-Face encounter with a qualified practitioner within 6 months prior to delivery to be on file for the following HCPCS codes: L0648, L0650, L1832, L1833, L1851 and L3960.

This requirement is independent of the Medicare prior authorization requirement that also began in New York, Illinois, Florida and California on April 13, 2022. As a condition of payment, claims for L0648, L0650, L1832, L1833, L1851 and L3960 that are submitted without the WOPD and Face-to-Face encounter will be denied.

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

### **AOPA Impacts CMS Guidance Regarding Medicare Prior Authorization for Emergent Need Orthoses**

In January 2022, the Centers for Medicare and Medicaid Services (CMS) announced the expansion of the Medicare prior authorization program to include the following five spinal and knee orthosis codes, L0648, L0650, L1832, L1833, and L1851.

While the existing Medicare prior authorization program for select lower limb prosthesis codes has been very successful to date, AOPA heard significant concerns from members regarding challenges that will occur obtaining Medicare prior authorization in situations where there is an immediate need to provide an orthosis to stabilize an injured or unstable spine or knee.

To address these concerns, AOPA immediately engaged the DME MACs and high-level CMS officials regarding the negative impact Medicare prior authorization for emergent need orthoses would have when there was an immediate need for an orthosis and suggested potential solutions to allow Medicare beneficiaries access while ensuring adequate protection of Medicare funds.

On April 12, 2022, CMS released guidance consistent with AOPA's recommendations. The CMS guidance stated that if the two-day expedited review process would delay care and risk the health or life of the beneficiary, the Medicare prior authorization requirement will be suspended. Claims for emergent need orthoses that would otherwise require Medicare prior authorization must be submitted with a "ST" modifier. While the ST modifier will allow claims to be processed and paid, all claims submitted with the ST modifier will then be subject to pre-payment review.

View the [full guidance](#) released by CMS.

As a reminder, Phase I of the expanded Medicare prior authorization program is in effect in New York, Illinois, Florida, and California for dates of service on or after April 13, 2022.

If you have any questions, contact Joe McTernan at [jmcternan@AOPAnet.org](mailto:jmcternan@AOPAnet.org) or Devon Bernard at [dbernard@AOPAnet.org](mailto:dbernard@AOPAnet.org)

### **DME MAC/PDAC Correct Coding Bulletin on Upper Extremity Protheses**

On Thursday, March 31 the DME MACs and the PDAC released a comprehensive correct coding bulletin for all Upper Extremity Protheses (UEP). In the bulletin they stated that the correct coding of an UEP base code, and addition codes, are dependent on two main factors: the level of amputation and the protheses' power source.

The bulletin incorporates information from previous DME MAC/PDAC correct coding reminders, such as the one for [Articulating Digits and Prosthetic Hands](#), but also includes additional information on the proper coding of all aspects of the UEP including: cable systems, suspension systems, and test sockets.

You may review the full UEP coding reminder [here](#).

AOPA with the help of its Coding & Reimbursement Committee and prosthetic manufacturers is currently reviewing this bulletin to determine how it will impact our membership and will provide all appropriate comments and feedback to the DME MACs and the PDAC.

We would also appreciate you sharing your feedback and concerns with us via My O&P Community or [info@AOPAnet.org](mailto:info@AOPAnet.org).

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

## Upcoming Events

### **February 16**

AOPA Advocacy in Action

[Register](#)

[See AOPA's Education Calendar](#)