



AOPA In Advance SmartBrief
Breaking News
April 4, 2013

AOPA's Concerns Prompt CMS to Modify Limits for RAC Audits

AOPA's continuing conversation and efforts to convince CMS of the cash flow killing harm to patient care and member patient care facilities imposed by the pervasive and aggressive RAC audits together with aggressive AOPA member advocacy with their legislators flowing from the Policy Forum appears to have borne some fruit.

The Centers for Medicare and Medicaid Services has announced that, effective April 3, 2013, it has modified the number of Additional Documentation Requests (ADRs) that a RAC auditor may make for DMEPOS suppliers.

For most DMEPOS suppliers, the limits remain unchanged from last year. The number of ADRs a RAC may make per 45 days is limited to 10% of all claims submitted under a single Tax ID for the previous calendar year, divided by 8.

For suppliers who are classified in categories 52, 53, 56, or 57 however, there is a limit of **no more than** 10 ADR requests per 45 days. The provider taxonomy codes mentioned above are defined as follows:

52—Medical Supply Company with Prosthetist

53—Medical Supply Company with Orthotist-Prosthetist

56—Individual Certified Prosthetist

57—Individual Certified Prosthetist-Orthotist

The fact that CMS has modified the RAC ADR guidelines to include a limit of no more than 10 ADR requests for claims from companies providing prosthetics is a significant development in AOPA's efforts to challenge the egregious and aggressive audit practices that RAC auditors have been using. While it does not represent, in any respect, a comprehensive solution to the challenges that RAC audits present, it does serve as an acknowledgement of the negative impact RAC audits have had on the provision of medically necessary services by qualified O&P professionals.

AOPA has contacted CMS and requested that they also consider a similar limit of no more than 10 ADRs per 45 days for suppliers classified as follows:

51—Medical Supply Company with Orthotist

55—Individual Certified Orthotist

CMS has indicated that it will consider including these categories in a future update to the RAC ADR limits. If and when this change is made, AOPA will notify its membership.

[Here is the official CMS announcement.](#)

AOPA can assist members to ensure that their organization is enrolled in Medicare under the proper provider taxonomy code. Questions on how to do this or any other questions regarding this issue may be directed to [Joe McTernan](#) or [Devon Bernard](#).

This action is distinct from CMS' response to [AOPA's letter of March 8](#), referenced in a [prior AOPA Smartbrief](#), notifying CMS that Performant Recovery, Inc., the Jurisdiction A RAC contractor, was incorrectly applying the provider based ADR limit calculation to O&P suppliers resulting in more ADR requests than regulations allow. [CMS has corrected the situation](#) and Performant Recovery has rescinded RAC audits that exceeded the limits of the supplier based calculation. If you are interested in reviewing those communications, they are accessible at:

[March 8th letter](#)

[CMS Response](#)

HHS Inspector General Takes Swipe at L0631

Writing in *AARP The Bulletin*, Daniel R. Levinson repeats a faulty assertion first made in the Office of Inspector General Report of December 2012 that Medicare paid an average of \$919 for L0631 coded back braces that could be bought on the Internet for \$191. The Medicare reimbursement was supposed to include ongoing clinical care (fitting, refining, patient training, etc;) by a certified orthotist or other qualified healthcare professional. Yet, the OIG report says one-third of the claims record no evidence that fitting or other ongoing care was provided.

Mr. Levinson's report further recommended that these devices should either only be provided by competitive bidding or Medicare reduce the reimbursement to the \$191 Internet pricing. Neither recommendation makes sense, even if the facts were correct.

After reviewing the OIG Report, AOPA wrote Mr. Levinson January 8, 2013 pointing out competitive bidding was not an option because the statute defines off-the-shelf orthotics as those devices which only require "minimal self adjustment" by the patient. The L0631 back braces do not qualify and to include them would violate the law.

AOPA also pointed out limiting reimbursements to the “Internet” price would eliminate the clinical care and patient training required to ensure the proper functionality of the device.

If the AARP article is any indication, these and other arguments AOPA made apparently fell on deaf ears or Mr. Levinson and his staff decided either not to read, or not to recognize the facts outlined in AOPA’s letter which was backed up by solid statistics from Medicare’s own database.

[Click here for letter](#) and [here for data referenced in letter](#) to read the original January AOPA response to the OIG December Report. A further response is being prepared for the editors of *AARP The Bulletin* to set the record straight.

HHS OIG Reports have been the trigger for most of the reimbursement woes visited on the O&P field as members will remember the August 2011 OIG Report on lower limb prostheses which in turn resulted in the “Dear Physician” letter on required documentation that has plagued O&P providers.

POLICY FORUM MAKES BIG IMPACT ON RAISING CONGRESSIONAL CONCERNS OVER RAC AUDITS

AOPA Executive Director, Tom Fise, brought the Board of Directors up to date in a recent email on how AOPA members attending the Policy Forum took the lead in urging their legislators in the House of Representatives to sign-on to the letter Rep. Tammy Duckworth and Rep Brett Guthrie will send to HHS Secretary Sebelius. Subsequently, all AOPA members were urged to contact their legislators and to request they sign-on to the Sebelius letter.

[Click here to read the letter to Secretary Sebelius.](#)

EXCERPTS FROM FISE EMAIL UPDATING AOPA BOARD ON RAC AUDITS

“With March drawing to a close, it makes sense to provide an update on AOPA’s and related efforts on the RAC/pre-payment audit issues. In terms of this issue, it was very fortuitous that we decided to hold the Policy Forum earlier than usual this year, as a great deal has happened since we saw most of you at the AOPA Policy Forum, March 12-13.

“Let me start with background on RAC issues in hospitals. Many of you are probably familiar with the fact that a few months back the American Hospital Association sued CMS challenging its RAC audit policies. The specific dispute is a bit different from ours but related. RAC auditors have roundly challenged claims involving patients who were admitted as inpatients and received certain procedures, claiming the admission was improper, clawing back the entire Medicare payment to the hospital with the assertion that the procedure could have been done on an outpatient basis. Hospitals have massively appealed these audit results up the chain to the ALJ claiming that even if the auditor is correct regarding the admission decision, Medicare ought to at least allow the payment the hospital would have received if the patient had received the procedure on an outpatient basis at the hospital.

“I have been told that these appeals to ALJ have succeeded in securing partial payment in 90-95 percent of cases that have gone that far. On March 13, CMS released its proposed regulations to implement such partial payment AND also issued a new administrative policy that they would start making the partial payment immediately, even before the conclusion of the rulemaking process for the new regulation, in any such case where an audit contested the full inpatient hospital tab (see email attached). This is a very important precedent that was achieved after the AHA filed suit, and the AHA gave nothing in return for the CMS commitment to the new regulation and interim administrative policy that approved partial payment, i.e., AHA did not withdraw its suit against Medicare.

“You may also recall that on March 8, just before the Policy Forum, we had written four letters to CMS audit/DME MAC contractor chief George Mills, questioning several policies those contractors had implemented ([click here to see letters](#)). I was not surprised to receive an email from George Mills, responding to two of the four letters (Letters [one](#) & [two](#)) we had delivered to him. The AOPA letters/requests on the issues of K-level and the legitimacy of the prosthetist's notes remain pending in front of George Mills, still awaiting action.

“There remain a good many items in motion, energized largely by the AOPA Policy Forum. Reps. Duckworth and Guthrie circulated a “Dear Colleague” letter to all Members of the House, encouraging them to sign-on to the letter to Secretary Sebelius. AOPA has mounted a strong outreach both to Policy Forum attendees and to all AOPA members, offering an easy pathway for them to contact their House Representative urging them to exercise the opportunity to Sign-on to the letter. Within the past 5 day AOPA members have sent letters to approximately 250 Congressional offices seeking endorsement of the Duckworth/Guthrie letter. While many members of Congress are reluctant to ‘sign-on’ to such joint letters, we are still hopeful of securing commitments from a good number of House members to sign-on in advance of the April 10 close-out date when the letter will be finalized and delivered by Duckworth and Guthrie, with as many signatures as can be garnered--so the heat is building at CMS

“The high level of activity on the RAC and pre-payment audit issue, especially since the Policy Forum seems to have prompted some confusion among CMS staffers. For example, we’ve been informed by Hill staffers that CMS has been representing to Congressional staffers that AOPA is already working with CMS on their planned physician template rule making (we will work with them if and when they ask us to--and odds are they will ask--but as yet they haven't).”

End of Fise Email

THERE’S STILL TIME!

If you haven’t already sent a letter to your member of the House of Representatives, [please click here](#) to access the special AOPA web site that will convey your request to your Congressperson.



2013 World Congress – The Most Talked About O&P Event of 2013!

The [2013 World Congress](#) is already the most talked about event for 2013—It is the premier destination for the world-wide orthotic and prosthetic community. Register today to participate in an expanded National Assembly as AOPA and partners from around the world work to create an O&P World Congress experience for practitioners in the Western Hemisphere and around the world.

About the Congress

The 2013 World Congress presents A Whole New World of collaboration and opportunities for practitioners in the Western Hemisphere and around the world to participate in a world congress forum similar to opportunities available to practitioners in Europe. The American Orthotic and Prosthetic Association (AOPA) and its partners, The U.S. National Member Society of the International Society for Prosthetics and Orthotics (USISPO); the German Association of Orthopaedic Technology/Con.fair.med; the Amputee Coalition, the Canadian Association of Prosthetics and Orthotics (CAPO), Uniting Fronteras and the Mexico Member Society of ISPO invite you to participate in the 2013 World Congress to be held Sept. 18-21, 2013 at the Gaylord Palms Resort, Orlando, Florida, USA.



[Register today before it is too late!](#)

The Fall Thranhardt Golf Classic Wed, Sept. 18, 2013

[Sign up today](#)

www.opworldcongressusa.org



AOPA's Capitol Connection and OPAF have joined forces to co-sponsor the fall Thranhardt Golf Classic. This iconic event benefits the inspiring efforts of OPAF in promoting personal achievement, physical fitness and social interaction of those served by the O&P community and the legislative research and education efforts of the Capitol Connection to further the O&P policy agenda.

Where: Celebration Golf Course—located in Disney’s picturesque town of Celebration

When: Wednesday, September 18—in conjunction with the 2013 O&P World Congress

What: A fun day of “Orlando Golf at its Finest” with your O&P Colleagues to support two great causes



Celebration golf course has been designated by Golf Digest Magazine as One of the Best-Designed Golf Courses in Florida and one of the top 25 public courses in the country. The renowned father-son team of Robert Trent Jones, Sr. and Jr. sculpted a park-like atmosphere within the natural wetland environment, creating a truly serene golf experience. Just 5 minutes from the Gaylord Palms—make sure your world congress travel plans include the [Thranhardt Golf Classic](#) and one of best courses in central Florida.

Fees include green fees, cart fees, practice balls, breakfast, an awards banquet with a southern BBQ menu, open bar, transportation from the Gaylord and a priceless afternoon of golfing fun with your O&P Colleagues.

For more information about the Thranhardt Golf Classic, the 2013 O&P World Congress, OPAF or AOPA— contact us at tmoran@aopanet.org or rlb@opfund.org

Small Grant RFP - Closing Soon!

The American Orthotic & Prosthetic Association is proud to announce a **Request for Pilot Grant Proposals in nine potential areas of Orthotic and Prosthetic (O&P) research including an open topic.** For 2013-2014 the association is seeking proposals for one-time grants in amounts up to \$15,000 for one year. The leadership of AOPA, working in conjunction with the Center for Orthotic and Prosthetic Learning and Outcomes/Evidence-Based Practice (COPL) and its Board of Directors comprised of representatives from eight leading O&P organizations recognizes that there is a modest amount of original evidence-based or outcomes research in orthotics and prosthetics. Consequently, AOPA is interested in funding original pilot research that will lead to larger trials that may qualify for government or other research funding support in the following 9 areas:

Areas for submission are:

- Microprocessor Knee - Stumble Recovery Benefit for Non-Variable Cadence Ambulators, and Does Restricted Access for K-1 and K-2 to Hydraulic Controls Adversely Impact Patient Safety?
- Validity of Energy Storing Feet - AK/BK , Clinical Appropriateness and Efficacy of Dynamic Response Feet for K-3 Patients, and Defining Appropriate Levels of Variable Cadence
- TLSO, Reduction of Fall and/or Injury Related to Different Types of Spinal Devices Post Surgery
- Socket Interface: Methods for Measuring Proper Socket Fit and Alignment.

- Vacuum-Assisted Socket Suspension Systems
- Custom TLSOs-Demonstrating Efficacy for their Utilization Contrasted with OTS Alternative Devices-How Do They Stack Up on Decreasing Risk of Hardware Failure, Bone Interface Failure, Reduction in pain and Hospital Days, and Restoring Activities of Daily Living vs. No Orthosis, Made-to-Measure Orthosis, or OTS Orthosis
- Spinal Orthoses -- Should a Trial Be a Required Prerequisite Before Embarking on Surgery?
- L0631 bracing-Performance and Outcomes Data That Differentiate Patient Results from What Could be Achieved with an OTS Orthosis that is Provided without any Fitting, Trimming or Clinical Care?
- Open Topics - Beyond the Above Priorities, Top Quality Clinical O&P Research Topics Considered

AOPA and the Center will give preference to grants that address evidence-based clinical application in orthotics and prosthetics. To learn more about eligibility requirements for this RFP, please see the announcement [linked to this document](#). Please post this RFP and share it with your colleagues. **The deadline for proposals under the Request for Pilot Grant Proposals is April 30, 2013.**

The study must be completed within 1 year of the date of the award.

Request for Proposal: [Bid Number EBP-043013](#)

AOPA Members ONLY! Office Depot Savings



Another way that AOPA membership makes good business sense... members get **15%** or more off **2100** popular office supplies and 300 cleaning and break room supplies, plus **30%** off custom printing. New customers get an additional **\$10** off the first order over **\$50**, and **\$20** of an order over **\$100**.



Some examples of things you might already be ordering: Office Depot® Brand Xerographic Copy Paper, 8 1/2" X 11", 105 (Euro)/92 (U.S.) Brightness, 20 Lb, 500 Sheets per Ream, Case Of 10 Reams - online price-\$41.99 Member price-\$27.99

Brother® TN-550 Black Toner Cartridge
online pricing \$89.49 Member price \$76.07



Exhibiting at the O&P World Congress? Take advantage of the highly attended Product Preview Theater!

Don't miss this opportunity to host a Product Preview Theater during the 2013 O&P World Congress. These 30-minute workshops are high-energy presentations showcasing different products during exhibit hall hours in a central location on the show floor. Put your products in front of an audience who is craving to learn more!

Your Product Preview Theater presentation will be included in the Preliminary Program, Final Program of Activities and listed the Assembly Website so everyone can include it in their schedule.

Questions? Please contact Kelly O'Neill at (571) 431-0852 or via [email](#).

Welcome to AOPA Jobs!

You have access to a very specialized niche! AOPA hosts an Online Career Center which is an easy to use, targeted resource that connects O&P companies and industry affiliates with highly qualified professionals. The job board online is designed to help connect our members with new employment opportunities.

Jobseekers:

Post your resume online today! Or access the newest and freshest jobs available to professionals seeking employment. Whether you're actively or passively seeking work, your online resume is your ticket to great job offers!

Employers:

Reach the most qualified candidates by posting your job opening on our online Career Center. Check out our resumes and only pay for the ones that interest you!

Recruiters:

Create and manage your online recruiting account. Post jobs to our site and browse candidates interested in your positions!

The AOPA Online Career Center is your one-stop resource for career information. Create an account and learn about opportunities as a **job seeker**, an **employer**, or a **recruiter**. [Get started by clicking here today!](#)

Also take advantage of AOPA's O&P Almanac connection to post or browse an employment opportunity, and advertise to AOPA's 2,000+ member organizations!

Regardless of your staffing needs or budget, we have an option that is right for you. [Review products and pricing by clicking here](#). For more advertising opportunities, please contact Dean Mather, advertising sales representative at 856/768-9360 or email dmather@mrvica.com.jobs

Upcoming Events

- April 8-9** **Coding & Billing Seminar**
Columbus, OH
[Learn more or register online](#)
- April 10** **Handling Adversity: Coping with Difficult Patients**
Telephone Audio Conference
[Learn more or register online here](#)
- May 8** **Navigate the Maze: Get to Know the Appeals Process**
Telephone Audio Conference
[Learn more or register online here](#)