



December 14, 2018

The Honorable Seema Verma, MPH
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244

RE: Public Comments on New Product Categories to be Phased-In for the Next Round of the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program

Submitted Electronically at DMEPOS@cms.hhs.gov.

Dear Ms. Verma:

The Athletic Trainers in the Physician Practice Society (ATPPS) is submitting these comments to set forth our strong objections to the proposed expansion of the Medicare Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Competitive Bidding Program (CBP) to include certain “off-the-shelf” (OTS) back and knee orthotics. We are strongly opposed to the inclusion of any Healthcare Common Procedure Coding System (HCPCS) orthotic codes in the DMEPOS CBP.

Orthotic products are not appropriate for inclusion in the DMEPOS CBP

- These products are highly customized and are not like other commodity items currently included in the DMEPOS CBP.
- These products require hands-on, patient-specific fitting and adjustment over time to ensure that use of the orthotic product results in optimal patient outcomes.

ATPPS is a professional society dedicated to the continued education and professional development of certified athletic trainers (ATs) working in the physician practice setting. There is an estimated 1500 ATs working in this capacity. Our members, in many cases are the allied healthcare professionals dedicated to applying and fitting of medically-appropriate orthotics for patients’ care in collaboration with our directing or supervising physicians. From a survey conducted in 2014 more than 60% of ATs in the physician practice setting use or fit DMEPOS products as part of their roles and responsibilities in providing patient care. We believe that the addition of OTS back and knee orthotics to the DMEPOS CBP will have a significant adverse

impact on the care that our members provide and furnish to patients who have undergone surgery, experienced a serious injury, or suffer from certain degenerative diseases.

The current proposal to include OTS back and knee orthotics in the DMEPOS CBP would cause significant disruption to patient care and potential harm to Medicare beneficiaries. Our physicians, clinics, and hospitals currently rely on our members and/or the suppliers of back and knee orthotics to furnish appropriate, medically necessary orthotic products to patients in a timely and efficient manner at the physicians' office and under the physicians' supervision. Because these products can be very complex, our members, involved with DMEPOS, are integral in the ability to properly educate patients about the functionality and appropriate use of the product that has been prescribed to the patient. Further, our members in many cases are the specialized professionals trained to properly fit the orthotic product to the individual to ensure that the product is providing the appropriate level of stability, control and support.

As CMS is aware, our members as part of the care team have the opportunity to better coordinate care for patients experiencing certain musculoskeletal conditions through participation in accountable care organization models. Through participation in these Alternative Payment Models (APM), our members can support the benefits of offering conservative care interventions to patients in order to avoid costly back and knee surgeries and save Medicare program dollars. The use of orthotics is a critical component of these efforts and can lead to real cost savings when they are appropriately fit and functioning as intended in order to maximize the clinical efficacy of the product. **We believe that the inclusion of OTS orthotics to the DMEPOS CBP will have a negative impact on our members' abilities to deliver such coordinated, multidisciplinary care, under physician supervision, through carefully selected care arrangements with their chosen partner suppliers for the following reasons.**

The process of competitively bidding designated products inevitably results in a reduction in the number of suppliers who are able to furnish such products to Medicare beneficiaries. Given that only winning suppliers would be able to furnish designated OTS orthotics in competitive bidding areas (CBAs), current care arrangements that APM participating providers have in place with orthotic suppliers would be disrupted if those existing suppliers are not successful in securing competitive bidding contracts under the program.

Accordingly, our members who are at financial risk through their participation in an APM would be handicapped by a diminished ability to decide how best to address the continuum of care for their patients following surgery through their choice of orthotic suppliers. This could cause significant disruption to patient care, thereby impacting our members' ability to enhance the quality and efficiency of care and improve patient satisfaction.

Further, the inevitable reduction in reimbursement for competitively bid orthotic products would make the offering of specialized professional fitting of the products cost-prohibitive. Therefore, beneficiaries would be denied the important benefits of having a specialized professional explain how to use the product and properly fitting the product, which could lead

to poor outcomes or physical harm to the beneficiary, thereby increasing costs to the Medicare program.

We urge CMS to reconsider and withdraw its current proposal to include OTS back and knee orthotics in the DMEPOS CBP. We would be happy to speak with CMS to address any questions or to engage in further discussion on this important topic.

Thank you for your consideration of our comments. Should you have any questions concerning ATPPS comments, please do not hesitate to contact ATPPS President Forrest Pecha at pechaf@slhs.org or 208.908.1236

Sincerely,



Forrest Pecha MS, LAT, ATC

President Athletic Trainers in the Physician

Practice Society: www.atpps.org

PMB 146

1210 Broadway St S STE 240

Alexandria MN 56308

☐ O:208-706.9363

☐ C:208-908.1236

☐ pechaf@slhs.org