



CENTERS FOR MEDICARE AND MEDICAID SERVICES PROPOSES MODIFICATIONS RELATED TO PRACTITIONERS OF CUSTOM-FABRICATED ORTHOTICS

Overview

On January 11, 2017, the Centers for Medicare and Medicaid Services (CMS) released a proposed rule titled *Establishment of Special Payment Provisions and Requirements for Qualified Practitioners and Qualified Suppliers of Prosthetics and Custom-Fabricated Orthotics*. The rule includes provisions addressing qualified suppliers, fabrication facilities, requirements for accreditation organizations, and payment for prosthetics and custom-fabricated orthotics. Of relevance to athletic trainers and other health care professionals, the rule also specifies the qualifications needed for practitioners to furnish and fabricate prosthetics and custom-fabricated orthotics, and for qualified suppliers to fabricate prosthetics and custom-fabricated orthotics to Medicare beneficiaries.

It is important to note that this rule applies to the provision of Medicare services and currently is in the proposed rulemaking stage. Once a proposed rule is published in the Federal Register, a public comment period begins, during which time the public is allowed to submit written comments to the agency. NATA will be filing a formal comment letter on behalf of the profession to express our position.

Overview of Current Statute

Section 427 of the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) defines a qualified practitioner as a physician or other individual who is a qualified physical therapist or a qualified occupational therapist; or is licensed in orthotics or prosthetics, in the cases where the state provides such licensing; or, in states where the state does not provide such licensing, is specifically trained and educated to provide or manage the provision of prosthetics and custom-designed or fabricated orthotics and is certified by ABC or the BOC¹; or is credentialed and approved by a program that the Secretary determines has training and education standards that are necessary to provide such prosthetics and orthotics. (See §1834(h)(1)(F) of the Social Security Act).

Proposed Rule

Within the rule, CMS states it is imperative to have both licensure and certification requirements for all qualified practitioners (eligible professionals and other persons who furnish or fabricate prosthetics and custom-fabricated orthotics).

The proposed rule establishes the qualifications and requirements that must be met in order to be considered a qualified practitioner. Among other proposals, CMS:

- Defines qualified practitioner as an eligible professional that meets the education, training, licensure, and certification requirements of the Social Security Act.

¹ American Board for Certification in Orthotics, Prosthetics and Pedorthics (ABC) or the Board for Orthotist/Prosthetist Certification International, Incorporated (BOC);



- Specifies training, licensure, and certification requirements that qualified practitioners must meet in order to furnish or fabricate prosthetics and custom-fabricated orthotics.
- Includes a definition of custom-fabricated orthotics as an item that must be individually made for a specific patient, constructed using a positive model technique outlined in the regulation.

Definition of Qualified Practitioner

CMS proposes to identify and define the types of eligible professionals and other persons who can become qualified practitioners, and in accordance with BIPA, furnish or fabricate prosthetics and custom-fabricated orthotics. CMS proposes to identify and to add definitions for the following practitioners: occupational therapist, physical therapist, ophthalmologist, orthotist, pedorthist, physician, and prosthetist.

In addition to defining the types of professionals that would be eligible to furnish and fabricate prosthetics and custom-fabricated orthotics, CMS is proposing certain licensure, training, and certification requirements that practitioners must meet to be qualified practitioners who furnish or fabricate prosthetics or custom-fabricated orthotics that are billed to Medicare by qualified suppliers.

CMS states an eligible professional or other person who wants to be a qualified practitioner who furnishes or fabricates prosthetics or custom-fabricated orthotics must meet either of the following licensure and certification requirements:

- Licensed in orthotics, pedorthics, or prosthetics by the state.
- In states that do not provide licensure for orthotics, pedorthics, or prosthetics, must be both of the following:
 - Specifically, trained and educated to provide and manage the provision of pedorthics, prosthetics, and orthotics.
 - Certified by one of the following: ABC, BOC, or a Secretary-approved organization that has standards equivalent to the ABC or BOC.²

Solicitation of Comments

Comments to CMS are being accepted through March 13, 2017. In regards to the definition of qualified practitioner, CMS specifically is soliciting feedback on standards by which CMS should determine that qualified practitioners are specifically trained and educated to provide and manage the provision of pedorthics, prosthetics, and orthotics. To view the proposed rule, please visit: <https://s3.amazonaws.com/public-inspection.federalregister.gov/2017-00425.pdf>.

² In CMS's summary of the rule, CMS states: The proposed rule would require that a qualified practitioner must be licensed by the state, or in absence of licensure requirements is certified by the American Board for Certification in Orthotics and Prosthetics, Inc. (ABC) or by the Board for Orthotist/Prosthetist Certification Intl. (BOC), or is credentialed and approved by a program that the Secretary determines, in consultation with appropriate experts in orthotics and prosthetics, has training and education standards that are necessary to provide such prosthetics and orthotics.