



December 6, 2022

The Honorable Mark Warner
703 Hart Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable Steve Daines
320 Hart Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable Tammy Duckworth
524 Hart Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable Chuck Grassley
135 Hart Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable John Cornyn
517 Hart Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable Bill Cassidy
520 Hart Senate Office Building
U.S. Senate
Washington, DC 20510

RE: Support for S. 2556, the Medicare Orthotics and Prosthetics Patient-Centered Care Act

Dear Senators Warner, Daines, Duckworth, Grassley, Cornyn, and Cassidy:

The undersigned members of the Independence Through Enhancement of Medicare and Medicaid (ITEM) Coalition write to express our support for S. 2556, the Medicare Orthotics and Prosthetics Patient-Centered Care Act. As you know, this important bipartisan legislation would help Medicare beneficiaries who use orthotic braces and prosthetic limbs to be as functional and independent as possible while limiting waste, fraud, and abuse in the Medicare orthotic and prosthetic (O&P) benefit. We applaud your leadership in sponsoring this bill and hope to work with your colleagues in the relevant committees of jurisdiction and leadership to enact this bill as soon as practicable.

The ITEM Coalition is a national consumer and clinician-led coalition advocating for access to and coverage of assistive devices, technologies, and related services for persons with injuries, illnesses, disabilities, and chronic conditions of all ages. Our members represent individuals with a wide range of disabling conditions, as well as the providers who serve them, including limb loss and limb difference, multiple sclerosis, spinal cord injury, brain injury, stroke, paralysis, cerebral palsy, spina bifida, hearing, speech, and visual impairments, myositis, and other life-altering conditions. Many of the individuals our members represent and treat use orthotics and prosthetics for a variety of conditions, many of which require significant customization and ongoing clinical support.

The Medicare Orthotics and Prosthetics Patient-Centered Care Act includes several critical provisions designed to improve the O&P benefit for patients, providers, and the Medicare program. We support the proposed revised language in the bill, which would:

- Treat O&P practitioners like physical and occupational therapists and physicians for purposes of off-the-shelf (OTS) orthotics, allowing all these providers to furnish OTS orthoses without a competitive bidding contract (at the competitively bid rate) to ensure patient convenience and access to care at no additional cost to the government.
- Reduce the likelihood of waste, fraud, and abuse by prohibiting drop-shipping of all orthoses and prostheses other than truly OTS orthoses, resulting in significant cost-savings while protecting patient access to clinical assessments, fittings, adjustments, and other related clinical care.
- Revise the overly expansive regulatory interpretation of the meaning of “off-the-shelf” orthotics for purposes of competitive bidding, to restore Congressional intent and preserve patient access to the clinical expertise necessary to ensure properly fit orthoses.

We support this impactful legislation, and we look forward to working with your office and others in Congress to enact it into law as soon as practicable. Enactment of this bill as revised would help ensure that Medicare beneficiaries receive appropriate, safe, and patient-centered O&P care by appropriately credentialed practitioners.

For additional information concerning the ITEM Coalition, please contact the ITEM Coalition coordinators, Peter Thomas and Joe Nahra, at Peter.Thomas@PowersLaw.com and Joseph.Nahra@PowersLaw.com or by phone at 202-466-6550.

Sincerely,

The Undersigned Members of the ITEM Coalition

ACCSES
Access Ready
Allies for Independence
American Association of People with Disabilities
American Cochlear Implant Alliance
American Congress of Rehabilitation Medicine
American Music Therapy Association
American Occupational Therapy Association
American Physical Therapy Association
American Therapeutic Recreation Association
Amputee Coalition *
Association of University Centers on Disabilities
Brain Injury Association of America

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The Buoniconti Fund
Caregiver Action Network
Christopher & Dana Reeve Foundation *
Institute for Matching Person and Technology
Lighthouse Guild International
Long Island Center for Independent Living
The Miami Project to Cure Paralysis
Muscular Dystrophy Association
National Association for the Advancement of Orthotics and Prosthetics
National Association of Rehabilitation Research and Training Centers
National Disability Rights Network (NDRN)
Paralyzed Veterans of America *
Rehabilitation Engineering and Assistive Technology Society of North America
The Simon Foundation for Continence
Spina Bifida Association *
Support Sight Foundation
Team Gleason *
United Spinal Association *
Viscardi Center

**** ITEM Coalition Steering Committee Member***

CC:

The Honorable Chuck Schumer, Democratic Leader
The Honorable Mitch McConnell, Republican Leader

The Honorable Ron Wyden, Chairman, Senate Finance Committee
The Honorable Mike Crapo, Ranking Member, Senate Finance Committee