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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title XVIII of the Social Security Act to protect beneficiaries with limb loss and other orthopedic conditions by providing access to appropriate, safe, effective, patient-centered orthotic and prosthetic care, to reduce fraud, waste, and abuse with respect to orthotics and prosthetics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of Pennsylvania introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title XVIII of the Social Security Act to protect beneficiaries with limb loss and other orthopedic conditions by providing access to appropriate, safe, effective, patient-centered orthotic and prosthetic care, to reduce fraud, waste, and abuse with respect to orthotics and prosthetics, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medicare Orthotics and
3 Prosthetics Patient-Centered Care Act”.

4 **SEC. 2. INCREASING PROTECTIONS FOR MEDICARE BENE-**
5 **FICIARIES RECEIVING ORTHOTIC AND PROS-**
6 **THETIC CARE.**

7 (a) PROHIBITION ON PAYMENT FOR ITEMS DELIV-
8 ERED BY DROP SHIPMENT.—Section 1834(h)(1) of the
9 Social Security Act (42 U.S.C. 1395m(h)(1)) is amended
10 by adding at the end the following new subparagraph:

11 “(I) PROHIBITION ON PAYMENT FOR CER-
12 TAIN ITEMS FURNISHED USING A DROP SHIP-
13 MENT.—

14 “(i) IN GENERAL.—No payment may
15 be made under this subsection for an item
16 described in clause (ii) furnished to an in-
17 dividual via a drop shipment on or after
18 the first day of the first year beginning
19 after the date of the enactment of this sub-
20 paragraph.

21 “(ii) ITEMS DESCRIBED.—The items
22 described in this clause are orthotics and
23 prosthetics, not including supplies for such
24 orthotics and prosthetics, that are identi-
25 fied by HCPCS codes for which payment is
26 not made under section 1847.

1 “(iii) DROP SHIPMENT DEFINED.—In
2 this subparagraph, the term ‘drop ship-
3 ment’ means, with respect to an item de-
4 scribed in clause (ii), the direct shipment
5 of such item to an individual who has not
6 received training or education from a
7 qualified practitioner (as defined in sub-
8 paragraph (F)(iii)) on the fitting and ad-
9 justment, care, and use of such item.”.

10 (b) ADDITIONAL PRACTITIONERS EXEMPT FROM
11 COMPETITIVE ACQUISITION.—Section 1847(a)(7)(A)(i) of
12 the Social Security Act (42 U.S.C. 1395w–3(a)(7)(A)(i))
13 is amended—

14 (1) by inserting “, physical therapist, occupa-
15 tional therapist, orthotist, prosthetist,” after “by a
16 physician”; and

17 (2) by striking “the physician’s” each place it
18 appears and inserting “such physician’s” in each
19 such place.

20 (c) ENSURING BENEFICIARY ACCESS TO REPLACE-
21 MENT CUSTOM-FITTED ORTHOTICS AND CUSTOM-FAB-
22 RICATED ORTHOTIC DEVICES.—Section 1834(h)(1)(G) of
23 the Social Security Act (42 U.S.C. 1395m(h)(1)(G)) is
24 amended—

1 (1) in the heading, by inserting “, CUSTOM-
2 FITTED ORTHOTICS, CUSTOM-FABRICATED
3 ORTHOTICS,” after “REPLACEMENT OF PROSTHETIC
4 DEVICES”; and

5 (2) in clause (i), by inserting “replacement of
6 custom-fitted orthotics, replacement of items of cus-
7 tom-fabricated orthotics described in subparagraph
8 (F)(ii),” after “which are artificial limbs,”.

9 (d) REGULATIONS.—Not later than 1 year after the
10 date of the enactment of this Act, the Secretary of Health
11 and Human Services shall promulgate final regulations to
12 implement the amendments made by this section.