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H. R.  
~~4315~~ ||

IN THE HOUSE OF REPRESENTATIVES

~~Mr. THOMPSON~~ of Pennsylvania (~~for himself, Mr. THOMPSON of California,~~  
~~Mr. GUTHRIE, Ms. CRAIG, and Mr. SESSIONS~~) introduced the following bill;  
which was referred to the Committee on ~~Energy and Commerce,~~  
and in addition to the Committee on Ways and Means, for a period to  
be sub-sequently determined by the Speaker, in each case for  
consideration of such provisions as fall within the jurisdiction of the  
committee concerned ■■■■■■

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-

~~8ERED BY DROP SHIPMENT.—~~

8 ~~9(1) IN GENERAL~~ERED BY DROP SHIPMENT.—Section 1834(h)(1)  
of the

9 ~~10~~ Social Security Act (42 U.S.C. 1395m(h)(1)) is~~11~~  
amended

10 by adding at the end the following new~~12~~ subparagraph:

11 ~~13~~“(I) PROHIBITION ON PAYMENT FOR CER-

12 ~~14~~TAIN ITEMS FURNISHED USING A DROP SHIP-

13 ~~15~~MENT.—

14 ~~16~~“(i) IN GENERAL.—No payment ~~shall~~may

15 ~~17~~be made under this subsection for an item

16 ~~18~~described in clause (ii) furnished to an in-

17 ~~19~~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 ~~20~~“(ii) ITEMS DESCRIBED.—~~This~~The items

22 ~~21~~described in this clause are ~~the~~  
~~following:~~orthotics and

~~22“(I) A prosthesis (as defined in~~

subparagraph (H)(4)(B)), except that

~~such term does~~ prosthetics, not ~~include~~ including supplies ~~for such~~ prosthesis.

~~“(II) A custom-fabricated ortho-~~

~~sis (as described in~~  
~~subparagraph~~

~~3(F)(ii)), or a custom-fitted orthosis,~~

~~4except that such term does not in-~~

~~5clude supplies for such orthosis.~~

23 ~~6“(III) Off-the-shelf~~ orthotics ~~(as~~ and prosthetics,  
that are identi-

24 fied by HCPCS codes for which payment is

25 ~~7defined in~~ not made under section 1847 ~~(a)(2)(C))~~  
~~that~~

~~8are not otherwise subject to competi-~~

~~9tive bidding and delivered by~~  
~~drop~~

~~10shipment.~~

1 ~~11“(iii) DROP SHIPMENT DEFINED.—In~~

2 ~~12this subparagraph, the term ‘drop ship-~~

3 ~~13ment’ means,~~ with respect to an item de-

4 scribed in clause (ii), the direct shipment

5 of ~~a pros-~~

~~14thesis or an orthosis~~ such item to an individual ~~that~~ 15who has  
not

6 received training or education ~~with~~

~~16respect to fitting and adjustment or train-~~

~~17ing in the care and use of such prosthesis~~

~~18or orthosis~~ from a  
7 qualified practitioner~~19~~ (as ~~described~~defined in  
sub-  
8 paragraph (F)(iii)).”

~~20(2) EFFECTIVE DATE.—The amendment made~~  
~~21by paragraph (1) shall apply to items furnished on~~  
~~22or after the first day of the first full calendar year~~  
~~23following the date of enactment of this Act.~~ the fitting and ad-  
9 justment, care, and use of such item.”.

10 ~~24(b)~~ ADDITIONAL PRACTITIONERS  
EXEMPT FROM

11 ~~25~~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 ~~2~~is amended—

14 ~~3~~(1) by inserting “, physical therapist, occupa-  
15 ~~4~~tional therapist, orthotist, prosthetist,” after “by a  
16 ~~5~~physician”; and

17 ~~6(2) by~~ (2) by striking “the physician’s” each place it  
18 appears and inserting “~~, physical therapist, occupa-~~  
~~7tional therapist, orthotist, prosthetist” after “the~~8such  
physician’s” in each

19 such place~~such term occurs.~~

20 ~~9~~(c) ENSURING BENEFICIARY ACCESS TO REPLACE-

21 ~~10~~MENT CUSTOM-~~FITTED ORTHOTIC DEVICES~~FITTED ORTHOTICS  
AND CUSTOM-

~~11TOM-FABRICATED~~ FAB-

22 RICATED ORTHOTIC DEVICES.—Section~~12~~ 1834(h)(1)(G) of

23 the Social Security Act (42 U.S.C.

~~13~~ 1395m(h)(1)(G)) is

24 amended—

1 ~~14~~(1) in the heading, by inserting “, CUSTOM-

2 ~~15~~FITTED ~~ORTHOTIC~~ ~~DEVICES~~ORTHOTICS,  
CUSTOM-FABRICATED

3 ~~16~~ORTHOTIC ~~DEVICES~~ORTHOTICS,” after “REPLACEMENT  
OF~~17~~ PROSTHETIC

4 DEVICES”; and

5 ~~18~~(2) in clause (i), by inserting “, replacement of

6 ~~19~~custom-fitted ~~orthotic devices~~orthotics, replacement of  
items of cus-

7 ~~20~~tom-fabricated ~~orthotic devices~~orthotics described in  
subparagraph

8 (F)(ii),” after “which are~~21~~ artificial limbs,”.

~~22(d) UPDATING DEFINITIONS OF ORTHOTICS AND~~

~~23~~PROSTHETICS.—Section ~~1834(h)(4)(C) of the Social Se-~~

~~24~~curity Act (42 U.S.C. 1395m(h)(4)(C)) is amended by

~~25~~striking “the term ‘orthotics and prosthetics’ has the

~~1~~meaning given such term”, and inserting “the terms

~~2~~‘orthotics and prosthetics’ and ‘orthoses and prostheses’

~~3~~have the meaning given such terms”.

~~4~~(e)(d) REGULATIONS.—Not later than 1 year after the

9 ~~5~~date of the enactment of this Act, the Secretary of Health

10 ~~6~~and Human Services shall promulgate final regulations to

11 ~~7~~implement the amendments made by this ~~Act~~section.

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