



DRAFT

October 10, 2025

SUBMITTED ELECTRONICALLY

The Honorable Mark Warner
c/o Colleen Nguyen
703 Hart Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable Steve Daines
c/o Matt May
320 Hart Senate Office Building
U.S. Senate
Washington, DC 20510

RE: ITEM Coalition Support for S. 2329, the Medicare Orthotics and Prosthetics Patient-Centered Care Act

Dear Senators Warner and Daines:

On behalf of the undersigned members of the Independence Through Enhancement of Medicare and Medicaid (“ITEM”) Coalition, we write to express our strong support for S. 2329, the ***Medicare Orthotics and Prosthetics (“O&P”) Patient-Centered Care Act***, and thank you for sponsoring this important bill. As you know, this bipartisan and bicameral legislation would help Medicare beneficiaries who use orthoses and prostheses to be as functional and independent as possible while limiting waste, fraud, and abuse in the Medicare orthotic and prosthetic benefit. We applaud your leadership in sponsoring this bill and hope to work with you and your colleagues in the relevant committees of jurisdiction and leadership to enact this bill into law 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 these individuals use orthoses and/or prostheses to remain as functional and independent as possible.

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

- *Exempt Appropriately-Credentialed Clinicians from Competitive Bidding:* To ensure that patients have access to the full range of orthotic care from appropriately credentialed practitioners, S. 2329 would treat orthotists and prosthetists like physical and

occupational therapists for purposes of providing off-the-shelf (“OTS”) orthoses to beneficiaries in the course of their practice. This would allow these providers to furnish OTS orthoses without a competitive bidding contract, at no additional cost to the government. This provision would improve access to orthoses by eliminating barriers under competitive bidding that force a Medicare beneficiary to visit multiple providers in the event that the treating orthotist or prosthetist does not have a competitive bidding contract.

- *Prohibit Drop Shipping to Patients’ Homes without Clinical Care:* The bill would fight waste, fraud, and abuse in the Medicare program by prohibiting the practice of “drop shipping” for all prosthetic limbs and custom-fitted and custom-fabricated orthotic braces (with the exception of OTS orthoses that have been or are currently paid under the competitive bidding program). The need for Congress to ban drop shipping is highlighted by “Operation Brace Yourself” and “Operation Gold Rush,” Department of Justice (“DOJ”) investigations in 2019 and 2025, respectively, which exposed billions in Medicare overpayments that included claims for orthoses submitted by numerous fraudulent suppliers. This provision in the bill would result in significant savings to the Medicare program—estimated by a health economist at \$73 million over 10 years—while protecting patient access to clinical assessments, fittings, adjustments, and other clinical care.
- *Ensure Access to Replacement Orthoses:* S. 2329 would ensure that Medicare beneficiaries have timely access to a replacement custom-fitted and custom-fabricated orthosis if an ordering physician determines that the provision of a replacement orthosis is necessary due to a change in the medical condition of the patient, an irreparable change in condition of the orthosis, or if the cost of the repair would be more than 60 percent of the cost of a replacement orthosis. Under current Medicare law, Medicare beneficiaries must wait years—known as the “reasonable useful lifetime of the orthosis—before the Medicare program will cover a replacement orthosis. This waiting period shifts costs onto the patient, many of whom are on fixed incomes. This provision would eliminate delays—and effective denials—in receiving a Medicare-covered replacement orthosis that is either custom-fitted and custom-fabricated to meet the patient’s individual needs.

The Medicare O&P Patient-Centered Care Act includes common-sense and comprehensive provisions designed to ensure that Medicare beneficiaries receive appropriate, safe, effective, patient-centered O&P care by appropriately credentialed practitioners. For these reasons, the ITEM Coalition strongly supports this important bill, and we look forward to working with you and your colleagues in the Senate to pass this important piece of legislation into law as soon as possible in the 119th Congress.

Should you have any questions or need any additional information about the ITEM Coalition, please contact Peter Thomas or Michael Barnett, ITEM Coalition coordinators, at Peter.Thomas@PowersLaw.com and Michael.Barnett@PowersLaw.com or by phone at 202-466-6550.

Sincerely,

The Undersigned Members of the ITEM Coalition

Access Ready, Inc.
ACCSES
All Wheels Up
American Academy of Physical Medicine & Rehabilitation
American Association on Health and Disability
Alexander Graham Bell Association for the Deaf and Hard of Hearing
American Cochlear Implant Alliance
American Congress of Rehabilitation Medicine
American Music Therapy Association
American Occupational Therapy Association
American Physical Therapy Association
American Podiatric Medical Association
American Society of Hand Therapists
American Therapeutic Recreation Association
Amputee Coalition*
Association of Rehabilitation Nurses
Autistic Women & Nonbinary Network
Buoniconti Fund to Cure Paralysis
Center for Medicare Advocacy
Center on Aging and DIS-Ability Policy
Christopher & Dana Reeve Foundation*
Clinician Task Force
Council of State Administrators of Vocational Rehabilitation
CureLGMD2i Foundation
3DA
Institute for Matching Person & Technology
Lakeshore Foundation
Miami Project to Cure Paralysis
Muscular Dystrophy Association
National Association for the Advancement of Orthotics and Prosthetics
National Association of Councils on Developmental Disabilities
National Association of Rehabilitation Providers and Agencies
National Association of Rehabilitation Research and Training Centers
National Disability Rights Network
National Registry of Rehabilitation Technology Suppliers
Paralyzed Veterans of America
RESNA

Simon Foundation for Continence
Spina Bifida Association*
The Viscardi Center
United Cerebral Palsy
United Spinal Association*
VisionServe Alliance

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