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December 16, 2016

## Congress Adjourns-No Final Action on Medicare O&P Improvement Act

O&P Provisions Not Included in Final Continuing Resolution Bill

The 114th Congress completed its work in a "beat the clock" enactment around 11:30 pm on December 9 by the Senate passing a Continuing Resolution (CR) just 30 minutes before the government would have shut down. That Continuing Resolution will keep the U.S. government operating through April, and without enacting the provisions of the Medicare O&P Improvement Act (H.R. 1530/S.829). As the saying goes, "close doesn't count," but the story of how remarkably close we did come to enacting the bill does both reflect how very different this Congress was from the O&P vantage point, as well as holding some significant promise that we'll get this done, hopefully early in the next Congress. [Read the full letter from AOPA Executive Director Tom Fise.](#)

## CMS Releases the 2017 DMEPOS Fee Schedule

0.7% Increase Over 2016; Sequestration Still in Effect

CMS has released the 2017 Medicare DMEPOS fee schedule which will be effective for Medicare claims with a date of service on or after January 1, 2017. The 2017 Medicare fee schedule for orthotic and prosthetic services will be increased by 0.7% over 2016 rates. The 0.7% increase is a net reflection of the 1% increase in the Consumer Pricing Index for Urban Areas (CPI-U) from June 2015 through June 2016, combined with the annual Multi-Factor Productivity Adjustment (MFP) of -0.3%. [Read more.](#)

## U.S. District Court Grants Judgement to Hospital Association, Mandates HHS Remedial Action to Reduce ALJ Waiting Period

HHS Instructed to ALJ Remedy Backlog

In mid-2014, the American Hospital Association (AHA) filed suit against HHS challenging the long delays before RAC audit appeal cases are heard by an administrative law judge (ALJ) - far in excess of the statutory limit of 90 days. Early on, the District Court ruled against AHA, but was overruled by the Court of Appeals. In now ruling in favor of AHA, the Court clearly demonstrated its impatience with the long delays, but also was careful not to try to force the hand of HHS with specific steps. Instead, the Court adopted a remedy with four threshold dates at which HHS is instructed to have reduced the back-up in ALJ hearings by set percentages, which concludes with a 100% reduction by 2020. [Read more and how it may affect O&P.](#)

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AOPA is seeking high-quality educational and research content for the Second O&P World Congress to be held September 6-9, 2017 at the Mandalay Bay Resort in Las Vegas, Nevada, USA.



Your submissions will set the stage for a broad curriculum of high-value clinical and scientific offerings at the 2017 World Congress. All abstracts will be considered for both podium and poster presentations. Receive a complimentary one-day registration (or 50% credit towards a full conference registration) when your free paper is selected as a podium presentation. Those presenting more than one Podium Free Paper will receive a Full Complimentary registration. Poster Presenters will receive a 40% discount off their full conference registration. [Learn more about presenting.](#)



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