

March 13, 2017

Patrick Conway, MD, MSc
Acting Administrator Centers for Medicare & Medicaid Services
Department of Health and Human Services
Room 445-G, Hubert H. Humphrey Building
200 Independence Avenue SW
Washington DC, 20201

Re: CMS-6012-P: Establishment of Special Payment Provisions and Requirements for Qualified Practitioners and Qualified Suppliers of Prosthetics and Custom Fabricated Orthotics

On behalf of the more than 54 million adults and almost 300,000 children in the United States with doctor-diagnosed arthritis, the Arthritis Foundation welcomes the opportunity to comment on the *Establishment of Special Payment Provisions and Requirements for Qualified Practitioners and Qualified Suppliers of Prosthetics and Custom Fabricated Orthotics* proposed rule. Arthritis is a complex, chronic disease that can be difficult to treat, and people who suffer from the disease require regular, on-going care. As a patient advocacy organization, we value our role in helping policy-makers understand the nuanced nature of arthritis treatment and the needs of people who suffer from this disease. Our comments reflect the health care experiences of our constituents and the protections that are most important to help them maintain access to the treatments they need to live a full life. Below please find our comments on the proposed rule.

Provisions of the Proposed Regulations

Nearly 8 out of 10 Americans have foot pain and those who suffer from chronic foot pain are significantly more likely to have pain in other parts of their body, according to a survey by the American Podiatric Medical Association (APMA)ⁱ. Among people with certain types of arthritis, including rheumatoid arthritis (RA) and osteoarthritis (OA) of the knee, hip, ankle, or foot, it is even more prevalent. Orthotics redistribute weight and relieve pressure on sensitive areas of the feet, provide cushioning that reduces stress, or biomechanical load, on the lower body, and correct gait and structural abnormalities. The Arthritis Foundation agrees that it is a good idea to clarify the specific criteria required to deliver orthotic devices and prostheses. Transparency about the criteria required will help protect patients from receiving care from unqualified individuals and non-payment from Medicare. If Medicare does not pay the individual filing a claim, the costs shift back to the patient and ultimately may create a barrier to care.

We do have concerns regarding the additional proposed Durable Medical Equipment, Prosthetics/Orthotics, and Supplies (DMEPOS) quality accreditation and licensure requirements. We urge CMS to consider the administrative burden and any potential disruption of care due to the accreditation requirements. We also encourage CMS to provide a reasonable timeframe in which qualified practitioners and suppliers must meet any new licensure and accreditation requirements. The Arthritis Foundation cautions CMS that prohibiting any practitioners from

performing interventions with orthotics could place an undue burden on patients, forcing them to see alternative providers. We cannot support any provisions that would potentially disrupt patient care and diminish quality of life.

Further, the Arthritis Foundation seeks clarity on the definition of a "fabrication facility" which appears to not distinguish between patient-care facilities and companies that offer central fabrication services. For example, the need for parallel bars and patient rooms are not present in central-fabrication facilities because those companies do not physically treat patients. We ask that CMS consider the differences in facilities and treatment centers and establish appropriate criteria for each.

Again, thank you for the opportunity to comment on *the Establishment of Special Payment Provisions and Requirements for Qualified Practitioners and Qualified Suppliers of Prosthetics and Custom Fabricated Orthotics* proposed rule. Please contact Sandie Preiss, Arthritis Foundation National Vice President of Advocacy and Access, at 202-887-2910 or spreiss@arthritis.org with questions or for more information.

Sincerely,



Sandie Preiss
Vice President, Advocacy and Access
Arthritis Foundation

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