

THE ORTHOTIC AND PROSTHETIC ALLIANCE

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**Submitted via Electronic Mail to: OIRA_submission@omb.eop.gov;
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Howard Shelanski
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Executive Office of the President
725 17th Street, NW
Washington, DC 20503

RE: (CMS–10407) Summary of Benefits and Coverage and Uniform Glossary

Dear Administrator Shelanski:

The undersigned members of the Orthotic and Prosthetic (O&P) Alliance appreciate the opportunity to comment on the Notice *Summary of Benefits and Coverage and Uniform Glossary* (the “Notice”). The O&P Alliance is a coalition of the five major national orthotic and prosthetic organizations representing the O&P profession, over 14,000 O&P professionals and 4,000 accredited O&P facilities, and the patients we serve. The O&P Alliance is committed to ensuring that people with injuries, illnesses and disabilities have access to, and coverage of, the full spectrum of professional orthotic and prosthetic patient care.

In the Notice, the Internal Revenue Service at the Department of the Treasury, the Employee Benefits Security Administration at the Department of Labor, and the Centers for Medicare & Medicaid Services at the Department of Health and Human Services (collectively, “the Departments”) invite comment on the proposed documents associated with the Summary of Benefits and Coverage and Uniform Glossary located at <https://www.cms.gov/ccio/resources/Regulations-and-Guidance/index.html#Summary%20of%20Benefits%20and%20Coverage%20and%20Uniform%20Glossary>, primarily in connection with private insurance plans pursuant to the Patient Protection and Affordable Care Act (“ACA”). The O&P Alliance’s comments on the Uniform Glossary of Coverage and Medical Terms, the Summary of Benefits and Coverage (SBC) template, and other documents, appear below.

American Academy of Orthotists and Prosthetists (AAOP)
American Board for Certification in Orthotics, Prosthetics, and Pedorthics, Inc. (ABC)
American Orthotic & Prosthetic Association (AOPA)
Board for Certification/Accreditation, International (BOC)
National Association for the Advancement of Orthotics and Prosthetics (NAAOP)

A. Separate Definition of Orthotics and Prosthetics

The proposed Uniform Glossary of Coverage and Medical Terms (Uniform Glossary)¹ contains definitions of orthotics and prosthetics, durable medical equipment, habilitation services, and rehabilitation services. We understand the glossary is intended to provide plain-language descriptions to assist decision-making by consumers as they shop for coverage, and the terms are not legally-binding definitions of covered benefits.

We would like to acknowledge the wisdom of adopting a separate definition of the term “orthotics and prosthetics” in the Uniform Glossary. Orthotic and prosthetic clinical services are fundamentally different from commodity-based durable medical equipment and the separate definition proposed in the Uniform Glossary will help clarify this difference. This new definition will help enrollees and others understand what constitutes orthotic and prosthetic services and devices and will assist them as they compare and contrast the levels of such coverage across competing health plans. The Uniform Glossary also formally signals separate benefit treatment from durable medical equipment (DME) in private health plans and underscores that DME-related limitations and exclusions should not be applied to orthotics and prosthetics.

For the purposes of the Uniform Glossary, we generally support the proposed definition of orthotics and prosthetics as written and believe this definition will be easily understood by the general public. However, there is one phrase within the definition that should be amended in the final version of the Uniform Glossary. The O&P Alliance recommends that given the fact that mastectomies that require external breast prostheses can be medically necessary for patients who do not have breast cancer, *the Departments’ definition for orthotics and prosthetics should strike “...resulting from breast cancer” from the proposed definition.*

For instance, the definition of “Orthotics and Prosthetics” should read as follows:

- **Orthotics and Prosthetics:** Leg, arm, back, and neck braces, and artificial legs, arms, and eyes, and external breast prostheses incident to mastectomy ~~resulting from breast cancer~~. These services include: adjustments, repairs, and replacements required because of breakage, wear, loss, or a change in the patient’s physical condition.

Proposed SBC Sample Completed Template

We have reviewed the proposed Summary of Benefits and Coverage (SBC) template² and recommend the following changes:

- On page 3, the “Habilitation services” and “Rehabilitation services” items under “Services You May Need” should be renamed “Habilitation services and devices” and

¹ See <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/Uniform-Glossary.pdf>.

² See <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/SBC-Sample-Completed.pdf>.

“Rehabilitation services and devices,” respectively, to be consistent with the benefit category listed in Section 1302 of the Affordable Care Act;

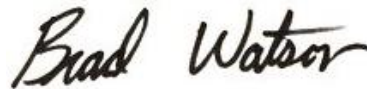
- On page 3, “Services You May Need” under “If you need help recovering or have other special health needs” should include “Orthotics and prosthetics” directly below “Durable medical equipment,” to be consistent with the proposed Uniform Glossary. “Limits, Exceptions, & Other Important Information” should be listed for orthotics and prosthetics as well.

We greatly appreciate your attention to our concerns and recommendations and thank you for the opportunity to be engaged in this process. If you have questions, please contact our Washington Counsel, Peter Thomas, at 202-466-6550 or Peter.Thomas@ppsv.com.

Sincerely,



Dave McGill
President
National Association for the
Advancement of Orthotics and Prosthetics



L. Bradley Watson, BOCO, BOCP, LPO
Chair, Board of Directors
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Christopher J. Fairman, CPO
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cc: CMS Desk Officer; Desk Officer for Treasury; OMB Desk Officer for DOL–EBSA