

118TH CONGRESS
1ST SESSION

H. R. 4315

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2023

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 subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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-
8 ERED BY DROP SHIPMENT.—

9 (1) IN GENERAL.—Section 1834(h)(1) of the
10 Social Security Act (42 U.S.C. 1395m(h)(1)) is
11 amended by adding at the end the following new
12 subparagraph:

13 “(I) PROHIBITION ON PAYMENT FOR CER-
14 TAIN ITEMS FURNISHED USING A DROP SHIP-
15 MENT.—

16 “(i) IN GENERAL.—No payment shall
17 be made under this subsection for an item
18 described in clause (ii) furnished to an in-
19 dividual via a drop shipment.

20 “(ii) ITEMS DESCRIBED.—This items
21 described in this clause are the following:

22 “(I) A prosthesis (as defined in
23 subparagraph (H)(4)(B)), except that
24 such term does not include supplies
25 for such prosthesis.

1 “(II) A custom-fabricated ortho-
2 sis (as described in subparagraph
3 (F)(ii)), or a custom-fitted orthosis,
4 except that such term does not in-
5 clude supplies for such orthosis.

6 “(III) Off-the-shelf orthotics (as
7 defined in section 1847(a)(2)(C)) that
8 are not otherwise subject to competi-
9 tive bidding and delivered by drop
10 shipment.

11 “(iii) DROP SHIPMENT DEFINED.—In
12 this subparagraph, the term ‘drop ship-
13 ment’ means the direct shipment of a pros-
14 thesis or an orthosis to an individual that
15 has not received training or education with
16 respect to fitting and adjustment or train-
17 ing in the care and use of such prosthesis
18 or orthosis from a qualified practitioner
19 (as described in subparagraph (F)(iii)).”.

20 (2) EFFECTIVE DATE.—The amendment made
21 by paragraph (1) shall apply to items furnished on
22 or after the first day of the first full calendar year
23 following the date of enactment of this Act.

24 (b) ADDITIONAL PRACTITIONERS EXEMPT FROM
25 COMPETITIVE ACQUISITION.—Section 1847(a)(7)(A)(i) of

1 the Social Security Act (42 U.S.C. 1395w-3(a)(7)(A)(i))
2 is amended—

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

6 (2) by inserting “, physical therapist, occupa-
7 tional therapist, orthotist, prosthetist” after “the
8 physician’s” in each place such term occurs.

9 (c) ENSURING BENEFICIARY ACCESS TO REPLACE-
10 MENT CUSTOM-FITTED ORTHOTIC DEVICES AND CUS-
11 TOM-FABRICATED ORTHOTIC DEVICES.—Section
12 1834(h)(1)(G) of the Social Security Act (42 U.S.C.
13 1395m(h)(1)(G)) is amended—

14 (1) in the heading, by inserting “, CUSTOM-
15 FITTED ORTHOTIC DEVICES, CUSTOM-FABRICATED
16 ORTHOTIC DEVICES,” after “REPLACEMENT OF
17 PROSTHETIC DEVICES”; and

18 (2) in clause (i), by inserting “, replacement of
19 custom-fitted orthotic devices, replacement of cus-
20 tom-fabricated orthotic devices,” 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) REGULATIONS.—Not later than 1 year after the
5 date of the enactment of this Act, the Secretary of Health
6 and Human Services shall promulgate final regulations to
7 implement the amendments made by this Act.

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