

119TH CONGRESS  
1ST SESSION

# S. 2329

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 17, 2025

Mr. WARNER (for himself and Mr. DAINES) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Medicare Orthotics and  
5       Prosthetics Patient-Centered Care Act”.

1 **SEC. 2. INCREASING PROTECTIONS FOR MEDICARE BENE-**  
 2 **FICIARIES RECEIVING ORTHOTIC AND PROS-**  
 3 **THETIC CARE.**

4 (a) PROHIBITION ON PAYMENT FOR ITEMS DELIV-  
 5 ERED BY DROP SHIPMENT.—Section 1834(h)(1) of the  
 6 Social Security Act (42 U.S.C. 1395m(h)(1)) is amended  
 7 by adding at the end the following new subparagraph:

8 “(I) PROHIBITION ON PAYMENT FOR CER-  
 9 TAIN ITEMS FURNISHED USING A DROP SHIP-  
 10 MENT.—

11 “(i) IN GENERAL.—No payment may  
 12 be made under this subsection for an item  
 13 described in clause (ii) furnished to an in-  
 14 dividual via a drop shipment on or after  
 15 the first day of the first year beginning  
 16 after the date of the enactment of this sub-  
 17 paragraph.

18 “(ii) ITEMS DESCRIBED.—The items  
 19 described in this clause are orthotics and  
 20 prosthetics, not including supplies for such  
 21 orthotics and prosthetics, that are identi-  
 22 fied by HCPCS codes for which payment is  
 23 not made under section 1847.

24 “(iii) DROP SHIPMENT DEFINED.—In  
 25 this subparagraph, the term ‘drop ship-  
 26 ment’ means, with respect to an item de-

1           scribed in clause (ii), the direct shipment  
 2           of such item to an individual who has not  
 3           received training or education from a  
 4           qualified practitioner (as defined in sub-  
 5           paragraph (F)(iii)) on the fitting and ad-  
 6           justment, care, and use of such item.”.

7           (b) ADDITIONAL PRACTITIONERS EXEMPT FROM  
 8 COMPETITIVE ACQUISITION.—Section 1847(a)(7)(A)(i) of  
 9 the Social Security Act (42 U.S.C. 1395w–3(a)(7)(A)(i))  
 10 is amended—

11           (1) by inserting “, physical therapist, occupa-  
 12           tional therapist, orthotist, prosthetist,” after “by a  
 13           physician”; and

14           (2) by striking “the physician’s” each place it  
 15           appears and inserting “such physician’s” in each  
 16           such place.

17           (c) ENSURING BENEFICIARY ACCESS TO REPLACE-  
 18 MENT CUSTOM-FITTED ORTHOTICS AND CUSTOM-FAB-  
 19 RICATED ORTHOTIC DEVICES.—Section 1834(h)(1)(G) of  
 20 the Social Security Act (42 U.S.C. 1395m(h)(1)(G)) is  
 21 amended—

22           (1) in the heading, by inserting “, CUSTOM-  
 23           FITTED           ORTHOTICS,           CUSTOM-FABRICATED  
 24           ORTHOTICS,” after “REPLACEMENT OF PROSTHETIC  
 25           DEVICES”; and

1           (2) in clause (i), by inserting “replacement of  
2           custom-fitted orthotics, replacement of items of cus-  
3           tom-fabricated orthotics described in subparagraph  
4           (F)(ii),” after “which are artificial limbs,”.

5           (d) REGULATIONS.—Not later than 1 year after the  
6           date of the enactment of this Act, the Secretary of Health  
7           and Human Services shall promulgate final regulations to  
8           implement the amendments made by this section.

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