

106TH CONGRESS
1ST SESSION

H. R. 1938

To amend title XVIII of the Social Security Act to require appropriate training and certification for suppliers of certain listed items of orthotics or prosthetics.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1999

Mr. WEXLER introduced the following bill; which was referred to the Committee on 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 require appropriate training and certification for suppliers of certain listed items of orthotics or prosthetics.

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 “William G. Barr Am-
5 putee Protection Act of 1999”.

1 **SEC. 2. CERTIFICATION OF SUPPLIERS OF CERTAIN ITEMS**
2 **OF ORTHOTICS AND PROSTHETICS.**

3 (a) IN GENERAL.—Section 1834(h)(1) of the Social
4 Security Act (42 U.S.C. 1395m(h)(1)) is amended by add-
5 ing at the end the following new subparagraph:

6 “(F) LIMITATION ON PAYMENT FOR LIST-
7 ED ITEMS.—

8 “(i) LIMITATION.—Except as provided
9 in clause (v), no payment may be made
10 under this subsection for an item of
11 orthotics and prosthetics that is specified
12 on a list established under clause (ii) un-
13 less the individual (as defined in clause
14 (vi)) furnishing such item has been cer-
15 tified under clause (iv).

16 “(ii) ESTABLISHMENT AND PUBLICA-
17 TION OF LIST.—The Secretary shall estab-
18 lish and publish a list of items of orthotics
19 and prosthetics that the Secretary (in con-
20 sultation with appropriate experts in the
21 field of orthotics and prosthetics) deter-
22 mines that because of the custom design,
23 fabrication, and fitting of such an item,
24 the individual furnishing such item must
25 meet minimum education requirements in
26 such design, fabrication, and fitting.

1 “(iii) APPLICATION OF LIMITATION.—

2 The prohibition under clause (i) shall apply
3 to an item of orthotics and prosthetics fur-
4 nished on or after the date that is the first
5 day of the sixth month that begins after
6 the date on which the Secretary specifies
7 the item on the list under clause (ii).

8 “(iv) CERTIFICATION.—An individual
9 may be certified under this clause as fol-
10 lows:

11 “(I) IN GENERAL.—The Sec-
12 retary shall establish a process for the
13 certification of the individual by the
14 Secretary, by the State in which the
15 individual practices, or by a qualified
16 third party certifier (as determined by
17 the Secretary) as having met, with re-
18 spect to items specified on the list
19 under clause (ii), minimum education
20 requirements established by the Sec-
21 retary based on the criteria described
22 in subclause (II).

23 “(II) CRITERIA DESCRIBED.—
24 For purposes of subclause (I), the
25 regulations prescribed by the Sec-

1 retary, in the case of such an indi-
2 vidual who is orthotist or prosthetist,
3 shall be based upon the essentials and
4 guidelines established by the Com-
5 mittee on Allied Health Education
6 and Accreditation of the American
7 Medical Association with respect to
8 education and training programs, in-
9 ternship or residency experience, and
10 continuing education requirements,
11 for the custom design, fabrication,
12 and fitting of such items. In the case
13 of such an individual who is a
14 pedorthist, such regulations shall be
15 based upon the essentials and guide-
16 lines established by the Committee for
17 Pedorthic Education Accreditation
18 with respect to education and training
19 programs, internship or residency ex-
20 perience, and continuing education re-
21 quirements, for the custom design,
22 fabrication, and fitting of such items.
23 In the case of an individual who is a
24 fitter of orthotics or prosthetics, such
25 regulations shall be based upon cri-

1 teria established by the Secretary (in
2 conjunction with appropriate experts
3 in the field of orthotics) with respect
4 to education and training programs,
5 internship or residency experience,
6 and continuing education require-
7 ments, for the fitting of such items.

8 “(III) CERTIFICATION BY REA-
9 SON OF EXPERIENCE.—Notwith-
10 standing subclause (I), in the case of
11 a individual practicing in a State
12 which does not provide for such licen-
13 sure or certification, the individual
14 may be certified under this clause if
15 the individual has completed at least
16 five years practice in the field of
17 orthotics or prosthetics and meets
18 such other criteria as the Secretary
19 establishes.

20 “(v) RURAL SUPPLIERS EXCEPTED.—
21 The prohibition under clause (i) shall not
22 apply in the case of a supplier of an item
23 of orthotics and prosthetics that serves,
24 and is located in, an area outside a Metro-

1 politan Statistical Area or a New England
2 County Metropolitan Area.

3 “(vi) INDIVIDUAL DEFINED.—For
4 purposes of this subparagraph, the term
5 ‘individual’ means a supplier of orthotics
6 and prosthetics who is a practitioner of
7 orthotics or prosthetics or, in the case of a
8 supplier who is not such a practitioner,
9 such a practitioner in the employ of the
10 supplier on a full- or part-time salary
11 basis.”.

12 (b) DEADLINES.—

13 (1) LIST OF ITEMS.—Not later than six months
14 after the date of the enactment of this Act, the Sec-
15 retary of Health and Human Services shall publish
16 in the Federal Register the list of orthotic and pros-
17 thetic items described in clause (ii) of section
18 1834(h)(1)(F) of the Social Security Act (42 U.S.C.
19 1395m(h)(1)(F)), as added by subsection (a).

20 (2) REGULATIONS.—Not later than six months
21 after the date of the enactment of this Act, the Sec-
22 retary shall issue regulations to carry out the
23 amendment made by subsection (a). In order to
24 carry out this requirement in a timely manner, the
25 Secretary may promulgate regulations that take ef-

- 1 fect on an interim basis, after notice and pending
- 2 opportunity for public comment.

