

2004 Current Fiscal Year Report: Negotiated Rulemaking Committee on Special Payment Provisions and Requirements for Prosthetics and Certain Custom Fabricated Orthotics

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1. Department or Agency	2. Fiscal Year
Department of Health and Human Services	2004
3. Committee or Subcommittee	3b. GSA Committee No.

Negotiated Rulemaking Committee on Special Payment Provisions and Requirements for Prosthetics and Certain Custom Fabricated Orthotics	13873
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4. Is this New During Fiscal Year?	5. Current Charter	6. Expected Renewal Date	7. Expected Term Date
No	06/17/2002	06/17/2004	06/17/2004

8a. Was Terminated During FiscalYear?	8b. Specific Termination Authority	8c. Actual Term Date
Yes		06/17/2004

9. Agency Recommendation for Next FiscalYear	10a. Legislation Req to Terminate?	10b. Legislation Pending?
Continue		

11. Establishment Authority	Statutory (Congress Created)		
12. Specific Establishment Authority	13. Effective Date	14. Committee Type	14c. Presidential?
		Continuing	No

15. Description of Committee Other Committee

16a. Total Number of Reports No Reports for this FiscalYear

17a. 0 **17b. Closed** 0 **17c. Partially Closed** 0 **Other Activities** 0 **17d. Total** 0

Meetings and Dates

No Meetings

	Current FY	Next FY
18a(1). Personnel		
Pmts to Non-Federal Members	\$13,750.00	\$13,750.00
18a(2). Personnel		
Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel		
Pmts to Federal Staff	\$125,251.00	\$125,251.00
18a(4). Personnel		
Pmts to Non-Member Consultants	\$93,245.00	\$93,245.00
18b(1). Travel and Per Diem to Non-Federal Members	\$3,000.00	\$3,000.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$5,950.00	\$5,950.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$241,196.00	\$241,196.00
19. Federal Staff Support Years (FTE)	0.00	0.00

20a. How does the Committee accomplish its purpose?

CMS retained the Federal Mediation and Conciliation Service (FMCS) to convene a negotiated rulemaking committee and provide facilitation of the negotiations.

20b. How does the Committee balance its membership?

CMS provided the FMCS with a list of names and organizations to consult and would most likely be impacted by the rule. The FMCS then conducted interviews and identified several interest group categories. They are: (1)certifying organiztions; (2) research and education organizations; (3) education and membership organizations which represent the interest of practitioners; (4) industry and business organizations, such as manufacturers or facilities; (5) Medicare beneficiaries; (6) representatives of various state entities and (7) a miscellaneous category.

20c. How frequent and relevant are the Committee Meetings?

Estimated Number of Meetings for Fiscal Year
2003 - 9

20d. Why can't the advice or information this committee provides be obtained elsewhere?

The purpose of the negotiated rulemaking committee is to establish standards regarding making, fitting and billing Medicare for prosthetics and certain customized orthotics. These negotiations were mandated by Congress under Section 427 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA) of 2000 in accodance with the Negotiated Rulemaking Act of 1990, 5 U.S.C. 561-569.

20e. Why is it necessary to close and/or partially closed committee meetings?

The meetings are open to the public.

21. Remarks

The Facilitators are: Lynn Sylvester and Ira Lobel,

Federal Mediation and Concilitation Services.

Designated Federal Officer

Theresa Linkowich Division of Provider & Supplier
Enrollment, Program Integrity Group, Centers for
Medicare & Medicaid Services (CMS)

Committee Members	Start	End	Occupation	Member Designation
Allen, Michael	09/19/2002	09/30/2003	Alternate member for: John N. Billock	Special Government Employee (SGE) Member Special Government Employee (SGE) Member Special Government Employee (SGE) Member
Barr, Anthony	09/19/2002	09/30/2003	Barr Foundation	Special Government Employee (SGE) Member Special Government Employee (SGE) Member
Berish, Daniel	09/19/2002	09/30/2003	Alternate member for: Stuart S. Kurlander	Special Government Employee (SGE) Member Special Government Employee (SGE) Member
Billock, John	09/19/2002	09/30/2003	National Association for the Advancement of Orthotics and Prosthetics	Special Government Employee (SGE) Member Special Government Employee (SGE) Member
Brnicick, Michael	09/19/2002	09/30/2003	National Commission on Orthotic and Prosthetic Education	Special Government Employee (SGE) Member Special Government Employee (SGE) Member
Clark, Dennis	09/19/2002	09/30/2003	American Academy for Orthotists and Prosthetics	Special Government Employee (SGE) Member Special Government Employee (SGE) Member
Cowell, Fred	09/19/2002	09/30/2003	Paralyzed Veterans of America	Special Government Employee (SGE) Member Special Government Employee (SGE) Member
Dankmeyer, Charles	09/19/2002	09/30/2003	Coalition of State Associations	Special Government Employee (SGE) Member Special Government Employee (SGE) Member
DeToro, William	09/19/2002	09/30/2003	American Board of Certification	Special Government Employee (SGE) Member

Delorenzo, Richard	09/19/2002	09/30/2003	Alternate member for: Charles Dankmeyer	Special Government Employee (SGE) Member
Dillingham, Timothy	09/19/2002	09/30/2003	Alternate member for : Todd Kuiken	Special Government Employee (SGE) Member
Doolan, Kim	09/19/2002	09/30/2003	Alternate member for: Anthony T. Barr	Special Government Employee (SGE) Member
Ellis, Cathy	09/19/2002	09/30/2003	American Physical Therapy Association	Special Government Employee (SGE) Member
Estes, Russell	09/19/2002	09/30/2003	Alternate member for: LeRoy W. Nattrees Jr.	Special Government Employee (SGE) Member
Fedder, Donald	09/19/2002	09/30/2003	Alternate member for: James Newbery Jr.	Special Government Employee (SGE) Member
Fishman, Sidney	09/19/2002	09/30/2003	Alternate member for John Hsu	Special Government Employee (SGE) Member
Gallo, Morris	09/19/2002	09/30/2003	Alternate member for: Terry Supan	Special Government Employee (SGE) Member
Guccione, Andrew	09/19/2002	09/30/2003	Alternate member for: Cathy Ellis	Special Government Employee (SGE) Member
Hill, Hugh	09/19/2002	09/30/2003	Centers for Medicare & Medicaid Services	Special Government Employee (SGE) Member
Hsu, John	09/19/2002	09/30/2003	American Academy of Orthopedic Surgeons	Special Government Employee (SGE) Member

Kaiser, James	09/19/2002	09/30/2003	Point Health Centers	Special Government Employee (SGE) Member
Kass, Julie	09/19/2002	09/30/2003	Alternate member for: Leslie S. Lloyd	Special Government Employee (SGE) Member
Kritter Jr., Alfred	09/19/2002	09/30/2003	Alternate member for: Ivan R. Sabel	Special Government Employee (SGE) Member
Kuiken, Todd	09/19/2002	09/30/2003	American Academy of Physical Medicine and Rehabilitation	Special Government Employee (SGE) Member
Kurlander, Stuart	09/19/2002	09/30/2003	National Orthotic Manufacturers Association	Special Government Employee (SGE) Member
Lloyd, Leslie	09/19/2002	09/30/2003	American Occupational Therapy Association	Special Government Employee (SGE) Member
Lobel, Ira	09/19/2002	09/30/2003	Facilitator: Federal Mediation and Conciliation Services	Special Government Employee (SGE) Member
Loyal, Robert	09/19/2002	09/30/2003	Alternate for : Hugh F. Hill	Special Government Employee (SGE) Member
McCausland, David	09/19/2002	09/30/2003	Alternate member for : Jack Pivar	Special Government Employee (SGE) Member
Meramo, Michael	09/19/2002	09/30/2003	Alternate member for: Tarif Zaki	Special Government Employee (SGE) Member
Michael, John	09/19/2002	09/30/2003	American Orthotic and Prosthetic Association	Special Government Employee (SGE) Member

Nattrees Jr., LeRoy	09/19/2002	09/30/2003	Amputee Information Exchange	Special Government Employee (SGE) Member
Newbery Jr., James	09/19/2002	09/30/2003	Board of Orthotist/Prosthetist Certification	Special Government Employee (SGE) Member
Oros, Michael	09/19/2002	09/30/2003	Alternate member for: James Kaiser	Special Government Employee (SGE) Member
Pivar, Jack	09/19/2002	09/30/2003	National Association for the Support of Long Term Care	Special Government Employee (SGE) Member
Reynolds, John	09/19/2002	09/30/2003	Alternate member for: William DeToro	Special Government Employee (SGE) Member
Sabel, Ivan	09/19/2002	09/30/2003	Hanger Prosthetics and Orthotics	Special Government Employee (SGE) Member
Schultz, David	09/19/2002	09/30/2003	Alternate member for: John Michael	Special Government Employee (SGE) Member
Seabrook, Robin	09/19/2002	09/30/2003	Alternate member for: Michael Brnicick	Special Government Employee (SGE) Member
Stills, Mel	09/19/2002	09/30/2003	Alternate Member for Dennis E. Clark	Special Government Employee (SGE) Member
Supan, Terry	09/19/2002	09/30/2003	State Boards	Special Government Employee (SGE) Member
Sylvester, Lynn	09/19/2002	09/30/2003	Facilitator: Federal Mediation and Cociliation Services	Special Government Employee (SGE) Member

Thomas, Harley	09/19/2002	09/30/2003	Alternate member for: Fred Cowell	Special Government Employee (SGE) Member
Zaki, Tarif	09/19/2002	09/30/2003	International Association of Orthotics and Prosthetics	Special Government Employee (SGE) Member

Number of Committee Members Listed: 44

Narrative Description

NA

What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input type="checkbox"/>
Other	<input type="checkbox"/>

Outcome Comments

NA

What are the cost savings associated with this committee?

Checked if Applies

None	<input type="checkbox"/>
Unable to Determine	<input type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>

\$1,000,001 - \$5,000,000

☐

\$5,000,001 - \$10,000,000

☐

Over \$10,000,000

☐

Cost Savings Other

☐

Cost Savings Comments

NA

What is the approximate Number of recommendations produced by this committee for the life of the committee?

0

Number of Recommendations Comments

NA

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

NA

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

NA

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☐ No ☒ Not Applicable ☐

Agency Feedback Comments

NA

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

- | | |
|-----------------------------------|--------------------------|
| Reorganized Priorities | <input type="checkbox"/> |
| Reallocated resources | <input type="checkbox"/> |
| Issued new regulation | <input type="checkbox"/> |
| Proposed legislation | <input type="checkbox"/> |
| Approved grants or other payments | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Action Comments

NA

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

NA

How is access provided to the information for the Committee's documentation?

Checked if Applies

- | | |
|---------------------------|--------------------------|
| Contact DFO | <input type="checkbox"/> |
| Online Agency Web Site | <input type="checkbox"/> |
| Online Committee Web Site | <input type="checkbox"/> |
| Online GSA FACA Web Site | <input type="checkbox"/> |
| Publications | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Access Comments

NA