

Fight the Discriminatory Audit System with OPGA
An Editorial by Sara Beck of San Joaquin Orthotics & Prosthetics

I am part of a family-owned, independent orthotic and prosthetic company in Northern California. In 2011, we were a simple provider, busy making legs, committed to providing emotional and physical peace to amputees and empowering our patients with a functional and fulfilling life. Then everything changed. Medicare audits hit us like a ton of bricks and knocked us off our feet. We were faced with overwhelming anxiety, depression and financial ruin. But, with an unconditional dedication to our patients and profession, we worked tirelessly, day in and day out, to clear our name and recover our legitimately earned money. Following three long years of exhaustively fighting the appeals process, we have successfully overcome the majority of those audits and have regained our footing. I had survived one of the worst times in my practice, and I was dedicated to finding out why this had happened.

I began by reaching out to other providers and referring physicians across the country. This is when the smell of a prejudicial audit system began to surface. To further research what I was hearing from my inquiries, I requested data from CMS and HHS using the Freedom of Information Act. I found data that proved our worst fears: Large corporations are not receiving prosthetic or high-dollar orthotic RAC audits. Large corporations are simply receiving audits for low-dollar services. While independent providers are being targeted by expensive and devastating RAC audits, large corporations are being left unscathed by the system.

The CMS website asserts that recovery auditors “will focus on companies and individuals whose billings for Medicare services are *higher* than the majority of providers and suppliers in the community.” However, independent O & P facilities do not bill the highest dollar or highest volume of orthotic and prosthetic services; not by a long shot. In an attempt to seek answers as to how this could happen, CMS and the RAC program have refused to offer any insight or provide any justification. Compliance teams and high officials of large corporations have been unable to refute the data; and CMS has confirmed the data’s accuracy. Because of the lack of high-dollar audits, large corporations are not forced to comply with CMS’ rigorous, and excessive, documentation standards that independent providers constantly struggle with, creating a significant advantage. The damages that have occurred because of such a palpable bias have proven to be catastrophic to the orthotic and prosthetic profession.

When my FOIA data was initially received, I immediately began contacting trade organizations within O & P for guidance and support. Sadly, most organizations turned a blind eye or refused to take a position on behalf of the well-being of their members due to their “conflictions” resulting from their connections, both financially and professionally, with these larger corporations. OPGA has been the only entity that I have been in contact with, within the O & P industry, to genuinely hear my concerns and take the necessary action to address this damaging issue head on. Without hesitation, OPGA has provided compassionate advocacy and vigorous lobbying against this devastating problem caused by the blatant inequity within the RAC audit program. It has become clear that OPGA is the only organization willing to take a stand for the independent O & P providers.

At a recent industry meeting, I attended a session that discussed the pitfalls of selling a business in the industry. The attendance was astounding. The general message of the session was to convince providers that selling your practice is the only way out of the audit madness. This is an idea that I vigorously oppose. My company was at its lowest because of Medicare audits. We were forced to fire employees who had become family; our staff experienced detrimental health issues; and we almost lost everything. But we refused to give in or give up. Independent providers should fight for their business, fight for their profession, and fight for their patients.

The financial hardships felt by independent providers caused by Medicare audits are profound enough, but the emotional turmoil that engulfs the lives of these practitioners and their staff have been overpowering. Because of the audit devastation, independent providers are being forced to place audit anticipation ahead of patient care. Independent practitioners are living in fear of Medicare audits and are forced to put their compassion and love of the profession to the side, while the large corporations are free to continue on without any fear of consequence. The damages resulting from Medicare's audit discrimination transcends deeper than just providers. The negative outcome of this audit prejudice affects manufacturers, distributors and all companies associated with O & P.

Now is the time for providers to step up and show that we will not take this lying down. It is imperative that we join together and present a united front. O & P providers have more strength by coming together as one voice, and OPGA is that voice. I have brought this devastating issue to our industry organizations in a desperate attempt to find relief this injustice, but I was met with shocking resistance and refusal to take any action. Without opposition OPGA immediately expressed concern and offered instant support. As a small, independent provider, it has been extremely difficult to balance running an office while investigating appropriate agencies; i.e. countless communications with Medicare, industry leaders and legislatures. OPGA continues to offer the assistance that I desperately need. Please join me, and OPGA, and together we can conquer this giant.

Sara Beck is the lead Medicare appeals specialist for San Joaquin Orthotics & Prosthetics. She is the daughter of Michael Beck, CPO, who independently owns and operates San Joaquin Orthotics & Prosthetics, and the granddaughter of the late James Beck, CO, who was a leading industry professional and founder of Stockton Orthopedic in Stockton, California. Sara is currently attending law school and plans to pursue a career in legal advocacy for the O & P industry.