

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.

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

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.

