

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, Maryland 21244-1850



NOV 02 2009

David R. McGill  
Vice President, Legal Affairs  
Ossur Americas  
27412 Aliso Viejo Parkway  
Aliso Viejo, CA 92656

**Re: Request #09.089**

Request to establish a code for an external prosthetic ankle-foot system, trade name: Proprio Foot.

Dear Mr. McGill:

On behalf of the Centers for Medicare and Medicaid Services (CMS), I would like to thank you for your application to modify the HCPCS Level II code set. The HCPCS Level II code set is available for use by all payers, and is maintained by CMS taking into consideration the national program operating needs of all payers, including Medicare, Medicaid, and Private Insurers.

CMS reviewed your application and published the following preliminary decision:

Establish Lxxxx "ADDITION, ENDOSKELETAL ANKLE FOOT SYSTEM, MICROPROCESSOR CONTROLLED FEATURE, DORSIFLEXION AND/OR PLANTAR FLEXION CONTROL, INCLUDES POWER SOURCE"

We appreciate the comments you provided at CMS' HCPCS Public Meeting in reaction to our published preliminary decision. Specifically, you agreed with CMS' preliminary decision.

The CMS HCPCS Workgroup reconvened to consider input provided at the Public Meeting. CMS upheld its decision to establish a new code, however following additional analysis, the code language was revised. The intent of the revision is to establish language that is consistent with CMS' intent to create a code that describes the entire system, and that is not intended to be used together with other codes. The following modification has been made to the HCPCS Level II standard, national code set:

Establish L5973 "ENDOSKELETAL ANKLE FOOT SYSTEM, MICROPROCESSOR CONTROLLED FEATURE, DORSIFLEXION AND/OR PLANTAR FLEXION CONTROL, INCLUDES POWER SOURCE"

All new codes are effective January 1, 2010, unless an earlier effective date is specified in the 2010 Annual HCPCS Update. The entire 2010 HCPCS Annual Update will be available and can be downloaded free of charge at: <http://www.cms.hhs.gov/medhpcpsgeninfo>. The code set is searchable using the edit function and key words or code numbers.

Questions regarding classification of products into HCPCS Level II code categories should be submitted to the insurer in whose jurisdiction a claim would be filed. For private sector health insurance systems, please contact the individual private insurance entity. For Medicaid systems, please contact the Medicaid Agency in the state in which the claim is being filed. For Medicare, contact the Medicare contractor.

Sincerely,

A handwritten signature in black ink that reads "Cynthia Hake". The signature is written in a cursive, flowing style.

Cynthia Hake, Chair  
CMS' HCPCS Workgroup