

# Health Headlines

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## DMEPOS Final Rule

In the March 14, 2012 *Federal Register* (77 Fed. Reg. 14989), CMS published a final rule that modifies certain of the DMEPOS supplier standards set forth at 42 C.F.R. Section 424.57(c) (commonly referred to as the “Supplier Standards”). The final rule, effective April 13, 2012, implements the April 4, 2011 proposed rule (76 Fed. Reg. 18472) without modification.

In particular, the 2012 final rule makes the following changes:

- Removes the definition of “direct solicitation” and limits the supplier solicitation prohibitions to telephone contact;
- Allows suppliers to contract with licensed agents to provide DMEPOS supplies, unless such contractual arrangement is prohibited by State law;
- Removes the requirement for compliance with local zoning laws;
- Modifies certain state licensure requirement exceptions for orthotic and prosthetic professionals; and
- Clarifies that physical and occupational therapists are exempt from the requirement to be open 30 hours per week.

In the 2012 final rule, CMS clarifies certain ambiguities that were introduced to the supplier community by the August 27, 2010 final rule (75 Fed. Reg. 52629) on the DMEPOS Supplier Standards. However, certain issues remain, such as how CMS will apply its prohibition against unsolicited telephone contacts. We expect that many of these issues will be addressed in the coming months, as CMS stated that it “will be conducting outreach to the DMEPOS supplier community before and after the implementation of this final rule,” which will include the issuance of updated Frequently Asked Questions available on CMS’s website at <http://www.cms.gov/>.

The final rule is available [here](#).

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