

Moving the Needle: Drafting Quick, Effective Regulatory Comments to Support Physical Therapy



Overview: Federal agencies oversee the creation and modification of a wide range of health care-related regulations, including those around payment. Regulators need to have an expert understanding of the impact their rules have on patients, providers, and systems. One of the most important ways for these agencies to gain better insight is by asking stakeholders — both groups and individuals — to provide comments on proposed rules.

Why Members? The most effective regulatory advocacy requires a two-pronged strategy: comments submitted by APTA, representing physical therapy as a whole, and comments from individuals across the profession. While APTA can leverage its extensive knowledge of physical therapy and health policy, only individual members can provide an array of persuasive, diverse, and irreplicable perspectives that demonstrate the unseen impact of a rule. This area of regulatory advocacy is one of APTA's most valuable tools for supporting and advancing the profession — and you have a vital role to play as an individual PT, PTA, or student. APTA will continue to provide form letters other means of regulatory advocacy for members with limited time, but through these tools and guidance, APTA aims to empower members to share impactful stories and experiences.

Seven Steps and Considerations to Draft a Personalized Comment Letter

APTA is committed to guiding you through this process; use the step-by-step guide below to draft a short, effective comment letter using only your personal experiences. The steps are presented in order and follow a brief example using a single policy from the FY 2023 Inpatient Rehabilitation Facility Proposed Rule for each step. By the final step, a comment letter is completed. For reference, the steps are:

1. Get the facts and understand the issues before commenting.
2. Draft a statement of authority, describing who you are and how your perspective relates to the proposals.
3. Restate the issue and explain what you want the agency to do.
4. Support your positions using your professional perspective.
5. Expand support for your positions using details from your personal experience.
6. Keep it short and sweet; don't feel compelled to write a novel.
7. Express gratitude for positive proposals.

1. Get the Facts

The first step in writing an effective comment is to **understand the proposed changes** in the rule that you're commenting on. APTA provides education on regulatory proposals through briefings, webinars, and articles, all free to members. Use these tools to understand how you may be impacted. These issues will serve as the structure for any comment you write, no matter the length. Use APTA's resources to identify the specific policy issues you want to talk about. You don't have to talk about everything; **focus on what matters to you.**

2. Say It With Authority

Effective comments start with an explanation of **who you are and why you’re submitting comments**; this authority that you possess adds credibility to the comments. It’s as simple as introducing yourself and providing a **short summary of your professional experience** as it relates to the proposed rule and the issues being addressed. This information can help agencies identify variations in application of a policy — the same change can have differential impacts across settings, geographic areas, and specialties, and the agency needs to hear and understand that from you!

For this reason, you should highlight your **length of experience, practice specialty, practice setting type and size, and geographic areas** that you work in, as well as the **patient populations** that you work with. If you’re a student, you can state where you go to school, where you intend to practice, and your intended area of practice. These policies will have the greatest impact on PTs and PTAs with their entire career ahead of them, so student voices are just as important as those of established professionals.

Example: Authority Statement	
Ineffective Authority Statement	Effective Authority Statement
My name is Jane Doe, PT, DPT, and I am a physical therapist practicing at an inpatient rehabilitation facility.	My name is Jane Doe, PT, DPT. I have been a physical therapist for 15 years, specializing in stroke rehabilitation. I practice at a small inpatient rehabilitation facility and have been in inpatient rehabilitation facilities in both urban and rural areas, working primarily with Medicare and Medicaid patients.

3. Explain the Issue

Effective comments direct the agency’s attention to the specific issues you’re addressing in your comment letter. While using headers or other formatting tools can help separate and draw attention to each issue, it’s most important to provide clear theses to help ensure the agency can follow your logic.

Example: Issue Presentation and Thesis	
Ineffective Issue Presentation and Thesis	Effective Issue Presentation and Thesis
My name is Jane Doe, PT, DPT, and I am a physical therapist practicing at an inpatient rehabilitation facility. I disagree with the pay cuts for home health discharges. Do not implement this change.	My name is Jane Doe, PT, DPT. I have been a physical therapist for 15 years, specializing in stroke rehabilitation. I practice at a small inpatient rehabilitation facility and have been in inpatient rehabilitation facilities in both urban and rural areas, working primarily with Medicare and Medicaid patients. CMS’ proposal to reduce payment for early discharges from IRFs to home health should not be finalized. Reducing payment for early discharges to home health could severely and negatively affect appropriate transfer of patients. The proposal may also increase unnecessary time caring for certain patients who otherwise could be discharged under the care of a home health nurse.

4. Support Your Position, and Share Your Perspective

Once you state the issue, it's time to **explain why** you want the agency to reconsider a certain policy change. Agencies know that not every commenter will, or even can, offer targeted policy solutions for a proposal. However, a variety of personal perspectives on the operational complexities or administrative impact of a certain change can carry extraordinary weight when informing the agency of these practical considerations and lived experiences.

Example: Supporting Information	
Ineffective Supporting Information	Effective Supporting Information
<p>My name is Jane Doe, PT, DPT, and I am a physical therapist practicing in an inpatient rehabilitation facility. I disagree with the pay cuts for home health discharges. Do not implement this change.</p> <p>PTs working in IRFs have relied on this policy for the last 20 years, so the change will make my job more difficult and could hurt patients.</p>	<p>My name is Jane Doe, PT, DPT. I have been a physical therapist clinician for 15 years, specializing in stroke rehabilitation. I practice at a small inpatient rehabilitation facility and have been in inpatient rehabilitation facilities in both urban and rural areas, working primarily with Medicare and Medicaid patients.</p> <p>CMS' proposal to reduce payment for early discharges from IRFs to home health should not be finalized. Reducing payment for early discharges to home health could severely and negatively affect appropriate transfer of patients. The proposal may also increase unnecessary time caring for certain patients who otherwise could be discharged under the care of a home health nurse. In my experience, the existing transfer policies allow IRFs to transfer patients as needed, sometimes before the average length of stay. Doing so allows me and my colleagues to move patients safely and quickly between post-acute care settings, freeing up valuable staff resources and time to provide high-quality care for the patients who most need it.</p>

5. Provide Details, and Share Your Experience

Effective comments leave as little to the imagination as possible. Government agencies often lack the practical perspective when crafting regulatory policies; what may seem obvious from your experience may not be obvious to the agency. It might not even have been considered during rulemaking. By providing specificity, explaining why a change would be impractical or even impossible to implement, you are providing the exact expertise that the agency is seeking. It's highly likely that other commenters will be offering their own opinions on the same issues, so personalization is key.

Example: Experience Details	
Ineffective Experience Details	Effective Experience Details
<p>My name is Jane Doe, PT, DPT, and I am a physical therapist practicing in an inpatient rehabilitation facility. I disagree with the pay cuts for home health discharges. Do not implement this change.</p> <p>PTs working in IRFs have relied on this policy for the last 20 years, so the change will make my job more difficult and could hurt patients. I have seen many patients who would suffer because of this policy, and it would make practicing here more inefficient.</p>	<p>My name is Jane Doe, PT, DPT. I have been a physical therapist for 15 years, specializing in stroke rehabilitation. I practice at a small inpatient rehabilitation facility and have been in inpatient rehabilitation facilities in both urban and rural areas, working primarily with Medicare and Medicaid patients.</p> <p>CMS' proposal to expand payment reductions for early discharges from IRFs to home health should not be finalized. Reducing payment for early discharges to home health could severely and negatively affect appropriate transfer of patients. The proposal may also increase unnecessary time caring for certain patients who otherwise could be discharged under the care of a home health nurse. In my experience, the existing transfer policies allow IRFs to transfer patients as needed, sometimes before the average length of stay. Doing so allows me and my colleagues to move patients safely and quickly between post-acute care settings, freeing up valuable staff resources and time to provide high-quality care for the patients who most need it.</p> <p>For instance, approximately half of my patients in the last year showed improved functionality that made discharge to the home health setting an appropriate option before the average length of stay. The proposed policy changes could make it more likely to keep these patients for the full average length of stay, using valuable resources and time to provide services to them that would be better served in helping higher-need patients.</p>

6. Keep It Short and Sweet

Remember, effective comments don't have to be long! The running example of an effective comment in this guide is only three short paragraphs, informed almost entirely by information that comes second nature to the writer. The best comments simply tie your experiences to the policy changes at issue and briefly explain why a change should or should not be made. You can accomplish this in only a few paragraphs, as shown in the example above. You can also repeat steps 3-5 for any other issues that you wish to comment on.

7. Express Gratitude and Support for Positive Changes

Addressing issues or concerns with proposed policy changes is critical, but it's also important to express gratitude for proposed policies that have **positive impacts on the profession**. Agencies receive comments from stakeholders across the health care spectrum. A policy change that you see as beneficial may be less so

to others, and they may be expressing their objections and concerns to the agency in opposition to the policy. Encouraging a positive policy change combats competing views from other stakeholders.

Customize Your Letter to Suit Your Capacity

Following the above steps, you'll be able to draft comments quickly. However, APTA recognizes that members have different capacities for making time commitments toward advocacy efforts. While submitting a personal comment letter can be a simple and quick process, here are suggestions for tailoring a letter to your availability.

Prioritizing Your Comments	
If you have less time to comment, focus on:	If you have more time to comment, expand your focus to:
<ul style="list-style-type: none"> • Offer one example to support your positions. • Describe the impact of the change on at least one of: (1) professional burden, (2) clinical impact, or (3) care quality, safety, and/or access. • Prioritize one or two issues that: <ul style="list-style-type: none"> ○ Directly impact your work. ○ Relate to your professional experience. ○ Have significant impact on physical therapy at large. 	<ul style="list-style-type: none"> • Prioritize any issues that: <ul style="list-style-type: none"> ○ Directly impact your work. ○ Relate to your professional experience. ○ Have significant impact on physical therapy at large. • Offer several examples to support your positions (if possible). • Describe the impact of the change on more than one of: (1) professional burden, (2) clinical impact, or (3) care quality, safety, and/or access. • Provide support, including research, data, or evidence to emphasize your points. Google is a powerful tool for this. • Express support for the positive aspects of a proposed policy.

Questions? Email advocacy@apta.org.

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