

February 8, 2022

Dear Leader Schumer and Leader McConnell, Speaker Pelosi and Leader McCarthy:

On behalf of the undersigned organizations, we thank Congress for their continued efforts to support continued patient access to physical and occupation therapy services during the COVID-19 Public Health Emergency (PHE).

The rehabilitation therapy sector continues to be challenged by the devastating impact of COVID-19 as providers continue to provide services during the public health emergency. Each day brings more challenges to ensure patients receive the therapy they need, with therapists sick or in isolation due to COVID, or simply leaving the workforce due to burnout and exhaustion. The therapy workforce is strained particularly in rural and underserved areas, where therapy assistants play a crucial part of the team that helps extend the services of licensed occupational and physical therapists.

As you consider the upcoming omnibus budget agreement, we ask for your support to help mitigate the impact of a new Medicare policy that impacts the therapy patients we serve. Specifically, we respectfully ask as that you include the Stabilizing Medicare Access to Rehabilitation and Therapy (SMART) Act, H.R. 5536, in the upcoming Continuing Resolution.

The SMART Act is aimed at protecting beneficiary access to therapy services by mitigating the impact of the 15% payment reduction for services furnished by physical therapist assistants (PTA) and occupational therapy assistants (OTA) under Medicare Part B that went into effect on January 1, 2022, by enacting the following three common-sense policies:

- Amend the current burdensome Medicare direct supervision regulatory requirements of therapy assistants in private practice settings.

The SMART Act supports therapy assistants by aligning Medicare Part B supervision requirements with state law. Under current Medicare regulations, the level and frequency of therapy assistant supervision differs by setting and by state or local law. Medicare currently allows for general supervision of PTAs and OTAs in all settings except for private practice, which requires direct supervision. On the other hand, 44 states call for general supervision of PTAs and 49 states call for general supervision of OTAs across settings. Amending the current Medicare Part B supervision requirements of OTAs and PTAs to align with state laws would help to better ensure continued patient access and mitigate therapy workforce challenges.

- Temporarily suspend the payment differential until January 1, 2023.

The legislation would give relief to providers and therapy professionals currently overwhelmed by the COVID-19 pandemic by temporarily suspending the 15% payment differential until January 1, 2023. Given staffing shortages and recruitment difficulties facing rehabilitation therapy providers as a result of the pandemic, there could not be a worse time than now to cut payments for services provided by occupational therapy assistants and physical therapists

assistants. These professionals are a crucial part of the therapy workforce and ensuring that beneficiaries have access to therapy services.

- Provide an exemption to the 15% payment differential for rural and underserved areas, which disproportionately rely on services provided by OTAs and PTAs.

Medicare beneficiaries who reside in rural and underserved areas face a variety of barriers to accessing healthcare services. The availability of physical therapy and occupational therapy in rural and medically underserved communities is especially dependent on physical therapist assistants and occupational therapy assistants to overcome workforce shortages. We believe that the 15% Medicare Physician Fee Schedule payment differential that went into effect on January 1, 2022, combined with the current burdensome direct supervision requirement, will have a significant and detrimental impact on patients and the ability of therapy providers in rural and underserved areas to treat patients, particularly when compounded by the effects of the pandemic such as burnout.

We look forward to working with you as Congress considers an omnibus budget agreement and appreciate your consideration and support for inclusion of the Stabilizing Medicare Access to Rehabilitation and Therapy (SMART) Act. If you have any questions or need additional information, please contact Justin Elliott with the American Physical Therapy Association at justinelliott@apta.org.

Sincerely,

Alliance for Recovery Care

American Congress of Rehabilitation Medicine

American Health Care Association/National Center for Assisted Living

American Occupational Therapy Association

American Physical Therapy Association

American Therapeutic Recreation Association

Athletico

Brain Injury Association of America

National Association of Rehabilitation Providers and Agencies

National Association for the Support of Long Term Care

Private Practice Section of the American Physical Therapy Association

United Cerebral Palsy