



# FAL Briefing Memo

September 2024

## Federal Agencies

- **National Institute on Aging:** On August 13, 2024, APTA regulatory affairs staff Rachel Miller, and APTA member (and PPAC member) Dr. Jason Falvey, PT, DPT, PhD, joined a call between the Disability and Rehabilitation Research Coalition (DRRC) and leadership from the National Institute on Aging (NIA). During the call, NIA provided updates on their ongoing research projects and answered questions by DRRC members on how they are navigating the intersection of aging and disability.
- **CMS Center for Clinical Standards and Quality:** On August 22, 2024, APTA regulatory affairs staff Rachel Miller and Andrew Amari met with staff from CMS's Center for Clinical Standards and Quality to discuss upcoming changes to the state operations manual that survey agencies use to certify outpatient therapy practices. The Center is looking to reduce administrative burden wherever possible and streamline the forms that practices must complete. APTA will continue to provide feedback to the agency.
- **2025 Medicare Physician Fee Schedule:** On September 9, 2024, APTA submitted comments to CMS in response to the CY 2025 Medicare Physician Fee Schedule proposed rule. Major points of interest include opposition to the 2.8% cut with acknowledgement of the need for short- and long-term payment reform, support for the proposed exception to the plan of care requirement with clarification on implementation, and support of CMS' proposal to expand general supervision to all settings within the Medicare program. In addition, 130 APTA members submitted individualized member comment letters through [APTA's Regulatory Comment Tool](#) (up from 120 last year), with 2 in 3 users being new. In addition, 2,600 template letters to CMS were submitted using APTA's Voter Voice system (up from 1,400 last year). *\*Copy of comment letter on PPAC HUB.*
- **CMS Indirect Practice Expense Updates:** The AMA/Mathematica Physician Practice Information/Clinician Practice Information Survey closed on August 31<sup>st</sup> and data analysis began on September 5, 2024. APTA is awaiting the final report from Mathematica, which we expect to receive in January of 2025.

## U.S. Congress

- **APTA Comments on RFI on NIH Reorganization:** On August 16, 2024, APTA signed on to a letter from the Disability and Rehabilitation Research Coalition (DRRC) to Rep. Cathy McMorris Rodgers (R-WA), Chair of the U.S. House Energy and Commerce Committee in response to her ‘Request for Information’ on her proposed framework to reorganize NIH and institute new policies across the organization. The letter addressed the creation of a “National Institute on Disability” and the DRRC's long advocacy for creation of such an institute. While the letter highlighted elements of the proposal that are problematic, it remained nonpartisan and addressed a few parts of the proposal that are in scope of the coalition’s mission.
- **Medicare Payment Reform:** On September 10, 2024, APTA along with over 100 provider groups sent a letter to Congressional leadership urging action on policies to reform payment under the Medicare Physician Fee Schedule (MPFS). The letter urges action to address the impending 2.8% cut to the 2025 fee schedule and to enact bipartisan legislation that has been introduced in the House of Representatives to add a permanent MEI-based inflationary update to the MPFS, the Strengthening Medicare for Patients and Providers Act (H.R. 2474). The letter highlights two additional bills currently pending before Congress – the Provider Reimbursement Stability Act (H.R. 6371) and the Physician Fee Stabilization Act (S. 4935) – that would provide statutory changes to the budget neutrality requirement to help ensure payment stability in the MPFS and prevent future cuts. Read the letter [HERE](#).
- **Federal Government Funding:** On September 18, 2024, the U.S. House failed to advance a continuing resolution (CR), legislation aimed at temporarily funding the federal government at current levels through March 2025. Regardless of its failure in the House, the bill would have been dead-on-arrival in the U.S. Senate, as it included the controversial Safeguard American Voter Eligibility Act, which would require identification in-line with the REAL ID Act of 2005 in order to vote in federal elections. A CR through March 2025 would be extremely problematic, as it would result in no year-end Medicare package, and all priority issues including a two-year telehealth extension, fee schedule fix, prior authorization legislation, and more priority issues would not be addressed by Congress until March 2025. Congress must come to an agreement on a short-term deal to fund the federal government by September 30, 2024, or face yet another federal government shutdown.
- **EMPOWER Act:** On September 9, 2024, U.S. Reps. Debbie Lesko (R-AZ) and Annie Kuster (D-NH), sponsors of the APTA-supported legislation EMPOWER Act, submitted a letter to CMS at APTA’s request commending the agency on its inclusion of the EMPOWER Act in the proposed CY 2025 Physician Fee Schedule Proposed rule, and urging its inclusion in the final rule. View it [HERE](#).
- **Telehealth:** On September 18, 2024, the House Energy and Commerce Committee voted unanimously to approve a 2-year extension of all current pandemic-era Medicare

telehealth policies, including permitting PTs and PTAs to continue serving as telehealth providers in the Medicare program for that duration. The measure must be approved by the full House of Representatives and the Senate. If signed into law, therapy providers will be authorized to use telehealth to treat Medicare patients until December 31, 2026. Inclusion of a two-year telehealth extension in any year-end legislative package has broad bipartisan support. The current Medicare telehealth waiver expires on December 31, 2024.

## Advocate Engagement Opportunities

- **October is National Physical Therapy Month:** This year, National Physical Therapy Month focuses on the profession's role in preventing falls. New this year on our [NPTM landing page](#) is a guide to hosting a falls screening and assessment for PTs, PTAs, other health care professionals, and volunteers in your place of work or community. The NPTM page also includes [advocacy resources on falls prevention](#). APTA will be focusing on promoting the APTA-supported [SAFE Act](#) (H.R. 7618) during October in support of NPTM.
- **APTA Flash Action Strategy (FAS):** APTA's student-led 2024 Flash Action Strategy (FAS) occurs on September 25-26, 2024. APTA will host a kick-off event the evening of September 24, 2024, with special guest Congressman Don Davis (D-NC) who is the prime sponsor of REDUCE Act. The annual flash action strategy educates students about legislative issues and how they can get involved through the Legislative Action Center and supporting PTPAC.
- [American Physical Therapy Association: APTA Regulatory, Legislative, and Payment Updates, October 2024](#)

## APTA Articles of Interest

- [CMS Streamlines Approval Processes for Outpatient Clinics | APTA](#)
- [Get Ready for National PT Month With New Tools and Graphics | APTA](#)
- [Primary Care PT Defined \(canva.com\)](#)
- [APTA Chapters Fuel State-Level Wins in 2024 | APTA](#)
- [FTC Noncompete Restrictions Barred Nationally | APTA](#)
- [Flash Action Strategy Video Resources | APTA](#)
- [UHC, Optum Tighten Prior Auth Rules for Follow-Up PT Visits Under Many MA Plans | APTA](#)

- [Facing Challenges With MIPS Reporting Requirements? Exceptions Are Available | APTA](#)