



# FAL Briefing Memo

April 2023

## Federal Agencies

- **Public Health Emergency Unwinding:** APTA joined in a sign-on letter by the [Consortium for Constituents with Disabilities](#) (CCD) asking for transparency in the unwinding of the public health emergency. The letter called for public access to the renewal redistribution plans for states and more information on home and community-based services and other public health emergency flexibilities. As a member of the Consortium for Constituents with Disabilities, APTA advocates for federal policies that empower and integrate children and adults with disabilities in all aspects of society.
- **National Youth Sports Strategy Champion:** APTA was awarded the National Youth Sports Strategy Champion designation based on our commitment to creating a culture of movement from a young age. The NYSS aims to unite U.S. youth sports culture around a shared vision: that one day, all youth will have the opportunity, motivation, and access to play sports. This designation recognizes the work that our pediatric and orthopedic physical therapists do to prevent injury and burnout, guide rehabilitation and recovery, and promote mental health and well-being in youth who participate in sports.
- **Prior Authorization:** Last week, APTA submitted comments to the Centers for Medicare and Medicaid Services on the interoperability and prior authorization proposed rule. The rule was a huge win for the physical therapy profession as the proposals should ease the growing burden placed on providers to complete administrative tasks outside of their commitment to treating patients. In our comments, we commended CMS for taking initiative and encouraged the agency to further these efforts by adding more details to the proposal. APTA also co-wrote and signed on to a joint letter to CMS from members of the Consortium for Constituents with Disabilities. Along with APTA's own comments, CCD provided a number of recommendations that would strengthen the interoperability and prior authorization proposed rule. In alignment with our thoughts, CCD believes that the rule is an important step forward but does not do enough to regulate the abuse of prior authorization.
- **CMS:** On April 3, 2023, the Centers for Medicare and Medicaid released its Fiscal Year (FY) 2024 Inpatient Rehabilitation Facility (IRF) [proposed rule](#). The rule, if finalized, would increase IRF payments by 3.7% in FY 2024. Additionally, among other changes, CMS is rebasing and revising the IRF market basket, which would reflect updated data and pricing inputs in setting the annual market basket update. Finally, the agency is seeking to implement several changes to the IRF quality reporting program, including the adoption of the Discharge Function Score measure. APTA is reviewing the proposed rule and will submit comments by the June 2 comment period deadline.

- **CMS:** On April 4, 2023, the Centers for Medicare & Medicaid released its Fiscal Year (FY) 2024 Skilled Nursing Facility (SNF) proposed rule. The rule, if finalized, would increase SNF payments by 3.7% in FY 2024. As expected, the agency is proposing the second installment of the Patient-Driven Payment Model (PDPM) parity adjustment that reduces payment by 2.3%; however, the large 6.1% net market basket increase guarantees that SNFs will receive a boost in payment in FY 2024 if the rule is finalized. APTA is reviewing the proposed rule and will submit comments by the June 5 comment period deadline.
- **CMS:** On April 5, 2023, the Centers for Medicare & Medicaid Services (CMS) released its Contract Year 2024 Policy and Technical Changes to the Medicare Advantage (MA) Program [final rule](#). CMS finalized several significant policies that will establish safeguards around MA plans' abilities to establish prior authorization and other utilization management (UM) policies. Most notably, the final rule establishes requirements around aligning MA prior authorization policies with traditional Medicare coverage requirements, creates requirements for MA plans to establish UM Committees to review new and existing UM policies, and provides for additional transparency around MA plans' internal coverage criteria. APTA is reviewing the final rule.
- **CMS:** The Centers for Medicare & Medicaid Services (CMS) hosted a listening sessions with stakeholder organizations on the implementation of the Lymphedema Treatment Act, passed as part of the Consolidated Appropriations Act of 2023. APTA met with CMS on April 17, 2023, to provide education on lymphedema treatment, services, and coding as the agency works to develop this new benefit that will provide Medicare coverage of compression garments and other items and services associated with the treatment and management of Lymphedema.

## U.S. Congress

- **Fee Schedule:** On Tuesday, April 4, 2023, U.S. Representatives Bucshon, Bera, Ruiz, and Miller-Meek introduced the *Strengthening Medicare for Patients and Providers Act*, H.R. 2474, in the U.S. House of Representatives, APTA-supported bipartisan legislation that would provide an annual inflationary payment update to the Medicare Fee Schedule's Conversion Factor (CF) based on the Medicare Economic Index (MEI). The MEI is a measure of inflation faced by health care providers with respect to their practice costs and general wage levels. Congress has stepped in over the past few years to ameliorate cuts to dozens of providers under the Medicare Fee Schedule that were triggered by coding changes and the statutory budget neutrality requirement affecting the MFS. Unfortunately, even with these stopgap measures, a wide range of providers including PTs continue to see Medicare payments decrease amidst record-setting inflation and rising practice costs, underscoring the need for permanent solutions. Unlike other Medicare payment systems, the Medicare Fee Schedule does not receive an annual payment update; if enacted this legislation would ensure that the fee schedule would be given an annual increase based on MEI.
- **Allied Health Workforce Diversity Program Funding:** APTA led submission of a coalition letter to the House and Senate Appropriations Committees requesting \$8 million for FY 2024 to fund the Allied Health Workforce Diversity program. This APTA-supported program would provide scholarships to higher education institutions to recruit students currently under-

represented in fields of physical therapy, as well as OT, SLP, and audiology. APTA along with AOTA and ASHA will be advocating to secure federal funding for this important program.

## Member Engagement

- **ParkRX Day 2023:** [ParkRX Day](#) is Saturday, April 22, 2023. ParkRx Day is a day for people to show support for the growing ParkRx movement of healthcare providers recommending patients to nature trails and parks to promote physical fitness, wellness, and prevention services. The day is celebrated through a range of activities that can be provider-led, self-led, ranger-led, or community-led to promote health and wellness. The National Park Service's [Healthy Parks Healthy People](#) has identified ParkRx as a promising practice as an evidence-based innovation identified for national expansion, research and continuous improvement in partnership with healthcare providers, clinicians, and supporting agencies and organizations.

**APTA Podcast:** [APTA State Legislative Update: Direct Access, Compact, Payment, and More](#)

## APTA Articles of Interest

- [News | APTA-Backed Legislation Would Allow for Inflation-Adjusted Fee Schedule Payment | APTA](#)
- [Regulatory Review | Proposed FY '24 SNF and IRF Rules: Payment Increases and Few Surprises | APTA](#)
- [Article | The End of the Public Health Emergency: What You Need to Know | APTA](#)
- [Article | 3 Reasons You Should Host an APTA National Advocacy Dinner in April | APTA](#)
- [News | Members-Only Payment Advocacy Resource Collection Grows | APTA](#)
- [News | APTA-Backed Bipartisan Legislation Aims to Help PTs Avoid Interruptions in Care | APTA](#)