



# FAL Briefing Memo

March 2023

## U.S. Congress

- **Locum Tenens:** The Prevent Interruptions in Physical Therapy Act (H.R 1617, S. 793) has been reintroduced in the 118<sup>th</sup> Congress. This bipartisan legislation seeks to expand engagement in what the U.S. Centers for Medicare & Medicaid Services calls "reciprocal billing and fee-for-service" to all PTs. The bill was introduced in the House by Reps. Gus Bilirakis (R-FL) and Paul Tonko (D-NY). The Senate version of the bill was introduced by Sens. Ben Ray Luján (D-NM) and John Thune (R-SD). Locum tenens provisions allow a PT to arrange for another qualified PT to treat the PT's patients during a temporary absence due to illness, vacation, continuing education, pregnancy, and other events, and still receive payment from Medicare. APTA has been a leading advocate for expansion of that ability to all PTs to better support patient access to care.
- **SHARE Act:** On March 1, 2023, Reps. Tracey Mann (R-KS) and Joe Neguse (D-CO) introduced the States Handling Reciprocity for Employment Act (SHARE Act), H.R. 1310. This APTA-supported legislation would ensure that required federal background checks are completed so physical therapists and physical therapist assistants can participate in the state Physical Therapy Compact. Along with APTA, the bill is endorsed by the American Occupational Therapy Association, the National Council of State Boards of Nursing, the American Speech-Language-Hearing Association, and the National Rural Health Association.
- **National Health Service Corp & Community Health Centers:** Rep. Kelly Armstrong (R-N.D.) has been confirmed to be the lead republican sponsor for the APTA-supported bill to include PTs in the National Health Service Corp Loan Repayment program and provide federal community health centers (CHC) the option to hire PTs; Rep. Diana DeGette (D-CO) will be the lead democratic sponsor. On a related matter, the Senate Health, Education, Labor and Pension Committee held a hearing on March 2, 2023, regarding bolstering support for CHCs. APTA submitted testimony for the record that highlighted our support including PTs in the CHCs and how physical therapy care can treat chronic pain, opioid addiction, and COVID.
- **Health Provider Workforce:** On March 20, 2023, APTA submitted extensive comments to the Senate Health, Education, Labor and Pension (HELP) Committee in response to a "Request for Information" seeking input on the challenges facing the health care provider workforce, and possible policy solutions. APTA will also be meeting with the office of Sen Bernie Sanders (D-VT), Chair of the HELP Committee, and the office of Sen Cassidy, (R-LA), Ranking Member of the committee to discuss current challenges facing the PT.

## Federal Agencies

- **CMS:** On March 13, 2023, APTA submitted comments to the Centers for Medicare & Medicaid Services (CMS) on a proposed rule entitled “Advancing Interoperability and Improving Prior Authorization Processes”, which aims to streamline prior auth processes across multiple payer types, ensure comprehensive denials information, and additional data to providers on prior authorization denials, appeals, and other areas. APTA’s comments largely support the proposed rule and request modifications to the proposal in several key areas.
- **CMS:** On Feb. 15, 2023, CMS issued a proposed decision memo, which, if finalized, would provide Medicare coverage of seat elevation systems in power wheelchairs for qualifying beneficiaries. Under the proposal, these power elevation systems would be covered for Group 3 power wheelchair users who are able to perform weight-bearing transfers to and from their wheelchair, with or without caregiver assistance or the use of assistive equipment. The proposed National Coverage Determination, or NCD, if finalized, would be a significant win not only for wheelchair users with mobility impairments, but for the providers, caregivers, and family who serve and support them. APTA is submitting comments on March 17, 2023, in support of the NCD.
- **CAC:** The Contractor Advisory Committee met late February to convene subject matter expert consultation regarding published literature in the development of Local Coverage Determinations (LCDs). APTA was one of over 50 stakeholders represented, and spoke primarily on Remote Therapeutic Monitoring codes. APTA is submitting follow-up information in support of these codes, and in opposition to a potential LCD that could inadvertently limit coverage for RTM codes.
- **ONC:** The Office of the National Coordinator for Health Information Technology released its [draft version 4 of the US Core Data for Interoperability](#) that included the [Physical Activity Alliance’s](#) application to add [Physical Activity Status](#) as a data element to the next iteration of the U.S. Core Data for Interoperability (USCDI); APTA is a member of the Physical Activity Alliance. The proposed Physical Activity Status data element is comprised of four standardized measures including: average frequency of moderate to strenuous exercise each week (measured in “days”); average duration of moderate to strenuous exercise (measured in “minutes”); total minutes of moderate-vigorous physical activity/week (a product of the first two measures); and average frequency of muscle-strengthening exercise each week (measured in “days”). These measures are validated in the peer-reviewed literature and are aligned with the 2018 U.S. Physical Activity Guidelines for Americans. Including physical activity assessment in this core data means that – if adopted - all electronic health records will have to have it as an option for their customers. In addition, it will be a data element that health systems can exchange, which is foundational for assuring physical activity assessment, prescription and referral can become a standard of care. [Comments](#) are due by April 17, 2023.

## Member Engagement

- **The 2022 United States Report Card on Physical Activity for Children and Youth:** APTA is a member of the [Physical Activity Alliance \(PAA\)](#) which has just recently published the [United States Report Card on Physical Activity in Children and Youth](#) that includes a variety

of indicators such as organized sports, active play, physical fitness, school, and community and built environment. The indicators are also broken down by state. This is a great resource to support and promote advocacy efforts at the local, state, and federal level.

- **2023 Congressional Physical Activity Challenge:** The Congressional Physical Activity challenge is an annual, month-long competition between offices in Congress to see who can be most physically active. It is produced through a partnership between the Physical Activity Alliance (PAA) and [Myzone](#). You can read more about the [2022 challenge](#). This is a great opportunity for key contacts to engage with their offices and challenge their members of Congress to participate in the Congressional Physical Activity Challenge. An invitation to send to members of Congress is posted on the FAL HUB. Key Dates: March 27 - [Intro Webinar](#) for participants; April 14 - Deadline for Hill offices to sign up; May 1-31 Challenge; May 10 Week of June 12-15, 2023 – awards presented to the Congressional winners.

## APTA Articles of Interest

- [March APTA Magazine article on APTA's Public Policy Priorities, 2023-2024](#)
- [News | Members-Only Payment Advocacy Resource Collection Grows | APTA](#)
- [Article | Prior Authorization: 5 Ways CMS Changes Could Open up Future Possibilities | APTA](#)
- [Article | Advocacy in Action: Prior Authorization Comment Letters from APTA Members, Part 3 | APTA](#)
- [Article | Prior Authorization Comment Letters From APTA Members, Part 2 | APTA](#)
- [Article | Prior Authorization Comment Letters From APTA Members, Part 1 | APTA](#)
- [Article | How to Use Your Voice to Fix Prior Authorization at CMS | APTA](#)
- [Roundup | State Legislative Update, 2023: PT Compact, Improved Direct Access, and More | APTA](#)
- [News | Your Voice Needed: CMS Proposes Expansion of Coverage for Power Seat Equipment | APTA](#)
- [News | Aetna Drops Prior Authorization in Five States | APTA](#)