



APTA FAL Call Briefing Memo

September 2019

MEDICARE PHYSICIAN FEE SCHEDULE: APTA submitted its first set of comments on the 2020 Medicare Physician Fee Schedule proposed rule, responding specifically to the proposed PTA modifier policy. APTA and AOTA will meet with Senate Finance Committee staff on Sept. 12 to share our concerns with the PTA/OTA modifier policy and encourage Committee staff to send a letter to CMS opposing the proposed policy in the 2020 PFS proposed rule. APTA, AOTA, AHCA, and NASL will be meeting with CMS staff on Sept. 19; in addition the four associations will be meeting with CMS Administrator Seema Verma on September 23 to share our concerns on the PTA modifier policy and offer recommendations for its improvement. APTA will submit its second set of comments before the September 27 deadline.

MEDICAID: APTA submitted comments on CMS's proposed Medicaid Access Rule, which dictates the reporting requirements states must comply with to demonstrate their Medicaid programs reimburse providers at sustainable rates.

MODIFIER 59: Payment staff participated in a call with Aetna representatives on August 26 to discuss Aetna's policy related to denials of claims with the modifier 59. Aetna indicated that these are not global denials but targeted to providers who are believed to be overutilizing or inappropriately utilizing the modifier. Aetna is going to do a deep dive on these denials and appeals and will respond to APTA.

APTA submitted comments to federal agencies and the Administration on the following issues:

1. To HHS in response to their request for information on the current clinical education and training opportunities for pain management.
2. To HHS in response to a proposed rule impacting Sec. 1557 Nondiscrimination in Health and Health Education Programs. The proposed regulation greatly strips back the provisions and removes various requirements covered entities must comply with. APTA commented on the proposed rule, encouraging the Department to maintain protections for certain populations, including limited English proficiency populations, disability populations and LGBTQ populations.
3. Federal Communications Commission proposed pilot program to subsidize telehealth. The pilot will help defray the costs of provider's broadband expenses in order to promote access to telehealth for certain populations: low income, rural, and veterans.
4. APTA and the Academy of Orthopaedic Physical Therapy jointly submitted comments to NIH responding to its request for information on pain education.

PROPOSED RULES: APTA is working on comments to CMS on the Durable Medical Equipment, Prosthetics, Orthotics and Supplies proposed rule. APTA will also submit comments to CMS on the Hospital Outpatient Prospective Payment proposed rule, supporting CMS in its proposal to change the generally applicable minimum required level of supervision for hospital outpatient therapeutic services from direct supervision to general supervision, and opposing CMS' proposed prior authorization proposals.

MEMBER ENGAGEMENT: On September 4, APTA, ASHA, AOTA, together with CMS, conducted a live webinar on Skilled Nursing Facility PDPM. The recording and slides are accessible [HERE](#).

INSIDER INTEL RECORDING: Click the link for an Insider Intel presentation about Capitol Hill and federal payment, policy quick hits, and Payment and Practice Management updates: <https://www.apta.org/InsiderIntel/>