



## **Allow Medicare Beneficiaries the Choice of their Provider**

### **APTAPrivate Practice, a Section of the American Physical Therapy Association (APTA) Supports *The Medicare Patient Choice Act* (H.R. 4204)**

#### **Background**

In the Balanced Budget Act of 1997, Congress created a policy that allowed physicians and other health care practitioners to formally opt out of Medicare and privately contract with Medicare beneficiaries to provide care. Physical therapists (PT) were not included, therefore if a PT operates a cash-based clinic and does not participate in Medicare, it is illegal to care for anyone who is enrolled in Medicare. Often times, patients will see a PT for years, but when they turn 65 the PT has to inform the patient that they can no longer see the patient due to Medicare law.

#### **Health Care Providers Able to Opt Out of Medicare**

- MDs/DOs
- Dentists
- Podiatrists
- Optometrists
- Physician Assistants
- Clinical Nurse Specialists
- Certified Registered Nurse Anesthetists
- Certified Nurse Midwives
- Clinical Psychologists
- Clinical Social Workers
- Registered Dietitians
- Nutrition Professionals

Current data shows that only a small percentage of physicians choose to opt out. Kaiser Family Foundation [estimates](#) that only 1.2% of physicians formally opted-out of Medicare in 2024 and our own internal data shows that if enacted, the number of PTs choosing this option would be also be around 1%.

#### **The Medicare Patient Choice Act (H.R. 4204)**

This legislation, led by Representatives Lloyd Smucker (R-PA-11) and Don Davis (D-NC-01,) will add physical therapists, occupational therapists, speech-language pathologists, audiologists, and chiropractors to the eligible list, allowing them to formally opt out of Medicare and privately contract with Medicare beneficiaries.

#### **Why It's Important**

The Medicare Patient Choice Act would allow PTs greater flexibility in how they operate their business, while also providing greater patient choice and ensuring continuity of care. In addition to updating common sense provider and patient benefits, H.R. 4204 is projected to save Medicare over \$139.6 million over 10 years, as projected by a 2023 analysis by Dobson and DaVanzo.