

October 8, 2021

The Honorable Bobby L. Rush  
2188 Rayburn House Office Building  
Washington, DC 20515

The Honorable Jason Smith  
2418 Rayburn House Office Building  
Washington, DC 20515

Dear Representatives Rush & Smith,

On behalf of the undersigned organizations, we write to convey our deep appreciation and thanks for your sponsorship of the *Stabilizing Medicare Access to Rehabilitation and Therapy (SMART) Act*. This important legislation is aimed at protecting beneficiary access to therapy services by mitigating the impact of the impending Medicare 15% payment differential for services furnished by physical therapist assistants (PTA) and occupational therapy assistants (OTA) beginning on Jan. 1, 2022. The legislation supports therapy assistants, many of whom live and work in minority and rural communities, by aligning Medicare supervision requirements with state law; the legislation also supports these same communities by exempting rural and underserved areas from these cuts. These small modifications to current policy would ensure unrestricted, timely access to therapy services for Medicare patients, especially those who live in diverse and underserved communities.

The rehabilitation therapy sector has yet to recover from the devastating impact of COVID-19 on patients and staff as we continue to provide services during the public health emergency (PHE). The pending Medicare payment differential for physical and occupational therapy services furnished by an assistant **are in addition to other recent significant payment reductions to therapy services under the fee schedule**, which range from 3.5% to 3.9% for 2022<sup>1</sup>. These multiple cuts are being implemented at the same time practices and facilities are trying to recover from the effects of the pandemic, and — along with the current 50% MPPR reduction policy and anticipated return of the 2% Medicare sequestration — are simply not sustainable for therapy services.

The 15% payment differential hits hardest where therapy assistants are needed most — in underserved areas in both rural and urban communities. Additionally, both occupational therapy and physical therapy services will be needed to help people with Long-COVID recover from the lingering effects of the disease (as [CDC's interim guidance on management of post-COVID conditions explains](#)). Rehabilitation therapy is also an important alternative to opioids for dealing with acute and chronic pain. However, these treatment options will not be available if we do not have the therapy providers to furnish these services.

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<sup>1</sup> AMA Table, [Combined Impact of Proposed Rule and Conversion Factor Reduction for 2022.xlsx \(avectra.com\)](#)

Access to health care services is critical to good health, yet Medicare beneficiaries, particularly those who reside in rural and underserved areas, face a variety of barriers. Access to physical therapy and occupational therapy in these rural and medically underserved communities often depends on the availability of physical therapist assistants and occupational therapy assistants due to health professional shortages. Unfortunately, the 15% Medicare Physician Fee Schedule payment differential for services furnished by physical therapist assistants and occupational therapy assistants will have a significant and detrimental impact on the ability of therapy providers, particularly in rural areas, to continue to deliver care.

Again, thank you for your leadership in helping ensure Medicare beneficiaries have appropriate access to therapy services during these challenging times.

Sincerely,

ACCSES – The Voice of Disability Service Providers

Alliance for Recovery Care

American Congress of Rehabilitation Medicine

American Health Care Association/National Center for Assisted Living

American Medical Rehabilitation Providers Association

American Occupational Therapy Association

American Physical Therapy Association

American Therapeutic Recreation Association

Association of Assistive Technology Act Programs

Athletico

Brain Injury Association of America

Clinician Task Force

National Association of Rehabilitation Providers and Agencies

National Association for the Support of Long Term Care

Private Practice Section of APTA

Select Medical

United Cerebral Palsy