



PPS State of Affairs

With information changing by the day, it is difficult to keep abreast of the many topics impacting the private practitioner within the COVID-19 arena. Albeit not all-inclusive, this document is meant to serve as a living guide displaying the most current information on evolving topics, and reflects the input of several key experts. While not meant to serve as legal or financial advice, the intent of this publication is to provide guidance for navigating the murky waters that lie ahead and quell anxieties about the volume of information that remains unknown. When updates are made to this document, PPS will highlight the newest information in red to allow for efficient use.

Date of release: July 18, 2022

Latest Update 7/18/2022:

On July 15, 2022, **the PHE was extended for another 90 days (until October 13, 2022).**

Today's renewal of the PHE means that the 151-day extension of coverage for telehealth provided in the Consolidated Appropriations Act of 2022 will result in the ability of physical therapists and PTAs to keep providing physical therapy via telehealth until at least mid-March 2023. The actual expiration date of the PHE-linked flexibility of rehabilitation therapists to independently provide care via telehealth will not be known until the PHE expires and triggers the 151-day extension countdown. The ability to achieve direct supervision via audio/visual communications will expire at the end of the year in which the PHE ends (at this point that would be December 31, 2022).

Previous Update 2/1/2022: Federal COVID Vaccine Regulations

On January 13, 2022, the Supreme Court decided to allow the continuation of the CMS vaccine mandate but did not support the OSHA mandate pertaining to those workplaces with 100+ employees. As a result, PPS members who don't practice in CORFs (comprehensive outpatient rehabilitation facilities) or rehabilitation agencies are no longer impacted by either one of the federal vaccine or testing regulations.

Note: the Supreme Court did not evaluate the legal merits of the CMS or OSHA regulations, instead, on 1/13/2022, the Justices decided whether or not each of the regulations should remain in effect, or be on hold, while the cases made their way through the federal courts.

The Public Health Emergency (PHE) has been extended again and will be in place through mid-July 2022. For the duration of the PHE, PTs and PTAs in private practice will continue to have access to the temporary PHE-related Medicare regulatory waivers and new rules that afford providers the flexibility to respond to COVID-19 pandemic, including telehealth

coverage. PTs and PTAs are able to provide care to Medicare beneficiaries via telehealth only for the duration of the PHE. Whereas, PTs will be able to use virtual audio/visual technologies to achieve direct supervision until the end of the calendar year in which the PHE ends—through at least the end of 2022.

Applications are now open for the MIPS Promoting Interoperability Performance Category Hardship Exception and Extreme and Uncontrollable Circumstances Exception for the 2021 Performance Year. Those interested must submit their applications to CMS by **December 31, 2021**.

Table of Contents

[Federal COVID Vaccine Regulations \(CMS/OSHA\)](#) *Last updated: January 13, 2022*

[OSHA Mask Guidelines](#) *Last updated: November 8, 2021*

[Paycheck Protection Program \(PPP\) Loans](#) *Last updated: May 19, 2021*

[HHS Stimulus Payment \(aka Provider Relief Fund\)](#) *Last updated: October 18, 2021*

[EIDL \(Disaster Loans\)](#) *Last updated: March 16, 2021*

[Medicare Coverage of Telehealth](#) *Last updated: April 21, 2022*

[Private Payer Coverage of Telehealth](#) *Last updated: January 29, 2021*

[Payer Reimbursement Code for PPE \(99072\)](#) *Last updated: January 18, 2021*

[Medicare Accelerated and Advance Payment program loans](#) *Last updated: January 18, 2021*

[Main Street Loans](#) *Last updated: January 28, 2021*