



PPAC Briefing Memo

November 2023

Federal Agencies

- CMS: The 2024 Medicare Physician Fee Schedule was released on November 2, 2023. A summary of the rule was posted to the PPAC HUB on November 3, 2023, and later that day, APTA's [news story](#) on the rule was posted to APTA.org. APTA will be issuing additional guidance based on the rule, including a practice advisory on the new caregiver training codes, and the numerous changes to the quality payment program. A 90-minute webinar on the rule took place November 16, at 2pm EST. This webinar is free for members and will be available for a reduced price of \$50 for non-members. [Registration](#) is through the learning center and a recording of the webinar will be posted.
- CMS: On November 6, 2023, APTA submitted comments in response to the [minimum staffing standards for long-term care facilities proposed rule](#) released by the Centers for Medicare and Medicaid Services. For the first time, this rule proposes minimum staffing requirements for all nursing facilities across the country. Requirements include three hours of nursing care per resident per day (.55 for RNs and 2.45 for NAs), staffing an RN onsite 24/7, and increasing the role of facility assessments in staffing ratios. APTA opposes a one-size-fits-all mandate that does not take into account resident acuity and facility factors. We intentionally reassert the role of physical therapy as a high-value patient-driven, patient-centered service and ask to be involved in all future rulemaking around staffing standards in long-term care.
- HHS: The Office of Civil Rights in the Department of Health and Human Services released the [discrimination on the basis of disability in health and human service programs or activities proposed rule](#) that clarifies and updates Section 504 of the Rehabilitation Act of 1973. On November 13th, APTA submitted comments in response to the rule speaking to the value of physical therapy for individuals with disabilities. We largely supported the provisions concerning discrimination in medical treatment and accessible medical equipment and health spaces. APTA acknowledges that this rule will improve consistency with judicial and legislative developments that have occurred since Section 504 was created.

U.S. Congress

- On November 6, 2023, APTA joined with 53 other health care provider groups in a letter to Congress regarding the urgent need for Congress to intervene and provide funding to prevent the **full 3.4%** cut to the 2024 fee schedule conversion factor. Read the letter [HERE](#).

- On October 26, 2023, Rep. Judy Chu (D-CA) reintroduced the [Protecting Our Students by Terminating Graduate Rates that Add to Debt \(POST GRAD\) Act](#). The bill would once again make graduate students eligible to receive Federal Direct Subsidized Loans. That eligibility was ended by the Budget Control Act of 2011. For over a decade, unlike their undergraduate counterparts, graduate students have only been able to obtain Federal Direct Unsubsidized Loans that accrue interest even while they are still in school. This can cost the student thousands of additional dollars over the life of the loan.

In her [press release](#), Rep. Chu cited PTs: *“Many of the most rewarding and in-demand jobs in the U.S. require advanced degrees, like mental health clinicians, school administrators, nurse practitioners, and **physical therapists**. But they do not always come with high earning potential, meaning our best and brightest students may face insurmountable barriers to these degrees because of the high cost.”*

- On October 24, 2023, Rep. Jimmy Panetta (D-CA) introduced the APTA-supported Disaster Relief Medicaid Act (DRMA), H.R. 6029, that would ensure that people with disabilities and seniors who rely on Medicaid waivers do not lose the life-sustaining support they rely upon after a federally declared disaster or emergency. A senate companion bill (S. 1049) was introduced in the Senate by Sen. Bob Casey (D-PA). For individuals forced to relocate to another state due to disaster or emergency, DRMA would protect those residing in an area covered under a presidential disaster declaration as a “Relief-Eligible Survivor” and grant them the support needed to easily access or apply for Medicaid services in their host state. Learn more ab the legislation [HERE](#).
- On Oct. 13, 2023, APTA submitted extensive comment to the U.S. House Budget Committee in response to the committee’s ‘Request for Information’ on addressing issues related to regulatory, statutory, or implementation barriers that could be addressed to reduce health care spending; efforts to promote and incorporate innovation into programs like Medicare to reduce health care spending and improve patient outcomes; the Congressional Budget Office’s modeling capabilities on health care policies; and examples of evidence-based, cost-effective preventive health measures or interventions that can reduce long-term health costs, among others. APTA’s comments covered a wide-range of issues, including changing the current direct supervision requirements of PTAs under Medicare Part B, make permanent the current telehealth waiver for therapy, reforms to the current Plan of Care certification requirements, reforms to the Quality Payment Program, the role of PTs and PTAs in fall prevention, and the need to expand PT locum tenens, The comment letter also highlighted the recent “Economic Value of Physical Therapy” report. To view APTA’s comments, go to: [House Budget Committee RFI APTA Comments](#)

Member Engagement

- Nov. 16, 2023 at 2:00 pm Webinar: [American Physical Therapy Association: APTA Regulatory Update: CMS 2024 Physician Fee Schedule Final Rule](#)

- Dec 14, 2023 at 2:00 pm Webinar: [American Physical Therapy Association: APTA Regulatory, Legislative, and Payment Updates, December 2023. Register on the APTA Learning Center](#)
- Nominations for APTA Advocacy Awards: Nominations are open for the APTA Federal Government Affairs Leadership Award and the Public Service Award. Both awards will be presented at the 2024 APTA Leadership Congress this July in Kansas City, Missouri. The [Federal Government Affairs Leadership Award](#) is presented to an APTA member who has made significant contributions to APTA's federal government affairs efforts and has shown exemplary leadership in furthering the association's objectives. The [Public Service Award](#) recognizes individuals who have demonstrated distinctive support for the physical therapy profession at a national level. This may include members of Congress and/or their staff, members of a state legislature or executive branch, federal agency officials, and health and legislative association staff external to APTA.
- Members Marissa Carvalho, Lori Pearlmutter, Bud Langham, and Anita Bemis-Dougherty participated in Partnership for Quality Measurement Measure Set Review Education Meetings. The four will serve on various Measure Set Review committees. Alice Bell will serve on Partnership for Quality Measurement's Endorsement and Maintenance (E&M) Cost and Efficiency Committee.

APTA Articles of Interest

- [Article | The Big Pictures in the 2024 Fee Schedule | APTA](#)
- [News | Win \(for Now, at Least\): Aetna Backs Away From PTA Differential | APTA](#)
- [News | Final 2024 Physician Fee Schedule Reflects System's Flaws; Includes Some Wins | APTA](#)
- [Regulatory Review | Final 2024 Home Health Rule: Offsets Blunt Cuts; Lymphedema Benefit Now in Place | APTA](#)
- [News | Important AMA Survey on Practice Expense Will Include Physical Therapy | APTA](#)
- [News | CDC: Nearly 7% of U.S. Adults Had or Have Long COVID; Rates Vary by Demographics | APTA](#)