

The Ask: Support the S.B. 5: Ensuring Appropriate Supervision Requirements for Outpatient Physical Therapy and Outpatient Occupational Therapy

- **Patients Get Better Faster:** Eliminating the direct supervision rule would decrease the number of physical therapy visits patients need during a course of treatment.

Impact of General Supervision Requirements	
Average number of PT Visits Regardless of Supervision Requirement	10.2 Visits per Episode of Care
Decreased Number of Visits In Jurisdictions with General Supervision	-3.1 Visits per Episode of Care
Resnik L, Feng Z, Hart DC. State regulation and the delivery of physical therapy services. Health Serv Res. 2006; 41(4 PT 1)	

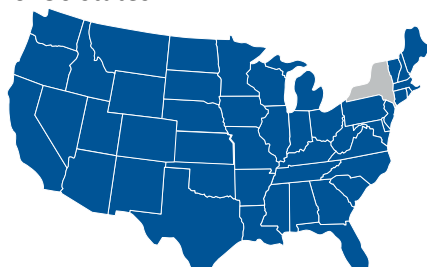
- **Lower the Cost of Care:** An independent analysis found that aligning Medicare's supervision standard with state law would save Medicare over \$270 million over ten years.

Provision	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2022-2031
Amending current Medicare direct supervision regulatory requirements of therapy assistants in private practice settings to general supervision .	\$0.0	-\$7.3	-\$16.9	-\$20.6	-\$24.4	-\$29.2	-\$34.1	-\$40.1	-\$46.1	-\$52.7	-\$271.3

- **Patient Safety Maintained:** PTAs are underrepresented in professional liability claims, demonstrating that PTAs can safely deliver care under the general supervision of a PT.

Type of PT Professional	Number of Jobs	% of PT Workforce	Total Indemnities Paid on Behalf of Provider	% of PT Related Liability Claims
Physical Therapist	209,690	61%	\$26,995,578.00	85%
Physical Therapy Assistant	81,230	24%	\$3,824,539.00	12%
Physical Therapy Aide	50,540	15%	\$900,550.00	3%

- **Increases Health Equity for Seniors:** Medicare beneficiaries have less access to PT than individuals with private insurance in 49 of 50 states.



■ No Direct Supervision Requirement
 ■ Direct Supervision Requirement

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Supervision Rules – Did You Know?

- CMS **DENIES** reimbursement to physical therapists, occupational therapists, physical therapist assistants, and occupational therapy assistants when Medicare Part B outpatient services are provided pursuant to “general supervision” rules under state law;
- CMS pays for these exact same services in **EVERY** other professional setting (Rehab Agencies, Hospitals, and Skilled Nursing Facilities);
- This policy needs to be revisited **NOW** because PTA and OTA services were cut by 15% on January 1, 2022;
- Commercial payors and many state Medicaid programs **DO NOT** follow this onerous rule;
- The impact of CMS’s “supervision rule” results in:
 - Decreased access to therapy services in rural and medically underserved areas where therapy assistants are most likely to deliver therapy services;
 - Delayed recovery and increased costs for Medicare beneficiaries; and
 - Fewer opportunities for therapy assistants and other support personnel positions, even though this is the most diverse portion of the allied therapy services workforce.
- Federal reports have repeatedly identified inconsistent reimbursement policies for therapy services as major barriers to Americans accessing effective alternatives to prescription opioids. Medicare’s “supervision rule” creates one such barrier that prevents Medicare beneficiaries from accessing therapy services in a timely manner:



“A broader range of pain management and treatment services – including...physical therapy...should be adequately reimbursed by payers, including CMS.”

The President’s Commission on Combatting Drug Addiction and the Opioid Crisis (November 1, 2017)



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Strategy to Combat Opioid Abuse, Misuse, and Overdose
A Framework Based on the Five Point Strategy

“Restorative therapies include treatments provided by physical therapy and occupational therapy professionals.... Use of restorative therapies is often challenged by incomplete or inconsistent reimbursement policies.”

Pain Management Best Practices Inter-Agency Task Force Report (May 9, 2019))

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