

APTA Advocacy Network Newsletter — January 2024 Edition

Advocacy at the Start of an Election Year

With the start of the new year, so begins the second and final year of the 118th session of the U.S. Congress. Already, things have gotten off to a rocky start, as Congress passed a short-term spending deal on Jan. 18, preventing a government shutdown and funding the government until early March but failed to include a number of critical health care issues, including a fix to the 2024 Medicare Fee Schedule. Stay tuned for action alerts in the days and weeks ahead as APTA, the American Medical Association, and other impacted provider groups push for a fee schedule fix in the next spending package.

The current payment crisis under Medicare though is garnering more attention from policymakers, and the need for major reforms to Medicare is gaining momentum. Policymakers are hearing our frustrations and anger about the broken Medicare system and the need for action now. This issue will continue to be a major focus of our advocacy efforts in 2024.

Meanwhile, APTA's priority bills are still in play, including bills aimed at improving [Medicare payment](#), providing [more flexibilities for PTA supervision](#), supporting the [PT workforce](#) and improved access to therapy in rural and underserved areas, expanding [access to pelvic physical therapy](#), addressing the onerous "reasonable useful lifetime" restriction tied to orthotics, addressing student athlete concussions, telehealth, and addressing the use of prior authorization under Medicare Advantage plans, just to name a few.

At the state level, state legislatures from Augusta to Olympia are convening this month, and APTA state chapters are pursuing a wide variety of bills to advance PT payment, reduce administrative burden, and improve the physical therapy scope of practice. APTA State Affairs is already busy tracking bills in state capitols across the country.

2024 is, of course, an election year, which will add a new dynamic to the environment on Capitol Hill, with a number of House members already announcing their retirement. Many new faces are expected to join the 119th Congress in 2025, and it is critical to begin educating them now about physical therapy during the campaign season. APTA's PTPAC will be reviewing candidates to determine potential support based upon their support of the physical therapy profession and our policy priorities.

The next several months will be hectic on Capitol Hill, but they also promise to provide many opportunities for advocacy to advance key issues and bills. [Your voice and your](#)

[advocacy matter](#) and have an impact on making sure physical therapy issues "rise above the noise."

Thank you for your advocacy and support, and as always, thank you for being a member of APTA!

Justin Elliott, Vice President, Government Affairs

Congressional Update

Medicare Fee Schedule Update

On Jan. 18, the U.S. Congress passed a stopgap spending measure that temporarily keeps the government afloat until early March and prevents a government shutdown. The continuing resolution passed the Senate 77-18 and hours later passed the House 314-108.

The new package contains no relief from cuts to the 2024 Medicare Physician Fee Schedule, despite strong advocacy from a host of patient and provider organizations, including APTA, and fierce bipartisan criticism from within Congress' own ranks, most notably from Rep. Larry Bucshon, R-Ind., who has been the biggest champion for a fee schedule fix. The stopgap spending deal does include an extension of the Geographic Practice Cost Index until March.

Sources indicate that the fee schedule fix was on the table for inclusion in the spending package during Senate negotiations, **but those efforts failed as the parties squabbled over competing priorities.** The provision to roll back the 3.37% cut to the 2024 fee schedule's conversion factor was scored at approximately \$1.8 billion.

The \$1.66 trillion stopgap deal is in large part continuation of funding levels approved by Congress in the last short-term continuing resolution passed in November, a tiered-deadline package with expiration dates of Jan. 19 and Feb. 2. The new continuing resolution extends government funding to March 1 and 8. This extension to March is intended to provide more time for Congress to iron out some of the larger and more controversial spending issues. Advocacy to include a fee schedule fix in the next spending package starts immediately as Congress begins work on a permanent spending deal that can pass before the looming March deadlines.

The delay of a fee schedule fix until March now makes it more difficult to include a fix that is retroactively applied to Jan. 1, 2024, for claims that have already been submitted. Medicare Administrative Contractors, or MACs, can hold claims for up to 14 days, but after that point, they need to start reimbursing. With a fix to the Medicare Physician Fee Schedule conversion factor cuts now delayed until March, MACs will likely begin reimbursing at the lower rate. **If Congress does act in March on the fee schedule and provides a retroactive fix to Jan. 1, 2024,** MACs would have to reprocess all the claims they'd already paid at the lower rate. Rebilling would require providers to rebill small sums, that in some cases, wouldn't cover the cost of the administrative process.

APTA continues to urge members and supporters to voice support for H.R. 6683, which provides full funding to stop the 3.37% cut to the 2024 conversion factor through the [APTA Patient Action Center](#) or [Legislative Action Center](#). The grassroots response from members and patients to our recent calls to action has been extremely high.

The failure by Congress to address the fee schedule in the latest stopgap spending measure due to political squabbling is extremely frustrating for our members and the patients we serve. APTA will continue to advocate for this priority situation and push for the inclusion of a fee schedule fix in the March spending deal.

Telehealth Deadline Approaching

APTA members and staff continue to work toward getting the Expanded Telehealth Access Act signed into law. In the House, Reps. Mikie Sherrill, D-N.J., and Diana Harshbarger, R-Tenn., introduced the bill as H.R. 3875. In the Senate, Sens. Steve Daines, R-Mont., and Tina Smith, D-Minn., introduced a companion bill, S.2880. Both bills have a combined total of over 50 co-sponsors. This legislation would ensure that PTs and PTAs are permanent authorized providers of telehealth under Medicare. Congress must act on this issue before the end of the year, as many of the telehealth waivers and policies granted during the pandemic will expire and cause many seniors to lose Medicare coverage of a telehealth appointment to the provider of their choice.

Student Loan Relief

Last summer, APTA secured the introduction of H.R. 4829 — the Physical Therapist Workforce and Patient Access Act, sponsored by Reps. Diane Degette, D-Colo., and Kelly Armstrong, R-N.D. This bill would include physical therapists in the National Health Service Corps Loan Repayment Program, which rewards medical providers with up to \$50,000 in student loan repayment if the provider completes a two-year service commitment in a medically underserved area. It would also better enable federal community health centers to offer physical therapy care to their patients. This bill has the endorsement of the National Association of Community Health Centers and the National Rural Health Association.

State Update

Ringling in the New Year With State Affairs: January 2024 Insights

State legislatures across the nation are currently in full swing, actively engaging in the 2024 legislative season. Amidst the bustling legislative landscape, our state chapters are gearing up to lend their support to a broad spectrum of issues. Here's a glimpse into the subjects that will be at the forefront of our advocacy efforts at the state level this season:

- Title protection for DPT.
- Administrative burden.
- Board consolidation/independent boards.

- Expanded direct access.
- PTs and disability placards.
- Dry needling.
- Fair PT copays.
- Ability of PTs to order imaging orders.
- Medicaid payment.
- PT Compact.
- Utilization management/prior authorization.

In addition, 10 states will introduce legislation to modernize their state's practice act in 2024: California, Colorado, Illinois, Kentucky, Michigan, New York, South Dakota, Minnesota, Oregon, and Virginia. This includes improved title and term protections.

This month, a new online advertising campaign aimed at state legislators and their staff across the country was launched through the National Conference of State Legislatures. The campaign focuses on APTA's new report, "The Economic Value of Physical Therapy in the United States," and highlights the policy changes that state policymakers can make at the state level to improve payment and increase access to PT services. If you have not yet seen it, please be sure to [check out the resources in this landmark report](#) that can be used to advocate in your state.

Our department recognizes that we can only achieve our mission through ongoing conversation, collaboration, and partnership with our state chapters. If you have questions or require any assistance from the State Affairs department, please email [Advocacy](#).

Regulatory Update

Regulatory Affairs Update

APTA's Health Policy and Payment team, split between its dedicated group of regulatory and commercial payer staff, is picking up in January where it left off in December. The regulatory team specifically serves APTA's membership by promoting payment for, access to, and use of physical therapy services through federal policymaking. The work HPP does toward these goals includes monitoring newly published rules, commenting on regulatory proposals, and meeting with federal agencies, all in order to shape policy. The team also works to educate members on must-know regulatory changes, responds to member compliance questions, and works with members to better understand their needs.

So what has the regulatory team been up to lately? In December and early January, the team met with the Centers for Medicare & Medicaid Services on several critical issues — most significantly, a meeting to seek clarification and assist members in preparing to report on the promoting interoperability category of MIPS, newly required for PTs this year. HPP also recently submitted comment letters to CMS on its proposed changes to Medicare Advantage, to HHS on changes to ACA plans, and to the U.S. Preventive Services Task Force on its proposed falls prevention recommendations.

Currently, HPP is working to nominate its member PTs to several expert panels, including the USPSTF, as well as the Medicare Payment and Access Commission, which provides recommendations to Congress on Medicare payment issues. Additionally, the team is compiling feedback to submit to CMS on its newly finalized MIPS Value Pathway for Rehabilitative Support for Musculoskeletal Care, the first opportunity for PTs to participate in the future of Medicare quality payment. Finally, the team is working to set meetings with federal agencies on upcoming rulemaking for 2024.

Grassroots Update

APTA Capitol Hill Day Registration Open

[Registration is open for the 2024 APTA Capitol Hill Day](#) that will take place April 14-16 in Washington, D.C. Connect, advocate, and make an impact alongside fellow physical therapy professionals and students on Capitol Hill. This event is for APTA members and provides an opportunity for you to share and [amplify your voice with legislators on Capitol Hill](#).

Participants will receive advocacy training starting the morning of April 15 at 8 a.m. ET, and hear from expert speakers, attend specialized breakout sessions, and meet with others from your state to plan your strategy for Capitol Hill. Capitol Hill meetings will take place all day on April 16, and attendees are encouraged to book their return flights after 5 p.m.

Your participation matters. Don't miss this exceptional chance to be an advocate for our profession and those we serve. [Register for APTA Capitol Hill Day and be part of a movement that makes a difference](#).

Save the Date: APTA Capitol Hill Day 2024

Mark your calendars for the 2024 APTA Capitol Hill Day that will take place April 14-16 in Washington, D.C. Participants will receive advocacy training starting the morning of April 15 and meet with members of Congress on April 16. More details and registration are coming in January 2024, and we hope you will save the date to advocate.

PTPAC Update

Inside Elections: Off to the 2024 Races!

Inside Elections, from Nathan Gonzales, is an exclusive look at the political landscape and the upcoming elections. APTA Advocacy Network members [can view this exclusive digest](#) that includes a look at the 2024 House and Senate races.

Get Your Serve on at APTA CSM PTPAC Party

Support PTPAC's advocacy efforts on Capitol Hill at PTPAC's evening event during APTA Combined Sections Meeting. This year the event will take place at [SPIN](#). The event will be on Friday, Feb. 16, from 7-9 p.m. Tickets cost \$100 for PTs and PTAs and \$50 for students. The ticket includes drinks, dinner, DJ, and of course, ping pong! You can buy your PTPAC tickets when registering for conference online. You must be at least 21 years of age to attend. All PTPAC Eagle club members receive one free ticket, but you must contact [Michael Matlack](#) to reserve your ticket.

Contributions to PTPAC are not tax deductible as charitable contributions. Contributions are voluntary. Your contribution will be used to support candidates for federal office who support physical therapy issues. The amount given by the contributor, or the refusal to give, will not benefit or disadvantage the person being solicited.