

# Stabilizing Medicare Access to Rehabilitation and Therapy Act — SMART Act (H.R. 5536)



## Background

The American Physical Therapy Association supports the Stabilizing Medicare Access to Rehabilitation and Therapy Act – SMART Act (H.R. 5536). This bipartisan legislation would mitigate the impact of the 15% cut under Medicare Part B when services are provided by a physical therapist assistant. H.R. 5536 was introduced by Reps. Bobby Rush, D-Ill., and Jason Smith, R-Mo.

On Jan. 1, 2022, payment for Medicare Part B services provided by physical therapist assistants (as well as occupational therapy assistants) was reduced by 15% due to a provision in the Balanced Budget Act of 2018.

This cut is in addition to other reductions to the Medicare fee schedule that were made to a wide range of health care disciplines, including physical therapy, to offset the recent boost in payment to primary care physicians for E/M services. This included a 3.3% cut in 2021 and a 1.2 % cut for 2022. These multiple cuts – along with the current 50% multiple procedure payment reduction policy and anticipated return of the 2% Medicare sequestration – are simply not sustainable for therapy services.

The rehabilitation therapy sector is still recovering from the devastating impact of COVID-19 on patients and staff as therapy providers continue to furnish services during the public health emergency. The American Medical Association reported the early pandemic's effect on rehab therapy as among the hardest hit among the Medicare Physician Fee Schedule specialties, [with up to a 34% drop in spending for services](#). Without mitigation from Congress, implementation of the assistant differential in its current form will threaten access to care in rural and underserved areas, and result in unnecessary policy confusion and administrative burden.

## Preserve Access in Rural and Underserved Areas

Access to health care services is critical to good health, yet Medicare beneficiaries, particularly those who reside in rural areas, face a variety of barriers. Unfortunately, the 15% payment reduction for services furnished at least partly by physical therapist assistants will have a detrimental impact on beneficiary access to care in these areas.

H.R. 5536 addresses this by providing an exemption to the payment differential in designated rural and medically underserved areas.

## Reduce Administrative Burden for Therapy Businesses

Medicare allows for “general supervision” of physical therapist assistants by physical therapists in all settings – except for outpatient private practice, which requires “direct supervision.” While therapy providers must comply with their state practice act if state or local practice requirements are more stringent than Medicare’s, 44 states call for “general supervision” of physical therapist assistants, making this Medicare regulation, which arbitrarily applies only to private practice, more burdensome than most state requirements. Standardizing the supervision requirement from “direct” to “general” for private practices will help ensure continued patient access to needed therapy services and give small therapy businesses more flexibility in meeting the needs of beneficiaries.

H.R. 5536 addresses this problem by enacting language to change the Medicare supervision requirement for PTAs in private practice from “direct” to “general supervision” in states with licensure laws that allow for “general supervision.”

## Provide Additional Time To Recover From the Pandemic

The rehabilitation therapy sector continues to be challenged by the devastating impact of COVID-19, as providers continue to provide services during the public health emergency. Each day brings more challenges to ensuring that patients receive the therapy they need. The therapy workforce is strained particularly in rural and underserved areas, where physical therapist assistants play a crucial role in extending the services of licensed physical therapists.

H.R. 5536 addresses this by temporarily suspending the payment differential until Jan. 1, 2023.

# Facts About Physical Therapists and Physical Therapist Assistants



## Who We Are

Physical therapists are movement experts who help to optimize people's physical function, movement, performance, health, quality of life, and well-being. Physical therapists evaluate, diagnose, and manage movement conditions for individuals, and they also provide contributions to public health services aimed at improving population health and the human experience. Physical therapist assistants are educated and licensed or certified clinicians who provide care under the direction and supervision of a licensed physical therapist. PTs and PTAs care for people of all ages and abilities.

## What We Do

After performing an evaluation and making a diagnosis, physical therapists create and implement personalized plans based on best available evidence to help their patients improve mobility, manage pain and other chronic conditions, recover from injury, and prevent future injury and chronic disease. PTs and PTAs empower people to be active participants in their care and well-being. They practice collaboratively with other health professionals to ensure the best clinical outcomes.

## Where We Practice

PTs and PTAs provide services to people in a variety of settings, including outpatient clinics or offices; hospitals; inpatient rehabilitation facilities; skilled nursing, extended care, or subacute facilities; education or research centers; schools; community centers; hospices; industrial, workplace, or other occupational environments; and fitness centers and sports training facilities.

## Education and Licensure

As of 2016, all PTs must receive a doctor of physical therapy degree from an accredited physical therapist education program before taking and passing a national licensure exam that permits them to practice. Licensure is required in each state (or other jurisdiction, including the District of Columbia, Puerto Rico, and the U.S. Virgin Islands) in which a PT practices. PTAs must complete a two-year associate's degree from an accredited physical therapist assistant program and pass a national exam. State licensure or certification is required in each state (or jurisdiction) in which a PTA works.

## American Physical Therapy Association

The American Physical Therapy Association is a national organization representing more than 100,000 physical therapists, physical therapist assistants, and students nationwide. Our mission is to build a community that advances the profession of physical therapy to improve the health of society.



For more information and contact info for APTA Government Affairs staff, scan here or visit [apta.org/position-paper](http://apta.org/position-paper).

