

FAL Briefing Memo



May 2023

Federal Agencies

- **HHS:** APTA has been recognized by the U.S. Department of Health and Human Services as a National Youth Sports Strategy Champion. The [National Youth Sports Strategy](#) is a program within HHS' Nutrition and Physical Activity National Health Initiative that focuses on providing key decision-makers with insight on the importance of making sports available and accessible to youth across the country. APTA joins more than 200 national and regional [National Youth Sports Strategy Champions](#), including the American College of Sports Medicine, the Boys & Girls Clubs of America, the Physical Activity Alliance, Special Olympics, the Women's Sports Foundation, and YMCA. This is the association's third population health-focused recognition in 2023: Earlier in the year, APTA was named an HHS [Healthy People 2030 Champion](#) and an affiliate in the U.S. Centers for Disease Control and Prevention's [Total Worker Health Program](#).
- **Power Wheelchairs:** On May 16, 2023, the U.S. Centers for Medicare & Medicaid Services' issued its final decision on Medicare coverage for power elevation equipment in power wheelchairs, with the agency announcing a coverage determination that applies to a much broader range of Medicare beneficiaries than expected. In February, CMS proposed a national coverage determination, or NCD, that extended Medicare coverage for power seat elevation equipment on Group 3 power wheelchairs. APTA joined other provider and patient organizations in support of the NCD, but pressed CMS to do more by widening its focus, both in terms of wheelchair group levels and the types of transfers that would qualify for coverage. CMS did that and more. [The final NCD expands coverage](#) to users of both Group 2 and Group 3 power-driven wheelchairs — a change advocated by APTA — but goes even further by allowing durable medical equipment contractors under Medicare to provide elevation device coverage for beneficiaries outside of those groups. That discretion is even extended to include Group 5 wheelchairs, for more specialized populations. CMS also provided a more inclusive list of the types of transfer needs that would qualify for coverage of the elevation equipment. See full article [HERE](#).
- **National Institute for Occupational Safety and Health Nomination:** On April 18th, APTA nominated Mia Erickson, a researcher, professor, and hand and upper extremity physical therapist, to the [National Institute for Occupational Safety and Health Board of Scientific Counselors](#). NIOSH BSC is a federal advisory committee that provides advice and guidance to the director of NIOSH. The NIOSH's occupational safety and health research and prevention programs specifically examine standards of scientific excellence, current needs in the field of occupational safety and health, and the applicability and dissemination of research findings.

- **Education Appropriations Request:** On April 18th, APTA signed onto a Consortium for Constituents with Disabilities (CCD) letter asking Congress to meaningfully increase education program funding for FY 2024. The letter called for full funding for the Individuals with Disabilities Education Act (IDEA) to ensure children with disabilities receive free and appropriate education and supports. CCD also called for increased funding for related services that sustain key programs supporting infants, toddlers, children and youth with disabilities, their families, and teachers and support personnel, such as physical therapists.
- **Centers for Medicare & Medicaid Services:** On April 17, APTA's Health Policy & Payment Unit convened four APTA-member lymphedema specialists to present to CMS on clinician needs for Medicare coverage as CMS works to develop its new benefit for lymphedema compression garments and related items and services, as required by the Lymphedema Treatment Act. CMS will include its benefit design as part of the upcoming 2024 Home Health Proposed Rule, anticipated this summer. The new benefit will take effect Jan. 1, 2024.
- **National Institute for Health:** On April 12th, APTA signed on to a Disability Rehab Research Coalition (DRRC) letter to NIH, regarding the Subgroup on Individuals with Disabilities' recommendations that were endorsed by the Advisory Committee to the Director. The letter endorses the recommendations and asks that they be implemented swiftly. DRRC also continues to urge the agency to designate people with disabilities as a health disparity population.
- **Centers for Medicare & Medicaid Services:** On April 12, CMS released the 2024 Medicare Advantage (MA) final rule. The Agency finalized a host of significant changes to prior authorization and utilization management policies, that will provide more deference to clinicians in prior authorization decisions, align MA plans' coverage criteria with traditional Medicare, and create additional oversight of MA plan utilization management.

U.S. Congress

- **Postpartum Outcomes Act:** On April 6, 2023, Rep. Don Bacon (R-NE) and Rep. Lisa Blunt Rochester (D-DE) reintroduced the *Optimizing Postpartum Outcomes Act* in the House of Representatives. This APTA-led, bipartisan legislation is aimed at increasing awareness of the importance of Pelvic Health Physical Therapy. The legislation would require CMS to issue guidance on prenatal and postpartum pelvic health physical therapy under Medicaid and CHIP, order GAO to identify and report to Congress on gaps in coverage for Pelvic Health Physical Therapy and related services for postpartum women, and instructs CDC to educate providers and postpartum women on the importance and availability of pelvic health physical therapy.
- **Long COVID:** On May 11, 2023, the APTA-supported legislation [TREAT Long COVID Act](#) was introduced in the U.S. House of Representatives with the goal to increase access to medical care and treatment for communities and individuals struggling with Long COVID and its associated conditions. The bill will fund the expansion of Long COVID clinics and empower health care providers to treat Long COVID patients in their own communities. See the Congressional press release featuring a quote from APTA president Roger Herr, PT, MPA, [HERE](#). To help educate consumers, patients, and other providers about the role of PTs

and PTAs in the treatment of Long COVID, APTA recently released its latest ChoosePT Public Service Announcement which you can view [HERE](#).

APTA Articles of Interest

- [News | CMS Listens to APTA, Reverses Course, and OKs Hospital Use of Telehealth Post-PHE | APTA](#)
- [News | APTA Advocacy Win: CMS Significantly Expands Power Seat Equipment Coverage | APTA](#)
- [News | The association joins national and local organizations as an advocate for youth access to sports, regardless of ability. | APTA](#)
- [Video | Physical Therapy — The Solution for Many Physical Challenges, Including Long COVID | Choose PT](#)
- [News | Final MA Rule Solidifies Prior Authorization Wins | APTA](#)
- [News | APTA-Supported Bill Promoting Pelvic Floor Physical Therapy in Medicaid Returns | APTA](#)
- [News | CMS Corrects RTM Code Denials Made in Error | APTA](#)