



FAL Briefing Memo

December 2021

Capitol Hill

- **2022 Medicare Fee Schedule Cut:** On Friday, December 10 President Biden signed APTA-supported legislation aimed at offsetting most of a planned 3.75% cut to the conversion factor under Medicare Part B and will also avert across-the-board budget cuts and delay the return of the 2% "sequester" reduction next year. The Medicare-related language was folded into S. 610, the [Dr. Lorna Breen Health Care Providers Protection Act](#), an APTA-supported bill that is focused on preventing and addressing health care provider burnout and positive mental health. The Breen bill includes training grants, funding for awareness campaigns, and money for treatment, among other provisions. Additional information and details [HERE](#).
- **PTA/OTA Payment Differential:** The [Stabilizing Medicare Access to Rehabilitation and Therapy Act](#), or SMART Act (H.R. 5536), a bill that delays implementation of the system until 2023, provides exemptions to rural and underserved areas, and changes the current direct supervision requirement of PTAs to general supervision was not included in the year-end legislative package passed by Congress and signed by President Biden. However that doesn't mean the fight's over as Congress can take up the issue in 2022, Lawmakers will return in early 2022 to address myriad critical issues they were unable to get to before the end of 2021. Members and patients are still urged to use the [APTA Patient Action Center](#) to make their voices heard on the SMART Act.
- **Military Moms Matter Act:** Provisions of the Military Moms Matter (H.R. 3047) sponsored by Rep. Chrissy Houlahan (D-PA) were incorporated into the FY22 National Defense Authorization Act (NDAA). The revised legislative language incorporated in the NDAA legislation includes a directive that the Secretary of Defense establish defense-wide policies within 180 days to provide postpartum care in Military Treatment Facilities (MTFs) including pelvic health evaluation and treatment, considerations for physical therapy, and pelvic health rehabilitation services. The NDAA is expected to pass the Senate on December 14th and will then be signed by President Biden
- **Workforce Diversity:** The Allied Health Workforce Diversity Act (H.R. 3320) passed unanimously out of House Energy & Commerce Committee on December 8 and is set for consideration by the full House in early 2022.

Federal Agencies

- **Vaccine Mandates:** Both [CMS](#) and [OSHA](#) have now ceased enforcement and implementation of their respective COVID-19 vaccine mandates. This comes amidst ongoing legal battles that are holding up both mandates in the courts. On Nov. 30, a district court in Louisiana blocked the CMS vaccine mandate nationwide. This ruling

applies to all states, except for ten states (Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota, and Wyoming) in which the CMS mandate had already been blocked in a district court in Missouri on Nov. 29. APTA will monitor the legal proceedings of both vaccine mandates. For full details of the CMS vaccination rule, please see our [story](#) and [updated practice advisory](#) published on our website.

Communications & Resources

- Recording of the November APTA webinar series on payment and regulatory updates. Topics include the 2022 and Medicare Physician Fee Schedule, Vaccine Mandates, Commercial Payer Updates [APTA Payment & Regulatory Update Series | APTA](#)