

February 2022 FAL Update

CONGRESS

- **PTA Differential:** In a February 8, 2022, letter to Congressional leadership and members of the U.S. Congress, APTA was joined by 11 other provider and patient groups in urging Congress to take action on the 15% payment cuts rolled out this year for services delivered by PTAs and occupational therapy assistants under Medicare. [The letter](#), signed by groups including the American Occupational Therapy Association, the Brain Injury Association of America, United Cerebral Palsy, and the National Association for Rehabilitation Providers and Agencies, calls for lawmakers to include the Stabilizing Medicare Access to Rehabilitation and Therapy Act, or SMART Act (H.R. 5536), as part of any upcoming must-pass continuing resolution or omnibus package to keep the federal government operating.
- **IDEA:** The U.S. Department of Education submitted its 2021 Individuals with Disabilities Education Act (IDEA) annual report to Congress. The 43rd Annual Report to Congress focuses on children and student with disabilities who received services specific to IDEA Part C for infants and toddlers or IDEA Part B for children and youth.

FEDERAL AGENCIES

- **Technical Expert Pane (TEP):** APTA member Mark Besch has been selected to serve on the Technical Expert Panel (TEP) for the Measurement Gaps and Measure Development Priorities for the Skilled Nursing Facility (SNF) Value-Based Purchasing (VBP) Program. As outlined in the TEP charter, Mark will provide expert input to Acumen and CMS on measurement gaps within the current SNF VBP program and priorities for measure expansion. Acumen and CMS hopes to leverage Mark's experience and expertise to increase the clinical and face validity of the measure set. APTA nominated Mark in January 2022.
- **Medicare Advisory Payment Commission (MedPAC):** At its January 2022 meeting MedPAC recommended for FY 2023 5% cuts in payments to Skilled Nursing Facilities (SNFs), Home Health Agencies, and Inpatient Rehab Facilities (IRFs). MedPAC noted that Medicare SNF margins are projected to be 14% in 2022; Medicare payments comprise 17% of SNF revenues while only accounting for 10% of SNF facility days. For HHAs, MedPAC noted that HHAs had aggregate Medicare margins of 20.2% in 2020, with projected Medicare margin of 17% for 2022. For IRFs, MedPAC noted that the aggregate Medicare margin was 13.5% in 2020, and projects a 14% margin in 2022.
- **Postacute Unified Payment System:** In its upcoming March 2022 report, MedPAC indicated that it will provide information on a prototype value-based payment program that could be used in a unified payment system for post-acute care. The report will consider design elements, will analyze the effects of implementing the program, and make recommendations as appropriate.
- **Durable Medical Equipment, Prosthetics, & Orthotics (DMEPOS):** On Jan. 13, 2022, CMS issued multiple updates related to the Healthcare Common Procedure Coding System, or HCPCS, related to the master list of DMEPOS items that require prior authorization, face-to-face encounters, or written orders. The announcement also includes items CMS has deleted from its master list. Items in the update include: dressings, pneumatic compressors, several types of neuromuscular stimulators, manual wheelchair accessories, power wheelchairs and parts, and multiple orthoses. The updates will be effective April 13, 2022, with prior authorization phased in over different states from April 13 through Oct. 10, 2022, with national implementation starting Oct. 10, 2022.
- **Telehealth:** CMS is revising the description of Place of Service (POS) code 02 and creating a new POS code 10 for billing for services using telehealth:
 - POS 02: Telehealth Provided Other than in Patient's Home
 - Descriptor: The location where health services and health related services are provided or received, through telecommunication technology. Patient is not located in their home when receiving health services or health related services through telecommunication technology.
 - POS 10: Telehealth Provided in Patient's Home
 - Descriptor: The location where health services and health related services are provided or

received through telecommunication technology. Patient is located in their home (which is a location other than a hospital or other facility where the patient receives care in a private residence) when receiving health services or health related services through telecommunication technology.

- While the modification of POS Code 02 and the creation of POS Code 10 are effective in the National POS code set effective January 1, 2022, Medicare contractors received instructions regarding how to process claims with these codes starting April 4, 2022.

MEMBER ENGAGEMENT

- **National Advocacy Dinners:** April 2022 will be the month for hosting National Advocacy Dinners, an annual event, usually held locally by programs and student groups, to learn about the importance of APTA advocacy and how students can get involved and stay involved throughout their careers. Program and students interested in organizing a dinner should contact aptasa.advocacy@gmail.com.