Dear Majority Leader Reid, Minority Leader McConnell, Majority Whip Durbin and Minority Whip Cornyn:

Representing the interests of patients, consumers and health care providers, the undersigned organizations write to urge you to ensure that the bipartisan bicameral agreement reached last week on the sustainable growth rate (SGR) includes repeal of the Medicare outpatient therapy caps. Our organizations were disappointed that this recently introduced legislation did not contain repeal of the therapy caps given its inclusion in the original Senate bill. It is imperative that this legislation address this important beneficiary access issue before it is considered by the House and the Senate.

Our organizations have worked closely with House and Senate members in support of the Medicare Access to Rehabilitation Services Act (H.R. 713/S. 367) which would repeal the arbitrary cap on outpatient rehabilitation services. We are pleased that the SGR reform proposal that emerged from the Senate Finance Committee in December contained a permanent repeal of the therapy cap. Furthermore, our organizations are generally supportive of the replacement policy addressing the delivery of outpatient therapy contained in the original Senate bill. Completing this legislation in the first quarter of 2014 provides an opportunity to end the pattern of yearly extensions that puts patient access to medically necessary therapy services at risk.

The therapy provisions considered by the Senate would alleviate the risk of therapy services being discontinued for Medicare beneficiaries. We offer the following feedback on the therapy components contained in that bill and urge your consideration of these recommendations as the negotiations on SGR legislation continue:

- Our organizations support changes made to the medical review process which ensure timely review of outpatient rehabilitation claims. Specifically, we support the inclusion of language that allows for approval of these claims if not reviewed in 10 business days. Requiring the option for electronic submission of these claims is also a positive step forward. We recommend that the committees also consider applying these same improvements to the current manual medical review process in 2014.
• We urge Congress to ensure that services identified for medical review are those that are truly outliers. While we respect the desire by policymakers to implement a system that ensures therapy services are medically necessary, it is imperative that patients and consumers continue to have access to these critical services to maintain daily function. Language instructing the Centers for Medicare and Medicaid Services (CMS) to focus the medical review system on outlier cases would be an important refinement to the existing Senate language.

• We also encourage inclusion of language in the legislation that allows Medicare beneficiaries to appeal a denial of their medical review claims. This is a critical component to ensuring access to therapy services. We recommend that this provision be included in future versions of the legislation.

Thank you for your consideration of these recommendations which we believe will only strengthen the existing Senate language. Our organizations are appreciative of the time spent by the Senate and the House committees of jurisdiction in addressing this issue. Your action to provide a permanent solution to the therapy cap will result in stable access to critical rehabilitation services.

Sincerely,

American Health Care Association
American Heart Association/American Stroke Association
American Medical Rehabilitation Providers Association
American Occupational Therapy Association
American Physical Therapy Association
American Speech-Language Hearing Association
Arthritis Foundation
Brain Injury Association of America
Leading Age
National Association of Rehabilitation Providers and Agencies
National Association for the Support of Long Term Care
National Stroke Association
Parkinson’s Action Network
The ALS Association
The National Multiple Sclerosis Society
United Spinal Association

cc: House and Senate Leadership
Members of the House Ways and Means Committee
Members of the House Energy and Commerce Committee
Members of the Senate Finance Committee