



February 19, 2019

Patrick Shanahan
Acting Secretary
Department of Defense
1400 Defense Pentagon
Washington, DC 20301

Attention: RIN 0720-AB72

Submitted electronically

RE: TRICARE; Addition of Physical Therapy Assistants and Occupational Therapy Assistants as TRICARE-Authorized Providers [RIN 0720-AB72]

Dear Acting Secretary Shanahan:

On behalf of the over 4,200 members of the Private Practice Section (PPS) of the 100,000 member American Physical Therapy Association (APTA), I am writing in response to the request for comments on the Department of Defense (DoD) Office of the Secretary’s proposed rule, TRICARE; Addition of Physical Therapy Assistants and Occupational Therapy Assistants as TRICARE-Authorized Providers.

PPS is an organization of physical therapists and physical therapist assistants who practice in a private practice setting and use their expertise to restore function, improve mobility, relieve pain, and prevent or limit permanent physical disabilities in patients with injury or disease. The rehabilitative and habilitative care they provide restores, maintains, and promotes overall fitness and health. Representing independent small business owners, we are interested in policies that will allow our patients who are TRICARE beneficiaries the flexibility to choose for themselves which clinician and type of practice through which to access affordable, high-quality physical therapy. We appreciate the opportunity to provide feedback to DoD on the proposed rule which will impact our member PTAs as well as the TRICARE beneficiaries we care for. We respectfully request that you consider our detailed comments and recommendations provided below.

Adding Licensed or Certified Physical Therapist Assistants to the list of TRICARE-authorized Providers

PPS strongly supports the DoD’s proposal to add licensed or certified physical therapist assistants (PTAs) as TRICARE-authorized providers and to have those PTAs operate under the same qualifications established by Medicare (42 Code of Federal Regulations (CFR) §484.115) where services must be furnished under the supervision of and billed by a licensed TRICARE-authorized physical therapist.

Qualifications

In the interest of administrative simplification, PPS supports DoD's proposal to tie the qualifications of PTAs under the TRICARE program to Medicare's requirements. However, please note that the proposed rule may contain a typo as Medicare's requirements for PTA qualifications is codified at 42 CFR §484.115, *not* §484.4. To avoid confusion, we recommend DoD revise its reference in final rulemaking to the correct Medicare regulation.

Supervision

PPS agrees with DoD's proposal that TRICARE supervision requirements should match those of Medicare. However, in order to fully align, PPS strongly recommends DoD further clarify in its final rulemaking that the "direct supervision" requirement is met when the supervising physical therapist is in the same office suite as the PTA at the time of service, and that the supervising physical therapist is *not required* to be in the same room with the PTA at the time the service is performed. This suggested change would bring the TRICARE supervision requirements in line with Medicare where the supervising physical therapist must simply be present in the office suite at the time the service is performed.¹

Reimbursement Requirements

PPS recommends that instead of utilizing the Medicare reimbursement rates for PTAs as was proposed, that DoD reimburse physical therapist assistants who provide care to TRICARE beneficiaries at the same rate DoD reimburses a TRICARE-authorized physical therapist.

Terms of Art

While in strong support of the intent of the proposed rule, PPS would like to point out two additional errors within the language of the proposed rule and recommend DoD make the following revisions in final rulemaking:

*1. Codify the term "physical **therapist** assistant" at 32 CFR §199.6*

DoD references "physical therapy assistants" throughout the proposed rule but the use of the term physical therapy assistant is incorrect. The correct term is "physical **therapist** assistant (PTA)". The term physical therapist assistant is referenced in 42 CFR §484.115; as such, PPS strongly encourages DoD to utilize and codify the correct term "physical therapist assistant (PTA)" at 32 CFR §199.6.

*2. Eliminate reference to **certified** physical therapists in final rulemaking*

In the proposed rule, DoD references that PTAs may provide physical therapy services when supervised and billed "under a licensed or certified TRICARE-authorized physical therapist." After receiving a degree from an accredited physical therapist program, physical therapists must pass a state-administered national licensure examination. Upon passage, physical therapists are licensed in all jurisdictions. Furthermore, within 32 CFR §199.6(K)(2)(i), DoD uses the term "licensed registered physical therapist." The use of "certified" is inappropriate. Therefore, PPS recommends that the DoD eliminate any reference to "certified" physical therapists in the final rulemaking.

¹ Medicare Benefit Policy Manual, Chapter 15, Section 230.4(B). <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/bp102c15.pdf>. Accessed December 21, 2018.

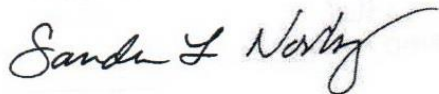
Timing

Finally, in light of the time that has passed since the DoD was granted this rulemaking authority, PPS strongly encourages DoD to promulgate the regulations as soon as possible, with an effective date that immediately follows the publication of the final rule. Doing so will increase access to physical therapy services and enhance beneficiary choice in provider selection for TRICARE beneficiaries. PPS' member PTAs stand ready to provide services as TRICARE-authorized providers.

Conclusion

Thank you for the opportunity to comment on the Addition of Physical Therapist Assistants and Occupational Therapy Assistants as TRICARE-Authorized Providers proposed rule. In the interests of administrative simplification and ease of compliance, PPS appreciates that the DoD chose to have the TRICARE regulations largely match those regulations already in place for Medicare. This allows our PTAs members and their employers to seamlessly and confidently extend their services to TRICARE beneficiaries.

Sincerely,

A handwritten signature in cursive script that reads "Sandra L. Norby".

Sandra Norby, PT, DPT
President, Private Practice Section of APTA