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Via Electronic Submission

February 15, 2019

Patrick M. Shanahan
Acting Secretary
Department of Defense
Office of the Chief Management Officer
Directorate for Oversight and Compliance
Regulatory and Advisory Committee Division
4800 Mark Center Drive
Mailbox #24
Suite 08D09
Alexandria, VA 22350-1700

Re: DOD-2018-HA-0028, Tricare; Addition of Physical Therapy Assistants and Occupational Therapy Assistants as TRICARE-Authorized Providers: Proposed Rule, Fed. Reg. Vol. 83, No. 244, (December 20, 2018).

Dear Acting Secretary Shanahan:

This letter represents the collective comments of the Alliance for Physical Therapy Quality and Innovation (the "APTQI") to the Department of Defense (DoD) regarding the above referenced "Proposed Rule: Addition of Physical Therapy Assistants and Occupational Therapy Assistants as TRICARE-Authorized Providers", published in the Federal Register on December 20, 2018 ("Proposed Rule").

By way of introduction, we are among the nation's leading providers of outpatient rehabilitation care, and collectively employ or represent over 20,000 physical and occupational therapists, and furnish physical and occupational therapy services on an annual basis to thousands of Tricare beneficiaries. APTQI membership consists of affiliate and board member entities of varying size and geographic scope, which in aggregate provide patient care services in more than 5,000 outpatient rehabilitation clinical sites.

I. Preliminary Statement

We appreciate the opportunity to comment on the proposed rule. We support the Military Health System's quadruple aim of improved readiness and better health. These goals fall in line with the core mission of APTQI: "Ensuring patient access to value driven physical therapy care." We support any changes made to the Tricare program that allows beneficiaries to access quality physical and occupational therapy performed by qualified professionals.

II. APTQI Supports the Addition of Physical Therapist Assistants and Occupational Therapist Assistants as Tricare-Authorized Providers

APTQI strongly supports the DoD’s efforts to implement section 721 of the National Defense Authorization Act for Fiscal Year 2018 (NDAA-18) in a thoughtful manner. Physical Therapist Assistants and Occupational Therapist Assistants are licensed professionals who have a long history of providing safe and effective treatment. Their addition as authorized providers will improve beneficiaries’ access to therapy services without sacrificing quality or safety.

III. APTQI Urges DoD to Use the Correct Definition of “Direct Supervision” as Used by Medicare in a Private Practice Setting

We support the proposal to have Tricare’s requirements match Medicare’s requirements as found within the Medicare Benefit Policy Manual. However, the definition of “direct supervision” in the proposed rule as written does not match what can be found in Chapter 15, Transmittal 220, Section A of the Medicare Benefit Policy Manual. In this section, direct supervision is defined as having the supervising therapist in the “same office suite” and not in the same room.¹ APTQI urges DoD to clarify that the therapist assistants in a private practice setting will require direct supervision, which is defined as the supervising therapist being in the same office suite. APTQI agrees with the definition of general supervision in the proposed rule.

IV. APTQI Urges DoD to Codify the Term “physical therapist assistant” at 32 CFR §199.6

DoD references “physical therapy assistants” throughout the proposed rule. The term physical therapy assistant is not accurate; rather the correct term is physical therapist assistant (PTA). The term physical therapist assistant is referenced in 42 CFR §484.115; as such, we urge DoD to codify the term **physical therapist assistant (PTA)** at 32 CFR §199.6.

V. APTQI Urges the DoD to Eliminate the Reference to “certified physical therapists” in the Final Rulemaking

DoD references in the proposed rule that PTAs may provide physical therapy services when supervised and billed “under a licensed or certified TRICARE-authorized physical therapist.” After graduation from an accredited physical therapist program, physical therapists must pass a state-administered national licensure examination. Physical therapists are licensed in all jurisdictions. Further, within 32 CFR §199(K)(2)(i), DoD uses the term “licensed registered physical therapist.” Therefore, I recommend the DoD eliminate any reference to “certified” physical therapists in final rulemaking.

¹ Medicare Benefit Policy Manual, Chapter 15. <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/bp102c15.pdf>. Accessed February 7, 2018.

VI. Conclusion

In closing, to increase access to physical therapy services and enhance beneficiary choice in provider selection, we strongly encourage DoD to promulgate the final rule as soon as possible. APTQI appreciates the opportunity to provide comments to DoD on the Proposed Rule. APTQI looks forward to continued dialogue with DoD officials about these and other issues affecting therapy services. If you have any questions, or would be interested in further collaboration, please feel free to contact Nimesh "Nick" Patel, PT, DPT Executive Director, at 713-824-6177 or npatel@aptqi.com.

Very truly yours,

**ALLIANCE FOR PHYSICAL THERAPY
QUALITY AND INNOVATION**



By: _____
Nimesh "Nick" Patel, PT, DPT
Executive Director