

Eli's Rehab Report

Outpatient Outlook: Exceptions Process Lands a 2-Month Grace Period

Hang tight while Congress hammers out a more permanent solution.

You can breathe a sigh of relief about therapy caps -- but only for a short while. After lots of back and forth between the Senate and the House last December, Congress was finally able to pass a bill that offered a two-month extension of the therapy cap exceptions process in 2012.

Details: Signed into law on Dec. 23, 2011, the Temporary Payroll Tax Cut Continuation Act of 2011 (HR 3765) extends the therapy cap exceptions process through Feb. 29, 2012. In addition, it freezes the Medicare Physician Fee Schedule's sustainable growth rate at the 2011 levels. Without this legislation, the SGR would have dropped 27.4 percent.

Not to worry, Congress doesn't plan to let March 1, 2012, be the end of the story for the exceptions process and the SGR. "Members of Congress on both sides of the aisle have indicated the need as well as a willingness to work towards a longer term solution for both of these critical issues," says **Ralph Kohl**, legislative representative for the American Occupational Therapy Association.

Keep in mind: "When Congress says 'longer-term,' that could mean a couple years or just until the end of the year, so that piece is still a bit unclear," says **Mandy Frohlich**, director of federal affairs for the American Physical Therapy Association.

Ray of hope: Because short-term fixes provide a lot of uncertainty, particularly for patients who are wondering what this means in terms of their care, Frohlich feels "there is a lot of willingness on Capitol Hill to do a longer-term approach." Overcoming the politics will be the challenge.

"We are working closely with members of the Conference committee, who will be looking at how to address these and other critical issues, including the payroll tax holiday prior to March," Kohl says.

See What Else Is Cooking

Although lower priority than the therapy caps and the SGR, check out other legislative action that is rocking the world of therapy.

- Physical therapy student loan reimbursement programs. APTA is working on student loan legislation that adds physical therapists to student loan reimbursement programs. "We're hoping to see some movement on that in the spring or summer," Frohlich says.
- DOD scholarship repayment program. Sen. **Susan Collins** (R-ME) just introduced language in consideration of the National Defense Authorization Act that would add physical therapists to a Department of Defense scholarship repayment program. "The report language is not binding, but we were happy that the profession was represented," Frohlich tells **Eli**.
- Medicare Home Health Flexibility Act. This legislation would, for rehab-only Medicare home health cases, allow occupational therapists to conduct the initial home health assessments when occupational therapy is listed on the physician's order along with a qualifying service.
- Occupational Therapy Mental Health Act. This legislation would make occupational therapists eligible for National Health Services Corps Scholarship and Loan Repayment Programs.