November XX, 2017

The Honorable ENTER YOUR ELECTED OFFICIAL NAME

ADDRESS

Washington, DC

Dear Senator/Representative ENTER NAME:

As a concerned constituent and an individual with brain injury, a caregiver, or a brain injury professional, I am writing to ask for your support to repeal the Medicare therapy cap.  The therapy cap impacts Medicare beneficiaries, like individuals with brain injury, who need rehabilitation services the most. Repealing the Medicare therapy cap would ensure high-quality, ongoing treatment and remove the uncertainty of care for both therapy providers and recipients.

In 1997, Congress passed the Balanced Budget Act, which created an annual financial limit on physical therapy and speech-language pathology services, and a separate “cap” on occupational therapy, for all outpatient settings. This action was not based on data, quality-of-care concerns, or clinical judgment—its sole purpose was to save resources needed to balance the federal budget. Since 1997, Congress has acted 16 times to prevent implementation of the cap, including the 2006 creation of an exceptions process allowing patients to receive medically necessary services exceeding the annual cap amount. Historically, Congress has passed short-term extensions of the therapy cap exceptions process along with the sustainable growth rate (SGR) extension. In the 2015 Medicare Access and CHIP Reauthorization Act (MACRA), the SGR formula was permanently repealed, while the therapy cap only received an extension through December 31, 2017. Although a permanent solution to this policy was nearly accomplished by including provisions in Senate SGR legislation in the 113th Congress to repeal and reform the therapy cap, the permanent SGR legislation was passed without this important repeal for Medicare beneficiaries. We believe this was a missed opportunity for a long-term solution and puts beneficiaries at further risk when the extension expires in 2018.

The Medicare Access to Rehabilitation Services Act (H.R. 807/S. 253), was introduced by Representatives Erik Paulsen (R-MN), Ron Kind (D-WI), Marsha Blackburn (R-TN), and Doris Matsui (D-CA) and by Senators Ben Cardin (D-MD), Dean Heller (R-NV), and Susan Collins (R-ME) to end this pattern of yearly extensions and repeal the cap after 18 years.  This 20 year old policy is outdated.  Payment for outpatient therapy services needs to be aligned with new policies passed by Congress that focus on providing high-quality, coordinated care.  Congress must support a pathway to care for beneficiaries that is determined by need, not an arbitrary dollar amount. Now is the time to fix the therapy cap.

Repeal of the therapy cap continues to receive strong bipartisan support. In the 114th Congress, this legislation enjoyed a bipartisan majority of support in the House, with 238 cosponsors, and garnered the support of more than one-third of the Senate. In 2015, an amendment was offered to permanently repeal the therapy cap and provide an appropriate alternative policy along with MACRA. This amendment received a 58 majority vote in the Senate, just shy of the 60-vote threshold needed.  Many therapy stakeholders including patient, consumer, and provider groups support provisions to repeal and reform the therapy cap and urge that a permanent solution be examined before the deadline approaches.

I urge you to show your support for full repeal of the therapy cap by cosponsoring H.R. 807/S. 253 and supporting action on a permanent solution in the near future.

Thank you for your consideration.

Sincerely,

YOUR NAME