

Congress of the United States
Washington, DC 20515

May 28, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
H-204, U.S. Capitol
Washington, D.C. 20515

Dear Speaker Pelosi and Leader McCarthy:

Thank you for your swift action and continuing efforts as we grapple with the COVID-19 pandemic. The Coronavirus Aid, Relief, and Economic Security (CARES) Act (PL 116-136) provided our physical therapists, occupational therapists, and speech-language pathologists with much-needed and meaningful aid to continue patient care operations during this pandemic, the effects of which could be felt for years. However, while Congress is diligently working to protect these important medical practices, they are being targeted for a sizeable cut that is slated to be finalized within the next few weeks.

The Centers for Medicare and Medicaid Services' (CMS) final CY2020 Medicare Physician Fee Schedule rule published in November 2019 proposed increased rates for the office-based evaluation and management (E/M) code set in CY2021. Due to the requirement for budget neutrality, this would result in a projected eight percent cut for therapy services beginning on January 1, 2021.

If these cuts are allowed to go into effect, they will be devastating and will limit access to care for patients, including seniors, who rely on these services. Ultimately, these cuts will force physical and occupational clinics to close, resulting in thousands of qualified professional clinicians, especially those in rural and urban areas in our districts, to lose their jobs. This will prevent elderly patients from completing their Medicare plans of care and will make seniors who are unable to access convenient outpatient rehabilitation more susceptible to dangerous falls and hospitalizations. Furthermore, the over 50 million Americans who suffer from acute and chronic pain conditions will be unable to access these important, non-opioid services. Now is not the time to implement these reckless cuts when our healthcare system is under such tremendous financial strain.

For these reasons, we ask that, in any relevant legislation moving through the House this summer, you include a waiver for the budget neutrality requirements stipulated in Section 1848(c)(2) of the Social Security Act for the E/M code proposal that would be implemented on January 1, 2021 in the CY2021 Medicare Physician Fee Schedule. This waiver should also remove the pending rate cuts for therapists and allow any planned increases in the E/M code set to remain.

Thank you for your consideration of this request. If we can answer any questions, please do not hesitate to contact us.

Sincerely,



Bobby L. Rush
Member of Congress



Susan W. Brooks
Member of Congress

/s/
Don Young
Member of Congress

/s/
Collin C. Peterson
Member of Congress

/s/
Lucille Roybal-Allard
Member of Congress

/s/
Bennie G. Thompson
Member of Congress

/s/
Danny K. Davis
Member of Congress

/s/
John B. Larson
Member of Congress

/s/
Grace F. Napolitano
Member of Congress

/s/
Stephen F. Lynch
Member of Congress

/s/
Joe Wilson
Member of Congress

/s/
Raúl M. Grijalva
Member of Congress

/s/
C.A. Dutch Ruppersberger
Member of Congress

/s/
Albio Sires
Member of Congress

/s/
Steve Cohen
Member of Congress

/s/
Henry C. "Hank" Johnson, Jr.
Member of Congress

/s/
André Carson
Member of Congress

/s/
Pete Olson
Member of Congress

/s/
Glenn “GT” Thompson
Member of Congress

/s/
Donald M. Payne, Jr.
Member of Congress

/s/
Rodney Davis
Member of Congress

/s/
Alan Lowenthal
Member of Congress

/s/
Scott Peters
Member of Congress

/s/
Mark Pocan
Member of Congress

/s/
Mike Bost
Member of Congress

/s/
Brendan F. Boyle
Member of Congress

/s/
Earl L. “Buddy” Carter
Member of Congress

/s/
Debbie Dingell
Member of Congress

/s/
Nanette Diaz Barragán
Member of Congress

/s/
Lisa Blunt Rochester
Member of Congress

/s/
Brian Fitzpatrick
Member of Congress

/s/
Darren Soto
Member of Congress

/s/
Debbie Lesko
Member of Congress

/s/
Kelly Armstrong
Member of Congress

/s/
Colin Allred
Member of Congress

/s/
Cindy Axne
Member of Congress

/s/
Anthony Brindisi
Member of Congress

/s/
Angie Craig
Member of Congress

/s/
Mark E. Green, M.D.
Member of Congress

/s/
Josh Harder
Member of Congress

/s/
Jahana Hayes
Member of Congress

/s/
Chrissy Houlahan
Member of Congress

/s/
Lizzie Fletcher
Member of Congress

/s/
Xochitl Torres Small
Member of Congress

/s/
Jefferson Van Drew
Member of Congress

/s/
Eleanor Holmes Norton
Member of Congress