

WASHINGTON, D.C. – Last week, Assistant to the Speaker Xavier Becerra (CA-31), Minority Whip Roy Blunt (MO-7), Reps. Phil English (PA-3), Chip Pickering (MS-3) and Mike Ross (AR-4) introduced H.R. 748, the Medicare Access to Rehabilitation Services Act of 2007, legislation that would repeal the arbitrary outpatient therapy cap that exists for seniors seeking physical therapy and speech language pathology services under Medicare.

The existing therapy caps originated when Congress passed the 1997 Balanced Budget Act. Though moratoria have been previously enacted, Congress in 2006 passed legislation to allow the therapy caps to go into effect, but authorized the Centers for Medicare and Medicaid Services to implement an “exceptions process” to allow for medically necessary physical therapy, occupational therapy, and speech language pathology services above the caps if they meet diagnostic and clinical criteria. This exceptions process was extended for 2007 in December 2006 by the Tax Relief and Health Care Improvement Act.

The therapy caps are currently set at \$1,780 per beneficiary per year. The exceptions process ensures the Medicare beneficiaries retain access to essential physical therapy, occupational therapy and speech language pathology services in a fiscally responsible manner. Without congressional action however, the current exceptions process will expire December 31, 2007.

“I join my colleagues in calling for an end to arbitrary caps on coverage for therapy services under Medicare. The therapy cap is particularly devastating for the oldest and frailest Medicare beneficiaries who need and benefit from these services the most,” said Rep. English, a member of the House Ways and Means Health Subcommittee. “Whether a person receives speech, occupational or physical therapy, it should be a decision made between a doctor and patient, not by accountants monitoring a set limit.”

"Health care is one of the greatest challenges we face as a nation, and by removing these therapy caps we can help ensure that our seniors have access to affordable health care options," Rep. Ross said. "We must remove the barriers that force seniors to choose between paying the full cost of needed therapy, and forgoing necessary treatments which leads to a better quality of life."

"Most Medicare beneficiaries never exceed the annual cap, but for the few that do, it forces a choice between forgoing all-important physical therapy care or paying 100 percent of the cost out-of-pocket," Rep. Becerra, the only congressional member from Southern California who serves on the House Committee on Ways and Means, said. "Beneficiaries who suffer from a stroke, or have Parkinson's disease, spinal cord injuries or osteoporosis are more likely to be the type of patient needing such care. Rather than simply kicking the can down the road with a short-term fix, it is time to permanently solve this problem."

Senator John Ensign (NV) and a bipartisan group of 12 other senators introduced S.450, a word-for-word companion to H.R. 748, last Wednesday, January 31, the same day Reps. Becerra, Blunt, English, Pickering and Ross introduced their bill.

### [Becerra.House.gov](http://Becerra.House.gov) ###