

Congress of the United States  
Washington, DC 20515

September 9, 2024

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare & Medicaid Services  
Department of Health and Human Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Administrator Brooks-LaSure:

As the lead sponsors of H.R. 4878, the EMPOWER Act, we want to share our gratitude and support for the inclusion of the proposed policy *Supervision of Outpatient Therapy Services in Private Practices* under Section II.H.1. in your calendar year (CY) 2025 Physician Fee Schedule proposed rule and strongly encourage the inclusion of this policy change in the final rule.

The proposal is in line with our legislation that would change the supervision requirement for occupational therapy assistants (OTAs) and physical therapist assistants (PTAs) in private practice from direct to general supervision to the extent allowed under state law. This proposal will better align Medicare's supervision policies with all other Medicare settings, as well as the vast majority of state licensure laws which allow for general supervision of therapy assistants. This change will also help ensure continued patient access to needed therapy services and give private practices more flexibility in meeting the needs of beneficiaries in rural or underserved areas,

Given the current pressures on therapy providers, including year-over-year fee schedule cuts, we are pleased to see your agency providing relief that will support the therapy workforce and mitigate the impact of these payment cuts to therapists.

Thank you for addressing this very important matter and we look forward to seeing it finalized in your final rule.

Sincerely,



Debbie Lesko  
Member of Congress



Annie Kuster  
Member of Congress