

February 10, 2023

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:

On behalf of the rehabilitation therapy providers that our organizations represent, we request that the Centers for Medicare & Medicaid Services (CMS) issue a technical correction or interim final rule (IFR) as soon as possible in order to align the date of expiration for telehealth codes used by physical therapists, occupational therapists, speech-language pathologists, and audiologists with the updated timeline of coverage for telehealth established by the *Consolidated Appropriations Act, 2023* (Pub. L. 117-328, December 29, 2022).

The *Consolidated Appropriations Act 2023* extended until December 31, 2024 the telehealth coverage flexibilities that the *Consolidated Appropriations Act, 2022* previously extended to 151 days after the expiration of the COVID-19 Public Health Emergency (PHE). Current regulations do not reflect this most recent extension.

Additionally, the CY 2023 PFS and QPP Final Rule states that the existing Category 3 codes will remain covered through the end of the year in which the PHE expires (December 31, 2023); therefore, we urge CMS to issue a technical correction or an interim final rule to also align the availability of Category 3 codes with the *Consolidated Appropriations Act, 2023* to ensure consistent, reliable coverage. Specifically, we request that CMS keep all available codes (including Category 3 codes and all other codes currently set to expire 151 days after the expiration of the PHE) on the Medicare Telehealth Services List until the end of CY 2024.

Thank you for considering the release of a technical correction or an IFR within the next several months to extend these important telehealth policies to ensure that that PHE-related policies and flexibilities intended by Congress are implemented, are predictable for providers and patients who depend on them, and provide continuity of care, continued flexibility, and payment for vital telehealth services.

Sincerely,

ADVION (formerly National Association for the Support of Long Term Care)
Alliance for Physical Therapy Quality and Innovation
American Health Care Association
American Occupational Therapy Association
American Physical Therapy Association
American Speech-Language-Hearing Association
National Association of Rehabilitation Providers and Agencies
National Center for Assisted Living
Private Practice Section of the American Physical Therapy Association