

104TH CONGRESS
1ST SESSION

H. R. 1746

To amend titles XVIII and XIX of the Social Security Act to permit coverage of outpatient physical therapy services under the medicare and medicaid programs without a physician's referral, and to establish a Physical Therapy Advisory Council in the Department of Health and Human Services.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1996

Mr. JEFFERSON introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles XVIII and XIX of the Social Security Act to permit coverage of outpatient physical therapy services under the medicare and medicaid programs without a physician's referral, and to establish a Physical Therapy Advisory Council in the Department of Health and Human Services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. COVERAGE OF PHYSICAL THERAPY SERVICES**
2 **UNDER MEDICARE WITHOUT PHYSICIAN'S**
3 **REFERRAL.**

4 (a) IN GENERAL.—

5 (1) SERVICES FURNISHED BY OR UNDER AR-
6 RANGEMENT WITH CLINICS AND OTHER INSTITU-
7 TIONS.—Section 1861(p)(1) of the Social Security
8 Act (42 U.S.C. 1395x(p)(1)) is amended by insert-
9 ing before “and” the following: “without regard to
10 whether or not the individual is furnished the serv-
11 ices pursuant to a referral by the physician,”.

12 (2) SERVICES FURNISHED BY INDEPENDENT
13 PHYSICAL THERAPISTS.—The second sentence of
14 section 1861(p) of such Act (42 U.S.C. 1395x(p)) is
15 amended by striking the period at the end and in-
16 sserting the following: “, except that the Secretary
17 may not include in such conditions a provision limit-
18 ing coverage of such services to services furnished
19 pursuant to a referral by a physician.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall apply to services furnished on or after
22 October 1, 1995.

1 **SEC. 2. COVERAGE OF PHYSICAL THERAPY SERVICES**
2 **UNDER STATE MEDICAID PLANS WITHOUT**
3 **PHYSICIAN'S REFERRAL.**

4 (a) IN GENERAL.—Section 1905(a)(11) of the Social
5 Security Act (42 U.S.C. 1396d(a)(11)) is amended by
6 striking the semicolon at the end and inserting the follow-
7 ing: “, without regard to whether or not the services are
8 furnished pursuant to a referral by a physician.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply to calendar quarters beginning
11 on or after October 1, 1995.

12 **SEC. 3. PHYSICAL THERAPY ADVISORY COUNCIL.**

13 (a) ESTABLISHMENT.—There is hereby established in
14 the Department of Health and Human Services the Phys-
15 ical Therapy Advisory Council (hereafter in this section
16 referred to as the “Council”).

17 (b) MEMBERSHIP.—

18 (1) IN GENERAL.—The Council shall consist of
19 individuals appointed by the Secretary of Health and
20 Human Services (hereafter in this section referred to
21 as the “Secretary”), in such number as the Sec-
22 retary considers appropriate, who meet such criteria
23 as the Secretary may establish. Members shall serve
24 at the pleasure of the Secretary.

1 (2) DEADLINE FOR APPOINTMENT.—The Sec-
2 retary shall appoint the initial members of the Coun-
3 cil not later than October 1, 1995.

4 (3) NO COMPENSATION FOR SERVICES.—Mem-
5 bers of the Council shall serve without pay, but shall
6 receive travel expenses, including per diem in lieu of
7 subsistence, in accordance with sections 5702 and
8 5703 of title 5, United States Code.

9 (c) DUTIES.—The Council shall advise the Secretary
10 on matters relating to the practice of physical therapy and
11 reimbursement for physical therapy services, and shall
12 conduct such studies and submit such reports as the Sec-
13 retary may require.

14 (d) ANNUAL REPORT ON ACTIVITIES.—Not later
15 than March 1 of each year (beginning with 1997), the
16 Council shall submit a report to the Secretary describing
17 its activities during the previous year.

18 (e) NO TERMINATION.—Section 14(a)(2)(B) of the
19 Federal Advisory Committee Act (5 U.S.C. App.; relating
20 to the termination of advisory committees) shall not apply
21 to the Council.

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