

June 7, 2019

Patrick Shanahan  
Acting Secretary  
Department of Defense  
Attn: RIN 0720-AB71  
1400 Defense Pentagon  
Washington, DC 20301

RE: TRICARE: Prescribing of Physical Therapy, Occupational Therapy, and Speech Therapy by Other Allied Health Professionals Acting Within the Scope of their License [RIN 0720-AB71]

Dear Acting Secretary Shanahan:

On behalf of the American Speech-Language-Hearing Association, I write to offer comments in support of Department of Defense (DoD) Office of the Secretary's proposed rule, "TRICARE: Prescribing of Physical Therapy, Occupational Therapy, and Speech Therapy by Other Allied Health Professionals Acting Within the Scope of their License" that was published in the Federal Register on April 8, 2019. As proposed, the rule would improve access to speech-language pathology, occupational therapy and physical therapy for TRICARE beneficiaries.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 204,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.

Speech-language pathologists identify, assess, diagnose, and treat speech-language disorders, swallowing deficits, and cognitive disorders. Speech-language pathologists are highly qualified professionals who hold a master's or doctoral degree in speech-language pathology from an accredited program, complete clinical training and are licensed in all states and the District of Columbia.

### **Overview of Proposed Rule**

The DoD proposes to allow TRICARE coverage of speech-language pathology (SLP), physical therapy (PT), and occupational therapy (OT) services when prescribed (i.e., ordered) by TRICARE-authorized allied health professionals who are acting within the scope of their license. Explicitly, the DoD states:

*"State governments generally regulate the licensure and practice of health care professionals, and DoD limits TRICARE benefits coverage to services and supplies furnished by otherwise authorized TRICARE individual professional providers performing within the scope of their state licenses or certifications. State scope of practice laws vary with regard to the range of services, and some include the authority to prescribe PT, OT, and SLP. After assessing the information available, DoD has determined that it is unnecessarily restrictive not to cover otherwise authorized PT, OT, and SLP services for TRICARE beneficiaries merely because the services are ordered by a nonphysician. Therefore, the regulation is being amended to allow TRICARE coverage of PT, OT, and SLP services when ordered by other Allied Health Professionals who are TRICARE-authorized providers and acting within the scope of their state license or certificate."*

### **ASHA Analysis of the Proposed Rule**

Under current TRICARE payment policy, skilled therapy services, including those services provided by a speech-language pathologist, are covered when referred by a physician, certified physician assistant, or certified nurse practitioner. The proposal expands TRICARE coverage to therapy prescribed and subsequently overseen by any allied health professionals, as defined by CFR §199.6(c)(3)(iii), acting within the scope of their license.

The proposal defers to state law for the purpose of identifying the specific professions allowed to prescribe and oversee a course of therapy. Given the variation between the conditions and functional impairments evaluated and treated by speech-language pathologists, occupational therapists, and physical therapists, ASHA anticipates a certain degree of variation in regard to which professions could prescribe and oversee a course of therapy for each particular discipline.

For example, the range of allied health professionals that would prescribe and oversee a course of therapy for a TRICARE beneficiary with a cognitive impairment in need of speech-language pathology would differ from the range of allied health professionals that would prescribe and oversee a course of therapy for a beneficiary with a mobility impairment who required physical therapy.

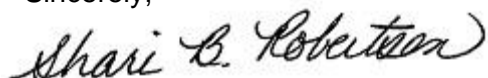
Similarly, ASHA notes that there may be some variation across the country regarding the ability of certain allied health professions to prescribe therapy services because of differences that exists within different states' licensure laws. Additional clarification may be needed to ensure the proposal can be practically and efficiently implemented. While all states allow speech-language pathologists to independently prescribe and oversee a course of therapy within their discipline, it is unclear to ASHA, which of other allied health professionals have such authority within the scope of their licenses specifically in regard to speech-language pathology.

### **Conclusion**

State laws allow speech-language pathologists to independently prescribe a course of therapy by evaluating, treating and developing a plan of care, within their discipline, for patients with impairments within their scope of practice including communication, cognition and swallowing. In the evolving health care system, many patients receive primary care from non-physician, allied health professionals. ASHA fully supports TRICARE's proposal to broaden access to therapy services to beneficiaries who are prescribed therapy by allied health professionals working within the scope of their license.

Thank you for the opportunity to provide comments on the proposed regulations of TRICARE policies under the DoD Office of the Secretary's TRICARE proposed rule. If you or your staff have any questions, please contact Tim Nanof, ASHA's director of health care and education policy, at [tnanof@asha.org](mailto:tnanof@asha.org).

Sincerely,



Shari B. Robertson, PhD, CCC-SLP  
2019 ASHA President