

## **SNF Medicare Proposed Regulations Released for 2012 FY**

On April 28, 2011, the Centers for Medicare & Medicaid Services (CMS) posted proposed regulations for skilled nursing facilities (SNFs). For services to Medicare Part A patients, two topics are of special interest to speech-language pathologists: (1) proposed restrictions regarding group treatment and (2) possible removal of restrictions regarding supervision of students.

Currently, group treatment for therapy services is defined as similar services provided to two to four patients. CMS would like to limit group therapy size to four beneficiaries—no more or no less. There are numerous issues caused by a four patient requirement as well as problems in the rationale. CMS states that in groups of two or three participants “the opportunities for patients in the group to interact and learn from each other are significantly diminished given the small size of the group.” CMS cites no evidence to support this claim. Therapy groups of less than four participants are reasonable on many grounds including the availability of a lesser number of patients and the improvement seen when there are two to three patients in a group.

Another proposed change in group treatment policy is one that would allocate Resource Utilization Group (RUG) minutes of treatment among each of the group treatment participants rather than counting each patient’s participation time fully. The proposed revision would require all groups to consist of four patients and the time would be allocated among each of the patients. Thus, a 30 minute session for four patients would be counted as seven minutes for each patient in regard to RUG recording rather than 30 minutes per patient. The CMS rationale appears to be that inaccurate recording of resource allocation occurs when 30 minutes of therapist time is recorded as 90 or 120 minutes for three or four patients, respectively.

The second proposal of interest is the removal of supervision restrictions for therapy students treating Part A patients. The current requirement is line-of-sight supervision and the supervisor cannot simultaneously be treating other patients. CMS states that other Part A inpatient settings (e.g., hospitals) have no such restrictions and “we consider it inequitable for SNFs to be subject to a more restrictive set of standards in this regard.” Therefore, “each SNF would determine for itself the appropriate manner of supervision of therapy students consistent with applicable State and local laws and practice standards.”

ASHA is starting an informal advisory group to assist with developing comments. The regulatory comments are due to CMS by June 27, 2011, with final regulations taking effect October 1, 2011. The full text of the proposed regulations is available at <http://www.gpo.gov/fdsys/pkg/FR-2011-05-06/pdf/2011-10555.pdf>. For further information, please contact [reimbursement@asha.org](mailto:reimbursement@asha.org).