



The American Orthopaedic Society for Sports Medicine

A world leader in sports medicine education, research, communication, and fellowship.

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September 17, 2004

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-1429-P
PO Box 8012
Baltimore, MD 21244-8012

Re: Therapy – Incident To

Dear Sir/Madam:

The American Orthopaedic Society for Sports Medicine (AOSSM) is extremely concerned with the CMS proposal to limit allied health professionals who may provide “incident to” services to only physical therapists, occupational therapists, and speech and language pathologists. This policy would inappropriately exclude the use of other qualified health professionals, such as certified athletic trainers, significantly limit patient access to high quality care and inappropriately interfere with physicians’ professional judgment in determining which health professionals to utilize.

This proposal directly affects many orthopaedic surgeons, especially those who work with athletic injuries. Sports medicine involves not just young athletes involved in competitive sports, but also the elderly who are seeking to stay physically active as a way of maintaining their health. According to the 2002-2003 census of orthopaedic surgeons (Orthopaedic Practice in the US, 2002-2003, American Academy of Orthopaedic Surgeons) 44% of all orthopaedists (approximately 6,975 surgeons) have a special interest in sports medicine. Many of these orthopaedic surgeons utilize athletic trainers within their practices. We know from the National Athletic Trainers Association (NATA) that approximately 12,000 of its members are employed outside of the university and education setting, generally by hospitals, clinics and physicians. If this change goes through, you will affect a tremendous number of health care providers who are presently caring for an even more significant number of elderly patients.

This proposed policy also overlooks the fact that other health care providers, such as certified athletic trainers, are highly qualified to provide these services. For example, all certified athletic trainers have been trained in programs that are accredited by the Commission on Accreditation of Allied Health Education Programs. Their curriculum includes: human physiology, human anatomy, exercise physiology, kinesiology/biomechanics, nutrition, acute care of injury and illness and statistics and research design. Furthermore, seventy percent of all certified athletic trainers have a master’s degree or higher. Moreover, in all states but one, certified athletic trainers are required to work under the supervision of physicians. There is something seriously wrong if physicians are not allowed to use these highly qualified professionals for “incident to” services, especially when state practice acts place these individuals under physician supervision.

Most problematic, we see this policy as directly interfering with physicians’ ability to determine which health care professionals they should utilize in caring for patients. Orthopaedic surgeons utilize both physical therapists and certified athletic trainers. There are legitimate professional reasons why they may elect to use one or the other. Moreover, there are practical reasons in

Center for Medicare and Medicaid Services
Incident-To Therapy
September 17, 2004
Page 2

underserved areas why physicians need to utilize whichever qualified professional that is available. We are aware of no objective data that supports limiting all "incident to" services to only a few allied health professions. CMS does not even delineate medical and surgical services as such among specialties.

We strongly urge you to not promulgate the "incident to" regulations as they have been proposed and that you allow physicians to continue to utilize the allied health professionals that they deem most appropriate for these services. If this policy is implemented as proposed, it will profoundly affect how care is provided to elderly patients, it will inappropriately exclude widely recognized, legitimate health care providers, such as certified athletic trainers, and it will significantly interfere with physicians' ability to determine the most appropriate allied health care provider for "incident to" services.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Wickiewicz". The signature is written in black ink and is positioned below the word "Sincerely,".

Thomas Wickiewicz, MD
AOSSM President