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Federal Docket Management System Office
4800 Mark Center Drive, 2nd floor, East Tower
Suite 02G09
Alexandria, VA 22350-3100

Re: TRICARE Program; Proposed Clarification of Benefit Coverage of Durable Equipment and Ordering or Prescribing Durable Equipment

Attn: Gail L. Jones

The American Academy of Physician Assistants (AAPA) is the only national professional association representing the more than 93,000 physician assistants (PAs) in all medical and surgical specialties nationwide. We appreciate the opportunity to provide comments on TRICARE's proposed Clarification of Benefit Coverage of Durable Medical Equipment and Ordering or Prescribing Durable Equipment, published in the August 8, 2013 *Federal Register*.

Presently, TRICARE covers durable medical equipment (DME) only when prescribed by a physician. The Department of Defense proposal to expand the list of healthcare professionals authorized to prescribe DME for TRICARE beneficiaries is commendable. Expanding the list of healthcare professionals authorized to prescribe DME will improve TRICARE beneficiary access to care and assure more timely and efficient patient treatment.

What is absolutely unacceptable is the proposal's omission of physician assistants on that expanded list of healthcare professionals.

For more than 20 years PAs have been covered healthcare professionals under the TRICARE program delivering care to active duty and retired military personnel, their dependents, and survivors of deceased military personnel. The quality of PA-provided care to TRICARE beneficiaries has and continues to be of the highest caliber and has never been in question. Physician assistants and the US military have deep roots that go back to the founding of the PA profession. In fact, three former Vietnam-era Navy Corpsman were the initial graduates from the nation's first PA program at Duke University.

There is no statutory, regulatory or clinical rationale for excluding PAs from prescribing DME under the TRICARE program. PAs, working with physicians, engage in autonomous medical decision making in delivering patient care. PA education and training in the medical model allow PAs to appropriately evaluate patients and their need for DME in similar fashion to physicians. Numerous private and public healthcare programs and third party payers, such as the federal Medicare program¹, have authorized PAs to prescribe DME for many years. Under Medicare, for example, PAs are authorized to provide the dispensing order, write and sign the written order, and complete the certificate of medical necessity for DME.

¹ CMS Manual System, Pub. 100-08, Medicare Program Integrity Manual, Chapter 5, Section 5.6

As the proposal indicates, State law regulates the licensure and practice of most healthcare professionals. The Department of Defense (DoD) limits TRICARE benefit coverage to services and supplies furnished by otherwise authorized TRICARE individual professional providers performing within the scope of their state licenses or certifications. We appreciate the fact that DoD has made the determination that it is unnecessarily restrictive to deny the prescribing of durable equipment (including DME) merely because it is ordered by a non-MD/DO. As currently written, the proposed regulation will allow TRICARE coverage of DME, except for cardiorespiratory monitors, when ordered by a physician or when ordered by any otherwise authorized non-physician allied healthcare professional, namely, CNMs, CNPs, CRNAs, and CNSs, and certain other authorized individual professional providers, namely DPMs, ODs, DDSs, and DMDs, when acting within the scope of their state license or certificate.

PAs are excluded in the proposed rule despite the fact that they are authorized healthcare professionals specifically listed as a provider type in TRICARE regulations. The Code of Federal Regulations (CFR) provides a definition of covered TRICARE health professionals. The relevant language in 32 CFR 199.6 reads as follows:

Types of providers. Subject to the standards of participation provisions of this part, the following individual professional providers of medical care are authorized to provide services to CHAMPUS (now TRICARE) beneficiaries:

(H) *Certified physician assistant.* A physician assistant may provide care under general supervision of a physician . . .

AAPA supports TRICARE's guiding principles relating to the DME benefit such that ordered equipment must:

- Improve, restore, or maintain the function of a malformed, diseased, or injured body part, or can otherwise minimize or prevent the deterioration of the patient's function or condition
- Maximize the patient's function consistent with the patient's physiological or medical needs
- Provide the medically appropriate level of performance and quality for the medical condition present

PAs treat TRICARE beneficiaries on a daily basis. In order for PAs to care for the complete needs of TRICARE patients they must be authorized to provide those patients with the full range of available medical benefits in a timely manner. **It is imperative that the proposed regulation be amended to include PAs among those healthcare professionals authorized to prescribe DE (including DME) in the TRICARE program when medically necessary.**

AAPA appreciates the opportunity to provide TRICARE with our thoughts and comments on this important matter. We stand ready to discuss this issue in greater detail. Should you have any questions or require additional information please feel free to contact Michael Powe, AAPA's Vice President of Reimbursement & Professional Advocacy at 571-319-4345 or michael@aapa.org.

Sincerely

A handwritten signature in blue ink, appearing to read "Lawrence Herman PA-C MPA".

Lawrence Herman, PA-C, MPA
President