



Testimony in Support of

LD 1152, *An Act to Expand the Right to Shop for Health Care Services*

Senator Bailey, Representative Mathieson and Honorable Members of the HCIFS Committee:

My name is Gwen Simons. I am a physical therapist and healthcare lawyer in Scarborough and the lobbyist for the Maine Chapter of the American Physical Therapy Association (“MEAPTA”). The Maine APTA represents over 2500 physical therapists (PTs) and physical therapist assistants (PTAs) in Maine.

First, MEAPTA does not have an opinion on what the amount of the incentives to consumers should be (referring to the 25% of the shared savings requirement).

We support this bill primarily because it allows consumers to seek care from out of network providers without being punished by higher copays/coinsurance and/or separate out of network deductibles/out of pocket maximums. **But the removal of the requirement for the out-of-network provider to be enrolled with Medicare or MaineCare is essential for this law to have any effect whatsoever.**

Reimbursement for in-network services has not increased in 20+ years despite inflation, COVID, and now – the threat of tariffs. Medicare PT reimbursement was cut almost 10% this year, resulting in a trend of PT providers dropping Medicare nationwide. Established private practices are either going out of business or out of network. New PT businesses are refusing to contract with carriers at the outset because the reimbursement won’t cover their cost. This is resulting in a loss of high quality in-network private practitioners nationwide. Therefore, consumers increasingly need to have access to out of network providers – especially in some specialty areas of PT practice where there are *no* in-network PTs.

Out of network private PT practices *can be* low-cost providers. Below is an example of the cost of a typical 1-hour PT visit using MHDA data on comparemaine.org consisting of Therapeutic Exercise -97110 (1 unit), Therapeutic Activities - 97530 or Neuromuscular re-education - 97112) (1 unit) and manual therapy - 97140 (2 units).

In-network Low cost provider	Out of network (OON) provider	In-network High cost provider	State Average	Amount saved by going to OON provider compared to the State Ave	25% Incentive payment
One visit = \$108	\$200-250	\$533	\$279	\$29 – 79/visit	\$7.25 – 19.75
10 visit course of treatment = \$1080	\$2000 - 2500	\$5330	\$2790	\$290-790	\$72.50 – 197.50

As you can see, the out-of-network provider is still the low-cost provider when compared to the state average.

The existing law requires the provider to take Medicare and Mainecare for the consumer to get the benefits of the law. We don't believe a consumer's right to access low cost out of network providers in a *small group health plan* should be contingent on whether the provider accepts Medicare and MaineCare. Providers have their own business reasons for deciding whether to participate in Medicare and Mainecare. Those reasons should have no bearing on what providers a consumer has a right to access under their small group health plan.

Please vote "Ought to Pass" on LD 1152.

If you need any additional information, please feel free to contact me.

Respectfully,

Gwen Simons, Esq., PT, OCS, FAAOMPT

Gwen Simons, Esq, PT, OCS, FAAOMPT
Lobbyist, Maine Chapter APTA
gwen@simonsassociateslaw.com 207.205.2045