



August 26, 2024

Nicolas Brock
Health Insurance Specialist
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-1805-P, Mail Stop C4-26-05
7500 Security Boulevard
Baltimore, MD 21244-1850

Re: CMS-1805-P, Medicare Program; End-Stage Renal Disease Prospective Payment System, Payment for Renal Dialysis Services Furnished to Individuals With Acute Kidney Injury, Conditions for Coverage for End-Stage Renal Disease Facilities, End-Stage Renal Disease Quality Incentive Program, and End-Stage Renal Disease Treatment Choices Model

Dear Mr. Brock,

The American Academy of PAs (AAPA), on behalf of the more than 178,000 PAs (physician assistants/physician associates) throughout the United States, is pleased to provide comments on the proposed revisions to the End-Stage Renal Disease (ESRD) Prospective Payment System for FY 2025 and related ESRD provisions. Specifically, the Academy urges the Centers for Medicare and Medicaid Services (CMS) to amend the proposed regulatory changes to include PAs within the minimum requirement for a dialysis facility's interdisciplinary team. Additionally, AAPA commends the continued inclusion of PAs in multiple other provisions. However, both instances of PA inclusion in the proposed rule refer to the profession erroneously as "*physician's assistants*". It is within this context that we draw your attention to our comments.

PAs Are Qualified to Lead Interdisciplinary Teams

A broad, generalist medical education prepares PAs to take medical histories, perform physical examinations, order and interpret laboratory tests, diagnose illness, develop and manage treatment plans for their patients, prescribe medications, and assist in surgery. The intensive PA program curriculum is modeled on the medical school curriculum. The typical PA program extends over 27 continuous months and begins with classroom

instruction in basic medical sciences. This is followed by rotations in medical and surgical disciplines including family medicine, internal medicine, general surgery, pediatrics, obstetrics and gynecology, emergency medicine, and psychiatry.¹ PA students complete at least 2,000 hours of supervised clinical practice in various settings and locations by graduation.²

PAs are the primary source of care for many patients. According to information provided in an October 2021 Medicare Payment Advisory Commission meeting, in 2018 APRNs and PAs accounted for a third of all primary care clinicians treating Medicare beneficiaries and up to half of primary care clinicians in rural areas.³ PAs have more than 400 million patient visits annually.⁴

Therefore, AAPA requests that CMS amend the language regarding facility interdisciplinary team requirements as follows:

§ 494.80 Condition: Patient assessment.

The facility's interdisciplinary team consists of, at a minimum, the patient or the patient's designee (if the patient chooses), a registered nurse, a physician **or physician assistant** treating the patient for kidney failure, a social worker, and a dietitian. The interdisciplinary team is responsible for providing each patient with an individualized and comprehensive assessment of his or her needs. The comprehensive assessment must be used to develop the patient's treatment plan and expectations for care.

PA Title

Regulations need to use the appropriate titles of healthcare professionals to ensure clarity and authority. There is no possessive apostrophe in the title of the PA profession as is erroneously listed in the proposed rule. The use of the apostrophe is inaccurate and gives the false impression that there is some kind of ownership/control over PAs by physicians. It cannot be stressed enough that PAs are not assistants to physicians or other providers. Thus, the

¹ Physician Assistant Education Association (PAEA). Program report 36: By the numbers, Data from the 2021 program survey. 2023. DOI: 10.17538/PR36.2021. https://paeaonline.org/wp-content/uploads/2024/02/PAEA-PR36-final-v5-3_updated-2-9-24.pdf

² American Academy of Physician Associates. What is a PA? January 2019. https://www.aapa.org/wpcontent/uploads/2019/02/What_is_a_PA_Fact_Sheet_-_FINAL_-_February_2019.pdf

³ Medicare Payment Advisory Commission. Congressional Request: Vulnerable Medicare Beneficiaries' Access to Care. October 7, 2021. <https://www.medpac.gov/wp-content/uploads/2021/11/cong-req-vulnerable-access-medpac-oct-2021.pdf>

⁴ American Academy of PAs. 2018 AAPA Salary Survey. Unpublished data.

Academy strongly urges CMS to make a technical correction to the following two provisions by deleting the *apostrophe s* on “physician’s” as suggested below:

[§ 494.70](#) Condition: Patients' rights.

(a)(10) Be informed by the physician, nurse practitioner, clinical nurse specialist, or physician's assistant treating the patient for kidney failure of his or her own medical status as documented in the patient's medical record, unless the medical record contains a documented contraindication;

And

[§ 494.90](#) Condition: Patient plan of care.

(b)(4) The dialysis facility must ensure that all dialysis patients are seen by a physician, nurse practitioner, clinical nurse specialist, or physician's assistant providing dialysis care at least monthly, as evidenced by a monthly progress note placed in the medical record, and periodically while the hemodialysis patient is receiving in-facility dialysis.

This technical correction is in line with virtually all current references to PAs in state and federal laws and regulations, including CMS.^{5,6}

Further, AAPA requests that all references to PAs in regulations and policies be listed as “Physician Assistants/Physician Associates”. This accurately reflects PAs who currently graduate with degrees as either “physician assistant” or “physician associate” and are state-licensed as a “physician assistant” or “physician associate,” but who all graduate from programs accredited by the same accrediting organization (Accreditation Review Commission on Education for the Physician Assistant), are certified by the same certifying organization (National Commission on Certification of Physician Assistants), and have the same scopes of practice. Although the profession has been known as “Physician Assistant,” the official title of the profession is now recognized as

⁵ 42 CFR 410.74 Physician Assistants' Services

⁶ Centers for Medicare and Medicaid Services. Physician Assistants (PAs). Accessed August 12, 2024. <https://www.cms.gov/medicare/payment/fee-schedules/physician-fee-schedule/advanced-practice-nonphysician-practitioners/physician-assistants-pas>

“Physician Associate.”⁷ This is reflected in the title of the AAPA, other professional organizations⁸, professional training programs⁹, and state and territory laws and licensure.¹⁰ Despite the recognized title of “Physician Associate,” it is anticipated to take one or two decades for the title change from “Physician Assistant” to occur in all states and jurisdictions in which PAs practice. Therefore, a dual reference to “Physician Assistant” and “Physician Associate” is recommended to avoid confusion.

In Conclusion

AAPA encourages CMS to make an immediate change to the technical correction and further consider adopting the rules with additional amendments as suggested. Thank you for the opportunity to provide feedback on CMS-1805-P. For any questions you may have please do not hesitate to contact Sondra DePalma, DHSc, PA-C, AAPA Vice President of Reimbursement & Professional Practice, at SDePalma@aapa.org.

Sincerely,



Lisa M. Gables, CPA
Chief Executive Officer
American Academy of Physician Associates

⁷ American Academy of PAs, Title Change, <https://www.aapa.org/title-change>. Retrieved Aug. 9, 2024.

⁸ Several Constituent Organizations, which are independent organizations affiliated with AAPA, have reflected the title Physician Associate in their professional organization’s legal name. For example, The Academy of Physician Associates in Cardiology <https://www.cardiologypa.org/>; The Association of Physician Associates in Obstetrics and Gynecology available <https://apaog.wildapricot.org/>; The Connecticut Academy of Physician Associates <https://connapa.org/about-connapa/>; and The Kansas Academy of Physician Associates <https://kansaspamypanetwork.com/>.

⁹ Yale School of Medicine, Physician Associate Program, <https://medicine.yale.edu/pa/>. Wichita State University, Physician Associate Program, https://www.wichita.edu/academics/health_professions/pa/.

¹⁰ American Academy of PAs, Oregon Governor Tina Kotek Signs Law Changing PA Title (April 5, 2024) <https://www.aapa.org/news-central/2024/04/oregon-governor-tina-kotek-signs-law-changing-pa-title/>. See also, Or. Rev. Stat. § 677. See also, Wis. Stat. § 448.974(1)(a)(2)-(6). See also, 185 N. MAR. I. ADMIN. CODE § 185-10-4101(p).