

**Physical Therapy Referral and Subsequent Monitoring
for Oral & Maxillofacial Surgical Patients
“Section 1861(p)(1)”**

The Issue: Section 1861(p)(1) of the Social Security Act prohibits dentists from referring their patients for outpatient physical therapy services by stating that such services are only allowed for an individual “who is under the care of a physician as defined in paragraph (1), (3), or (4) of section 1861(r).” Section 1861(r) (1), (3) and (4) defines physicians as doctors of medicine or osteopathy, podiatrists, and optometrists. Dentists are defined in this section under (r)(2). The Medicare Benefit Policy Manual supports the Social Security Act’s treatment of dentists with regard to ordering outpatient physical therapy services, stating that “chiropractors and doctors of dental surgery or dental medicine are not considered physicians for therapy services and may neither refer patients for rehabilitation therapy services nor establish therapy plans of care.”

The Impact: Oral and Maxillofacial Surgeons (OMSs) are doctors of dental medicine or dental surgery. They undergo rigorous hospital-based education and training that allow them to perform complex surgical procedures on the head and neck. OMSs treat patients with medical conditions that would benefit from physical therapy, including, but not limited to, facial trauma such as jaw fractures, temporomandibular joint disorder (TMJ), or reconstruction procedures subsequent to pathological and or congenital anomalies. Nationally, OMSs treat thousands of patients each year with these types of conditions. Current law requires that OMSs seek a referral from an allopathic or osteopathic physician and/or work with such a physician to establish a therapy plan when an OMS believes physical therapy should be part of a patient’s treatment. Such consultation not only is inefficient and cumbersome, but delays patient treatment and the continuum of care.

What We Hope to Accomplish: The American Association of Oral and Maxillofacial Surgeons (AAOMS) believes it is critical that OMSs be allowed to refer for outpatient physical therapy and to establish and monitor therapy plans of care for their patients. During the second session of the 110th Congress, AAOMS seeks House co-sponsors of H.R. 5590 that would amend section 1861(p)(1) of the Social Security Act to include dentists as defined under 1861(r)(2) and the introduction of companion legislation in the Senate.

H.R. 5590

Sponsor: [Rep Pascrell, Bill, Jr.](#) [NJ-8] (introduced 3/11/2008)

COSPONSORS (1)

[Rep Cantor, Eric](#) [VA-7] - 3/11/2008

Latest Major Action: 3/11/2008 Referred to House subcommittee.

Status: Referred to the Subcommittee on Health.