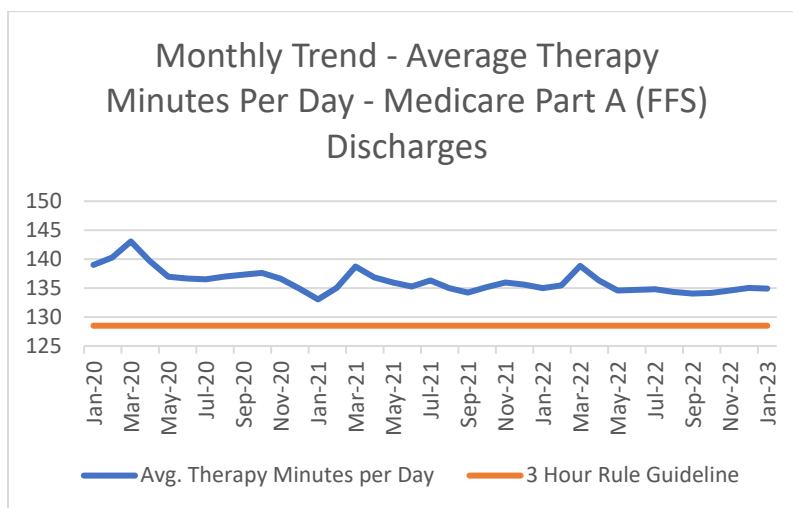


The COVID-19 3-Hour Rule Waiver: Implications for Future Policy

In support of today's discussion related to the 3-hour rule and whether any changes should be made to the policy when it goes back into effect after the public health emergency (PHE) ends, we would like to share the following information which we have obtained from the eRehabdata IRF database.

The graph below displays the monthly trend of the IRF average therapy minutes per day.



To satisfy the 3-hour rule, the therapy minutes per day should equal 128.5 minutes (3 hours as displayed by the red line in the graph above). As you can see, prior to and during the COVID-19 (PHE), average therapy minutes per day exceeded the 3-hour rule requirement and has little variation from month to month. Even with the COVID-19 PHE waiver in place allowing for less than 3 hours of therapy per day for 5 days a week or 15 hours a week, IRFs continued to meet and exceed this requirement.

We would also note that when waivers were in place during the COVID-19 PHE, IRFs did not experience a significant increase in patients, based upon the eRehabdata Medicare Part A discharges in the graph below. AMRPA would not expect discharges to increase as a result of a change to the 3 Hour Rule. We believe this may assuage concerns previously asserted by policymakers when the 3-hour rule became more limited with respect to the therapies that count toward the 3-hour threshold.

