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POSTED ON APRIL 26, 2013 BY [PAUL MIRENGOFF](#)

IN SUPPORT OF “KAITLYN’S LAW”

This week, Rep. Dr. Michael Burgess (R-Tex) introduced [H.R.1705](#), a bill to amend the U.S. Code to provide for certain forms of physical therapy under TRICARE, the military’s health care program. Our friend Rep. Tom Cotton is co-sponsoring the legislation.

H.R. 1705, also known as “Kaitlyn’s Law,” would make sure that Tricare covers doctor-prescribed therapeutic exercises or therapeutic activities. When the doctors and therapists treating a patient covered by TRICARE agree that a particular form of therapy is needed, and can justify their decision on medical grounds, the patient would receive reimbursement for that therapy.

That should be the law already. But sadly, the [story of Kaitlyn Samuels](#), the daughter of a longtime Navy Captain, demonstrates the need for a legislation fix.

Kaitlin suffers from several serious diseases that leave her incapable of speaking or walking by herself. She also suffers from severe scoliosis. Without effective therapy, this condition would get progressively worse, with the increasing curvature of the spine diminishing lung capacity, popping joints out of socket, and eventually crushing her to death.

Traditional therapy didn’t work for Kaitlyn, but her family found one therapy that did. Twice a week, for 30 minutes at a time, she would ride atop a horse, around and around in a circle, in an exercise that stretched her muscles, worked her back and legs, and kept her focused on sitting upright. The exercise is called “hippotherapy.”

TRICARE paid for this therapy at first, but then reversed course. Not only that, it demanded that her family pay back \$1,327.44 in fees it had reimbursed.

The Pentagon’s decision was based on the claim that “hippotherapy for treatment of the Beneficiary’s medical condition is an unproven treatment.” Yet, the treatment has proven effective for Kaitlyn where more traditional approaches have failed.

In essence, then, the government takes the position that it will pay for physical therapy that wasn't working for Kaitlyn, but won't pay for the type of physical therapy that does work for her. And it took that position even as it admitted that there is reliable evidence supporting the value of "horse therapy." In addition, Kaitlyn's doctors presented sworn testimony as to its effectiveness on her.

Kaitlyn's law would reverse this injustice, not just for her but for the many military families in need of need of hippotherapy, as well as other non-traditional modalities, such as a ball, balance board, barrel or bench. This tweak would not impose a new mandate on private insurance carriers. It would simply precludes military insurers from second-guessing the treatment choices made by doctors and therapists in the context of rehabilitative therapy.

Because military families deserve this much, I'll conclude by asking Power Line readers who agree with the letter below, submitted by Tom Cotton and Dr. Burgess, to consider contacting their Representatives and Senators in support of H.R. 1705.

Here is the text of the letter:

Dear Colleague:

We have introduced H.R. 1705 the "Rehabilitative Therapy Parity for Military Beneficiaries Act," a bill to help dependent family members of military service members receive access to physical therapies under the TRICARE program.

Certain physical therapy services have been denied to TRICARE beneficiaries because TRICARE has determined the services do not fall within "traditional" physical therapy services. Specifically, therapies performed on non-traditional modalities, such as a ball, balance board, horse, barrel or bench, are currently not included in the TRICARE Policy Manual as covered services.

Our bill corrects this, and ensures that beneficiaries receive rehabilitative therapies that are prescribed by a patient's physician and included in a patient's individualized plan of care authorized by his or her physical therapist, to include, "Therapies provided on a horse, balance, board, ball, bolster, and bench".

This legislation aligns with the TRICARE's overall policy on physical therapy. In the TRICARE Policy Manual, Section 18.2, Chapter 7, 2.1, physical therapy is described to include "The treatment by physical means, hydrotherapy, heat, or similar modalities, physical agents, bio-mechanical and neuro-physiological principles, and devices to relieve pain, restore maximum function, and prevent disabilities following disease, injury or loss of a body part."

This bill has received strong support from military, healthcare provider, and patient organizations. If you have any questions or would like to become a cosponsor of H.R. 1705, please contact Sarah Johnson at Sarah.Johnson@mail.house.gov in Rep. Burgess' office.