

STATE LEGISLATIVE ISSUES AND TRENDS THAT LEADERS NEED TO KNOW

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OVERVIEW

- Current Legislative and Regulatory Review
- Successes and Challenges
- Regulation of Speech-Language Pathology Assistants
- Scope of Practice Issues
- AMA Scope of Practice Partnership and Truth and Transparency bills
- Telepractice
- Internet Hearing Aid Sales
- On the Horizon
- ASHA's State Liaisons

REVIEW AND STATE LEGISLATION AND REGULATIONS

- 1377 legislative bills have been reviewed by the State Team as of April 30th
- 219 regulations
 - 21 bills have been signed into law
 - 42 regulations have been adopted

LEGISLATIVE/REGULATORY SUCCESSES

- Enacted Licensure for Speech-Language Pathologists (SLPs) and Speech-Language Pathology Assistants (SLPAs) in South Dakota
- Completed rule making for SLP licensure in Michigan
- Virginia State Medicaid office agreed to reimburse for school SLP services provided via telepractice
- Salary Supplement equity for teachers and other related services personnel in West Virginia and reaffirms supplement for SLPs in OK
- The success of legislative efforts to cover autism services and hearing aids has led to a rise in the number of bills proposed in 2012
 - Insurance coverage of autism services including SLP services in CO, NJ and PA and pending in AL, AK, CA, FL, GA, HI, IA, KS, LA, MD, MI, MS, NE, NM, NY, OK, OR, UT, VT, WA and WV
 - Insurance coverage of hearing aids proposed in CT, GA, KS, MA, MS, MO, NE, NJ, NY, RI, SC, VT, WV, and WI

CHALLENGES

- Reduction and/or Elimination of permissive services under Medicaid are being considered many states
- Reduction and/or restructuring of rates and service delivery methodology for Early Intervention Services introduced as regulations

LICENSURE

- Colorado bill to certify (License) SLPs in all settings except education settings has passed the House and is currently (as of this writing) in the Senate
- Successful sunset challenges in OK and for the Audiology Board in CO

MEDICAID

- Reduction and/or elimination of services are being considered in CO, ID, IN, MT, OK and WA
- NJ has added Audiology as a covered service for children under Medicaid
- UT Medicaid included the SLP provider services manual developed in conjunction with the Utah STAR and state association in part through an ASHA reimbursement grant, in its approved list of provider manuals

HEARING HEALTH ISSUES

- Many bills have been introduced this session to provide for the reimbursement of hearing aids including CT, CA, HI, IA, IL, KS, MA, MI, MS, MO, NE, NJ, NY, RI, SC, VT, WV and WI
- New York has a bill pending to allow Audiologists in Physician offices to dispense hearing aids for profit. A bill in Massachusetts would allow physicians to dispense for profit
- Hearing aid dispensers are facing two issues:
 - Elimination or restructuring of hearing aid dispenser regulatory boards – IN and NY
 - Bills which would allow applicants to receive a license without passing a practical exam (licensed hearing aid dispensers would attest to the fact that the applicant met the requirements) are active in AZ and IA

EARLY INTERVENTION

- Several states are facing a reduction in reimbursement rates or restructuring of early intervention programs including NY
- Changes to the early intervention model include:
 - Added responsibilities for service coordinators in multidisciplinary models
 - Elimination of single provider authorization

REGULATION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

- WI- DOE proposed 3 tier system including paraprofessional or aide (high school or AA), Speech Language Teacher (SLT) BA, and SLP
- MN – Legislation proposed that would require training requirements to conform to national guidelines
- SD – passed licensure which regulates SLPAs in any setting with AA or BA degree and practical requirements, follows ASHA guidelines for use and supervision and has a grandfather provision
- OK – licenses SLPAs with AA degree and practicum in all settings, follows ASHA guidelines for use and supervision
- MO – proposed to allow fewer restrictions for SLPA supervision

SCOPE OF PRACTICE ISSUES

- The American Music Therapy Association (AMTA) has proposed bills to license music therapists in a number of states: CO, GA, HI, SC, MN, NC, NE, OK, SC, TN, and WA
- The Georgia Association has worked successfully with the local AMTA affiliate to amend the scope of practice for music therapists (SB 414) which has passed and has been sent to the Governor for approval
- Applied Behavioral therapy for Autism: While reimbursement bills continue to dominate state legislative agendas in HI, NE, NM, WA and WV, states with autism mandates are struggling to determine how to use funds to cover services in addition to ABA services including therapy services such as Speech and OT. Autism coverage bills are pending in CA, DE, HI, IA, KS, MI and NE

AMA “ENCROACHMENT” ISSUES

- AMA is concerned that health care professionals are providing medical care that should be provided by licensed physicians
- MD’s should determine the functions and services that can be provided by non-physicians based on the training, expertise and competencies ; and by the physicians ability to “supervise” such activities
- Physicians need to monitor and oppose unlawful expansion of scope of practice of non-physician providers in order to protect the public

AMA SCOPE OF PRACTICE PARTNERSHIP (SOPP)

- The SOPP was formed to:
 - Dispute scope of practice expansion by non-physician providers
 - Protect the public from non-qualified practitioners
 - Create a "truth in advertising" campaign to ensure that the public has an adequate understanding of the differences in health care providers
 - Provide advocacy materials for state medical societies to use with state legislators, regulators and policy makers to thwart unauthorized expansion of scope of practice for non-physician providers

TRUTH AND TRANSPARENCY LEGISLATION

- Legislation has been proposed in a number of states to require practitioners to disclose their licensure status by wearing a badge (MD, VT, WA)
- Other bills require that definition of qualifications for health care professionals be validated ("The informed patient's right to informed health care choices act") before they can provide services to consumers (MO, MN, MS)
- Truth and Transparency provisions are one of the cornerstones of the AMA SOPP.
- CA and IA have bills pending that would counter the SOPP initiative by stating that licensing boards have the sole authority to license and regulate the practice of the professions

LICENSING BOARD RESTRUCTURING/ELIMINATION

- In order to reduce expenditures and part of the AMA's SOPP states are considering:
 - consolidating licensing boards under one large board (KS), such as the medical board or the Board of the Healing Arts
 - Eliminating the board altogether (MI). Proposing to rely on certification instead

TELEPRACTICE

- A variety of measures have been proposed with regard to telepractice
 - Some include coverage of telepractice services under Medicaid (CT, GA, HI)
 - Some require insurers to cover telepractice services provided by licensed health care practitioners (MA, MD, VT)
 - Some prohibit denial of services provided via telepractice (MI)
 - Others would establish telehealth services to be used to improve health care services (RI)
 - SC proposes that a licensed health care professional providing services via telehealth must be reimbursed the same as those providing in-person services

DIRECT TO CONSUMER AND INTERNET HEARING AID SALES

- Direct to Consumer Model
 - hiHealth Innovations is partnering with United Health Care (UHC) to offer online hearing screen (test) followed by a recommendation for a hi Health hearing aid available online
 - hiHealth and UHC promote the benefits of a direct to consumer model as a method to increase consumer access to hearing aids and a mechanism to reduce cost
 - ASHA supports online sales but not the direct to consumer model because it:
 - bypasses a hearing health professional
 - provides minimal support after purchase
 - has questionable reliability of self administered screening
 - may miss underlying medical condition
 - hiHealth has rolled out the program in Florida but plans to offer it to UHC's Medicare beneficiaries across the nation
 - FL has countered with a bill that provides additional safeguards for consumers who purchase hearing aids over the internet
 - ASHA continues to work with Audiology groups and others including consumer groups to oppose the direct to consumer model and to propose alternatives that would address access and costs

OTHER ISSUES

- Unlimited Co-Pay- charging higher co-pays for some services including SLP services (MD, NH, WV, HI, OK, AZ)
- Military issues
 - Training equivalency – OR- HB 4063 allows for military training to substitute for education and/or experience required for licensure
 - Salary supplement – for all active duty military
 - Licensure portability – extension and portability for active duty military personnel
- Accommodations for student with communication disorders on ACT, SAT and other qualifying exams. There is an ongoing Department of Justice investigation which began with a complaint by IL and extended to members in other states
- Investigation expanded beyond the college entrance exams to include such tests as the MCAT and LSAT

ON THE HORIZON

- Affordable Care Act implementation at the state level
 - Essential Health Benefits
 - State Health Insurance Exchanges- Several states such as VA and WA have current legislation to develop exchanges
 - Habilitative and Rehabilitative Service coverage
- Value-Added Assessment- Several states have legislation pending to establish a VAA system for teachers and principals (including VA)
- ASHA's Performance Assessment and Contributions of the Effectiveness of Speech-Language Pathologists (PACE) is an alternative to the VAA developed for members and state associations to use to help states and local districts evaluate the unique roles, responsibilities, and contributions of SLPs in education settings. Available at: <http://www.asha.org/Advocacy/state/Performance-Assessment-of-Contributions-and-Effectiveness>
- Reauthorization of ESEA and IDEA – How will it impact our members in states?
- Continuing Medicaid audits- 2 additional states in 2010 (NJ and AZ) and 1 so far in 2012 (CO)

MEDICAID

- Medicaid restructuring continues to be debated by Congress. Several plans are being considered that would have a significant impact on state revenues and reimbursement rates including:
 - A block grant to states program which would allow states to develop own program (e.g., managed care program)
 - Give states flexibility to use a benchmark benefits plan (develop a plan for optional populations)
 - Simplify federal Medicaid payment system. Uncomplicated federal-state match program

STATE OUTREACH INITIATIVE

ASHA's Board of Directors approved creation of the State Outreach Initiative whose purposes are:

- To improve communication between recognized state speech-language-hearing associations (SSLHA) and ASHA
- To increase collaboration between ASHA and the SSLHAs

UNDER THE PLAN....

- Each state was assigned a direct staff liaison from the State Advocacy Team
- Team members make periodic contact with state association leaders to learn about the important issues in the state in order to provide resources and support
- Team members serve as the primary point of contact for the leadership on state issues and will triage SSLHA to appropriate team members or staff in other units, as needed

STATE OUTREACH MAP

Direct Liaison Regional Model

- - northeast
- - southeast
- - central
- - west



STATE TEAM LIAISONS

Northeast Region - MA, NH, VT, NY, RI, CT, NJ, PA, DE, MD, OH, ME, DC
 Susan Adams sadams@asha.org 800-498-2071, ext. 5665

South Region - VA, WV, KY, NC, TN, SC, GA, FL, AL, MS, LA, AR
 Janice Brannon jbrannon@asha.org 800-498-2071, ext. 5666

Central Region - ND, SD, NE, KS, OK, TX, MO, IA, MN, WI, IL, IN, MI
 Janet Deppe jdeppe@asha.org 800-498-2071, ext. 5668

West Region - HI, AK, CA, OR, WA, NV, ID, UT, AZ, NM, CO, WY, MT
 Eileen Crowe ecrowe@asha.org 800-498-2071, ext. 5667

RESOURCES

- State Advocacy Information:
<http://www.asha.org/advocacy/>
- Advocating for increased benefits in your school district:
<http://www.asha.org/advocacy/state/advocacy-schools.htm>
- Local Advocacy:
<http://www.asha.org/advocacy/state/LocalAdvocacy.htm>
- Advocating for Health related issues:
<http://www.asha.org/public/outreach/>

QUESTIONS???

- Contact any of your team liaisons for assistance