

# STATE LEGISLATIVE AND REGULATORY UPDATE

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CSAP SPRING MEETING---MAY 14, 2016

JANET DEPPE, MS CCC-SLP, DIRECTOR STATE ADVOCACY

## DISCLOSURE

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- Janet Deppe, Director State Advocacy
- Financial: I am a paid employee of ASHA
- Non-Financial: I am an ASHA member, I support ASHA's Public Policy Agenda which includes the advocacy initiatives that the association supports; I am the ex-officio of ASHA's School Finance Committee which advocates for increased financial support and other non-financial initiatives for school-based members.

## OUTLINE

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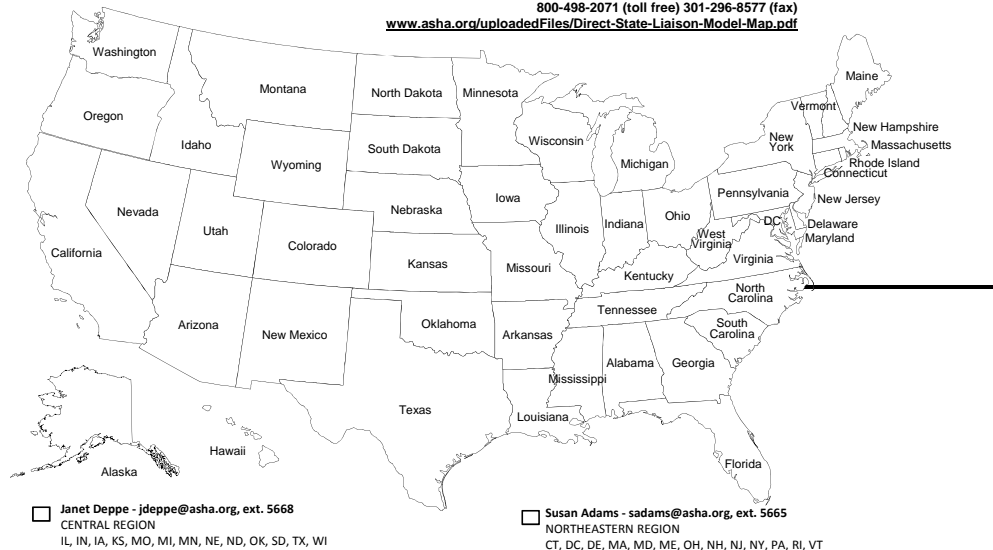
- State Outreach Initiative
- Health Care Issues
- Telehealth/Telepractice
- Education Issues
- Hearing Health Care Issues
- Scope of Practice Issues

### Direct State Liaison Model

ASHA State Advocacy Team  
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800-498-2071 (toll free) 301-296-8577 (fax)

[www.asha.org/uploadedFiles/Direct-State-Liaison-Model-Map.pdf](http://www.asha.org/uploadedFiles/Direct-State-Liaison-Model-Map.pdf)



## ASHA STATE OUTREACH MODEL

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● Northeast Region – MA, NH, VT, NY, RI, CT, NJ, PA, DE, MD, OH, ME, DC

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● South Region – VA, WV, KY, NC, TN, SC, GA, FL, AL, MS, LA, AR

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● Central Region – ND, SD, NE, KS, OK, TX, MO, IA, MN, WI, IL, IN, MI

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● West Region – HI, AK, CA, OR, WA, NV, ID, UT, AZ, NM, CO, WY, MT, Overseas

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## STATE HEALTH CARE ISSUES

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- Several states passed laws and regulations related to reimbursement and coverage of health care services:
  - DC: adopted a number of emergency rules related to habilitation services in home and community based settings
  - HI: adopted a definition of “Habilitation” services that including SLP services
  - IA: applies retroactive applicability for SLPs services to children under Medicaid managed care
  - ND: changed several requirements in Medicaid related to referrals for SLP services and clarify reimbursement requirements

## TELEHEALTH/TELEPRACTICE ISSUES

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- ASHA has been actively involved in promoting the appropriate regulation and reimbursement of telepractice.
  - Currently, 22 states regulate telepractice services and 17 states reimburse speech-language pathology services delivered via telepractice in some settings. Key provisions from 2016 include:
- FL: HB 7087 provides practice standards and registration requirements for providing telehealth services
- MS: prohibits insurers and HMOs from denying payment for treatment provided through telehealth if the services were covered when delivered in person; requires health plans to cover telehealth services
- MD and MO: requires Medicaid to include providers eligible to receive reimbursement as covered providers under Medicaid
- NM: SB 234 ensure that provider awaiting credentialing decisions for health plans receive prompt payments for clean claims

## EDUCATION ISSUES

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A number of education bills and regulations were adopted in 2016 including:

- AZ: SB 1208 applies reciprocity for teacher certification
- GA: HB614 authorized a pilot program to place video cameras in special education classrooms
- KY requires school districts to evaluate annually teachers and other related personnel who have not attained continuing services status and all other teachers every 3 years
- WA specifies minimum employment standards for para educators and implements the recommendations of the opportunity gap oversight committee to enhance cultural competence and of current and future educators
- MD: HB 67 makes changes to the Maryland Infants and Toddlers program to ensure that certain early intervention services are provided
- Workload and personnel shortages continue to be issues of concern to members. Few state including IN and ND have state task forces looking at ways to minimize shortages and improve workload.

## HEARING HEALTH CARE ISSUES

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- The International Hearing Society recently obtained endorsement from the Dept. of Labor for their apprenticeship program. The program trains HADs to provide services beyond their state scope of practice. ASHA is concerned that HADs will attempt to increase their scope at the state level to match the apprenticeship program. Although there have been no bills to expand the scope, ASHA and state associations need to be prepared for attempts to modify or change the scope of HADs that would infringe on the scope of practice for audiologists. Hearing Health bills and regulations adopted in 2016 include:
- AL: clarifies reciprocity requirements for HADs and adopts a standardized testing instrument requirement
- TN: removes the authority of the council to waive written exam requirements for Hearing Aid Dispensers (HADs)
- WV: requires HAD applicants to pass an approved exam
- VA adopts rules to expand the audiology practice to include limited cerumen management

## SCOPE OF PRACTICE AND LICENSURE ISSUES

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- OK passed music therapy licensure legislation in 2016
- AR, MO and MS and a number of states passed laws and regulations related to dyslexia; MO law establishes a task force (including an SLP) and requires screening for dyslexia at regular intervals; MS created a dyslexia therapy scholarship program for students with dyslexia
- VA HB 252 updated rules governing the practice of SLPAs including supervision and allowable duties
- TN; updated rules regarding the examination guidelines and supervision requirements
- SD passed legislation for ABA licensure (15 states now license ABA therapists);

## DYSLEXIA THERAPY

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- Some states have introduced legislation that require teachers and other professionals that work with students with reading disorders to obtain training and/or be certified in specific methodologies
- Other state bills require school districts to adopt specific definitions, and develop training programs for teachers working with students with dyslexia
- Other bills mandate screening for dyslexia at certain grade levels

## ABA THERAPY

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- **Organizations representing ABA therapists are supporting Licensure for ABA therapists and assistants**
  - Currently 15 states license ABA therapists
- **ASHA developed a whitepaper which we shared with the US Department of Education (ED) indicating that some students with ASD are being denied FAPE because ABA therapists are acting as gatekeepers in the IEP and IFSP process, restricting access to SLPs and other service providers**
- **ED and CMS have issued guidance indicating that ABA is but one method of treatment for Autism Spectrum Disorder (ASD).**

## MUSIC THERAPY

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- Music therapy bills register, certify or license Music Therapists (MTs).
- MTs use the same billing codes (CPTcodes) as SLPs resulting in denials for SLP services
- AMTA issues guidance to their membership about which codes to use for billing including those most frequently used by SLPs, PTs, OTs, and Psychologists

## INSURANCE COVERAGE FOR AUTISM

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- Legislative bills related to service provision and insurance coverage of autism continues to be of great interest to state legislators .
- ASHA carefully monitors proposed legislation to ensure that SLP is included as a covered service
- Currently 49 states have passed legislation mandating coverage of services for autism:
- Most recently, GA passed legislation providing insurance coverage for autism services

## LICENSURE BOARD OVERSIGHT

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States have been investigating ways to reduce or eliminate costs associated with licensure boards. One suggestion has been to create oversight boards that would examine efforts by professional boards to amend or expand scope of practice for their practitioners. ASHA opposes these efforts and with state association has advocated strongly against these proposals. Two new bills were introduced in 2016:

- AZ defeated a bill that would provide regulatory oversight for the health licensing boards
- GA adopted the GA professional regulation Reform Act to provide executive oversight of licensing boards

## RESOURCES

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- State Licensure Trends: [www.asha.org/advocacy/state/StateLicensureTrends/](http://www.asha.org/advocacy/state/StateLicensureTrends/)
- Hot Topics in State Advocacy: Coming soon!
- ASHA Advocacy Report: <http://www.asha.org/uploadedFiles/2014-2015-Agenda-in-Action.pdf>
- State Teacher Requirement Trends – SLP: <http://www.asha.org/uploadedFiles/SLP-State-Teacher-Requirements-Licensing-Trends.pdf>
- State Teacher requirement Trends –Audiology: <http://www.asha.org/uploadedFiles/Audiology-State-Teacher-Requirements-Licensing-Trends.pdf>



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