

CAPITOL WATCH

February 6, 2012

CAPITOL WATCH is the TSHA Legislative Team's vehicle for keeping members informed of activity at the state capitol and in other state regulatory meetings. If you have questions regarding this or other CAPITOL WATCH postings, please contact Larry Higdon, Dir. of Governmental Relations at lwhtsha@gmail.com.

- **CHANGES TO LICENSURE ACT RULES ACCEPTED BY LICENSURE BOARD 1-19-12 WITH MINOR EDITING:**
 - Re: Amendments to §§741.1, 741.13, 741.44, 741.61, 741.62, 741.64, 741.81, 741.121, 741.141, 741.162, 741.191 and 741.192, and New §§741.66, 741.86, 741.142, 741.163, 741.203, and 741.204
 - One public comment was received regarding the proposed Rules within the 30-day comment period.

- **LICENSURE LAW RULE CHANGES DIRECTED BY THE 82ND LEGISLATURE:**
 - Appointed members of the State Board of Examiners for Speech-Language Pathology and Audiology, and State Committee of Examiners for Fitters and Dispensers of Hearing Instruments met Dec. 8, 2012 to develop common language for hearing instrument contracts and the "30-day" trial period for purchasing a hearing instrument in Texas.
 - Joint committee agreed upon language adopted by the joint committee was approved by our Licensure Board. If the language is approved by the State Committee of Examiners for Fitters & Dispensers of Hearing Instruments, the proposed Rule change will be published in the Texas Register, and there will be a 30-day public comment period.

- **FINGERPRINTING (BACKGROUND CHECK) REQUIREMENT:**
 - The Licensure Board is continuing to work out details for licensees to be fingerprinted, and a background check conducted by the Department of Public Safety (DPS) in order to satisfy newly legislated requirements.
 - New licensees, and licensees renewing March 1, 2012 are required to submit fingerprint documentation. **MONITOR LICENSURE BOARD WEBSITE FOR INFORMATION REGARDING FINGERPRINTING AND BACKGROUND CHECK, AND METHOD OF PRESENTING DOCUMENTATION TO THE LICENSURE BOARD.**

- The Licensure Board plans to send a blast email to those licensees renewing in early 2012 when details for submitting their background check data is available from DPS.
- **HEALTH ALERT REQUEST:**
 - The Licensure Board will ask the Texas Department of State Health Services to issue a health alert warning the public of the inherent dangers of obtaining hearing instruments from “over-the-counter/internet” entities without consulting an allied health professional.
- **COMPLAINTS RESOLVED 1-19-2012:**
 - Five complaints were resolved resulting in \$1900 of administrative penalties.
 - Penalties assessed ranged from \$200 -- \$500 for each violation. Examples of violations: falsified patient visits, practicing without a license, allowing an intern to practice as a fully licensed professional, supervising with an expired license, and practicing as a licensee while an intern.
- **BUDGET:**
 - The Professional Licensing and Certification Division received a \$17M mandated cut for fiscal years 2012-13. Another 1% cut is anticipated.
 - Employees have been reduced from 98 to 67 to help meet budget.
 - The State Board of Examiners for Speech-Language Pathology and Audiology generated over \$1M in revenue and expenses totaled \$368,522 in 2011. The excess of revenue over expenses goes to the state general revenue fund.
- **LICENSEE NUMBERS:**

○ Fully licensed SLP's = 10,663	Audiologists = 1108
○ Lic. Assistant SLP's = 2,919	Aud Lic. Assist .= 2
○ SLP Interns = 678	Aud Interns = 48
○ Temporary Lic. SLP's = 2	
○ Total SLP's = 14,262	Total Audiologists 1158
○ TOTAL ALL LICENCEES: 15,420	
- **LICENSURE BOARD MEETINGS: (Tentative Schedule)**
 - April 25-27, 2012 San Antonio
 - October 24-26, 2012 Dallas
- **PROPOSED MEDICAID REIMBURSEMENT RATE REDUCTIONS: (Health & Human Services Commission [HHSC] Hearing 1-18-12)**

- **Jennifer Cole**, Chair TSHA Medicaid Task Force testified in opposition to any additional rate cuts. The purpose of this hearing was to have a public rate hearing to review the proposed Medicaid rates for independent practitioners, home health, and outpatient rehabilitation facilities (ORFs & CORFs) that go into effect 3-1-12.
- In brief, 33 people testified from roughly 9:00 am – 12:00pm. There were approximately 100 people in attendance.
- New rates were posted on 1-17-12 on the website. Due to the newly proposed rates, this rate hearing was much more subdued than the rate hearing in November 2011.
- SUMMARY of rates posted 1-17-12:
 - Independent practitioners
 - 0% cut to therapy AND evaluations!
 - 2.8% cut the evaluations done in the home
 - 7.8% cut on re-evaluations in clinic
 - 12.5% cut on re-evaluations done in the home
 - Home Health
 - 2.8% cut on evaluations
 - 0% cut on therapy
 - Amounts are per visit (not by units)
 - 12.5% cut on re-evaluations
 - ORF/CORF
 - 10% cuts on evaluations
 - 2.5% cut on therapy
 - 19% cut on re-evaluations
- This is incredible news, especially from where we started with proposed rate reductions! *All provider types* will see significant improvements.
- Summary of the testimony given:
 - In general, everyone who testified remained in opposition to any additional cuts on top of the 2% to home health, and 7% to independents and ORF/CORFs.
 - Managed care is a significant concern for areas of Texas that will have Medicaid HMOs start March 1st. The Rio Grande Valley therapists and clinics said they will be hit drastically by Managed Care. The testimony given by people from the Valley stated they do not have provider manuals from the Managed Care companies, they are still negotiating contracts, and many of the managed care contracts are being paid at 15-30% below Medicaid rates. Those providers asked for the postponement of the rate cuts and/or the postponement of Managed Care roll out. It should be noted that Dallas, Houston, San Antonio and other areas in Texas have had Managed Care in place for about 4 years now.
- TSHA's comments formulated by the Medicaid Task Force and Legislative Team was as follows:
 - *Thank you for your positive response to the November 21, 2011 rate hearing. TSHA is pleased and thankful for your reconsideration of the Medicaid rates on behalf of the consumers. We are appreciative that HHSC recognized the value of the services that*

speech-language pathologists and other therapists provide by reducing the amount of cuts.

- *TSHA continues to support all provider types: early childhood programs, schools, hospitals, rehabilitation facilities, home health, long-term care facilities, private practices and independent practitioners.*
- *TSHA also believes that all of the above provider types have a place in our profession of speech-language pathology, and should therefore, be supported.*
- *Therefore, TSHA respectfully requests that the proposed rates are upheld and no other decreases come to any service provider type during this biennium.*

- The Austin TSHA Legislative Team and Medicaid Task Force is continuing to work with representatives of the Texas Physical Therapy Association (TPTA) and Texas Occupational Therapy Association (TOTA) and other provider organizations to discuss strategies related to monitoring and combating the rate reductions. Discussion of how we can work together in a closer coalition for a stronger voice in the long term also ensued.
- The TSHA Legislative Team continues to work with ASHA representatives regarding our issues with Medicaid and other reimbursement issues.
- A final rate decision is anticipated to be released soon by HHSC. TSHA Medicaid Task Force is monitoring HHSC websites daily.

- **TEXAS REGISTER**

- The TSHA Legislative Team monitors the postings in the Texas Register weekly.

- **LEGISLATOR INFORMATION**

- Representative **Eddie Lucio III** requested a meeting with the TSHA Legislative Team to discuss our legislative agenda during the next legislative session. He is a long time “friend” and the PAC will support his re-election.
- The TSHA PAC gave checks to the two Senate candidates identified below at receptions in February. The TSHA Legislative Team met with Senator **Judith Zaffirini**, and Senator **Robert Nichols** regarding our legislative needs in 2013, and received positive promises of support for our legislative projects.

- **TEXAS SOCIETY OF ALLIED HEALTH PROFESSIONS (TSAHP):**

- VP **Bobbie Kay Turkett**, **Jan Lougeay**, and Austin Legislative Team members **Mark Hanna** and **Larry Higdon** attended the TSAHP Legislative Summit to discuss allied health policy and legislative initiatives.

- VP **Turkett** presented the TSHA legislative agenda, focusing on the need for “loan repayment” legislation to help alleviate our workforce shortage. Many of the professions present expressed interest in joining TSHA in supporting a bill provide loan repayment options. The organization principally represents universities with allied health programs.
- TSHA is an active member of the coalition.