

## CAPITOL WATCH

November 4, 2011

*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](mailto:lwhtsha@gmail.com).*

### MEDICAID RATE REDUCTIONS:

- HHSC reviews the Medicaid reimbursement rates for all acute care services every two years. These biennial reviews result in rates that are increased, decreased, or remain the same. The reviews are unrelated to any rate reduction imposed by the legislature, but are conducted to ensure that rates continue to be based on the established methodology. During August 2011 rates for therapy services provided by independent therapists were reviewed and rate reductions were proposed. Based on public comments, HHSC elected not to move forward with the rate adjustment until a complete review of all therapy services delivered by all therapy providers (independent therapists, home health agency therapists, comprehensive outpatient rehabilitation facilities/outpatient rehabilitation facilities, and nursing facilities) was completed. The review is complete and proposed rate changes for all therapy services will be proposed during a public rate hearing on November 21, 2011. A draft of the proposed rate changes are to be posted shortly after November 4<sup>th</sup>.
- **NOTE: 11-08-11 The proposed rates for therapy services are available on the Rate Analysis website at: <http://www.hhsc.state.tx.us/rad/rate-packets.shtml>.**
- **As described in the briefing packages posted on the HHSC Rate Analysis website at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml>, two public rate hearings are scheduled for Monday, November 21, 2011, the first at 9 a.m. for Home Health Agency and Nursing Facility Therapy Services and the second at 1:00 p.m. for Independent Practitioners and Comprehensive Outpatient Rehabilitation Facilities/Outpatient Rehabilitation Facilities (CORF/ORF) Therapy Services, in the Public Hearing Room at the Health and Human Services Commission Winters Building located at 701 W. 51st St., Austin, Texas, for the following Medicaid rates that are proposed to be effective January 1, 2012.**
- The methodology used by the HHSC staff compared Medicaid rates to Medicare rates as well as rates paid by other state Medicaid programs, and other payers. The proposed rates are based on Medicare rates and are supported by other states' Medicaid therapy rates. In general the review of rates has identified numerous procedure codes for which they (HHSC) believes the current Medicaid rate significantly exceeds the Medicare rate.
- HHSC staff indicated that they will monitor the Medicaid enrollment of therapy providers and utilization of therapy services throughout the state to ensure clients have sufficient access to these valuable services.

- TSHA and other stakeholder associations of providers of therapy to Medicaid eligible children were invited to send two speech-language pathologists to a meeting with HHSC staff on October 17<sup>th</sup>.
- TSHA formed a “Medicaid Task Force” charged with addressing the HHSC recommended rate reductions, and appointed Jennifer Cole, chair. The TF was formed to include representatives of all SLP venues who bill Medicaid. All TSHA members were notified via a blast email of the proposed rate reduction and asked to offer any solutions/suggestions by Oct. 26<sup>th</sup> due to the very short timelines established by HHSC for further comments. Thank you to those who responded.
- Available members of the TF met with HHSC staff on Oct. 17<sup>th</sup> to determine if there was any information TSHA could provide that would increase their understanding of our profession, and the services we provide to enhance our position and reduce reimbursement rate reductions. We specifically asked if we (TSHA) could get an extension of time to collect data to show our rates should not be reduced – answer was we (HHSC staff) are meeting on Nov. 4<sup>th</sup> to finalize rate reduction recommendations and any information TSHA wants to present must be submitted by noon November. 2<sup>nd</sup>. Rate negotiations were not on the table.
- TSHA is responding to the proposed rates posted by HHSC on November 8, 2011.

#### **STATE BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

- State Board of Examiners met in San Antonio Oct. 19 – 21, 2011.
- Re-appointed Board members: (6-year terms)
  - Sonja Salinas
  - Patty Brannon
  - Vickie Dionne (Re-appointed as Presiding Officer by Governor Perry)
- Assistant Presiding Officer elected: Sonja Salinas
- New Rules to implement the Licensure Act adopted by the Legislature, effective Sept. 1, 2011 will be posted in the Texas Register in November. When the Rules appear in the Texas Register TSHA via Capitol Watch will notify the membership. There will be a 30 day comment period. Most Rule changes to be proposed are clarifying language to implement the new Act.
- NOTE: AUDIOLOGISTS
  - Larry Higdon pointed out to the Lic. Bd. that [SB 613](#), passed during the last legislative session stipulates that after September 1, 2011 a doctoral degree in audiology is required in order to be licensed in Texas, and that the Act leaves no avenue for an audiologist with a master’s degree and licensed in another state to obtain a license as an audiologist in Texas – they could only be licensed as an assistant, thusly requiring supervision. An audiologist in Texas with a master’s degree, currently licensed in Texas, may continue to be licensed with a master’s degree, as long as he/she maintains the license. The Board and Board Attorney discussed the wording in the Act and determined that, in fact, there are no options to circumvent the wording by Rule.

- NOTE: ALL LICENSEES
  - If a complaint inquiry is not responded to within the 15 day requirement a separate complaint for not replying will be filed against the licensee. A recent charge for not responding within the 15 day period was \$2200.
- The Board discussed the proposed new ASHA Standards for speech-language pathology to take effect in 2014. Since the Standards are in the peer review process, the Board asked Patty Brannon to respond on behalf of the Board, expressing concern for the apparent liberalization of the Standards. It was noted that the State Board of Examiners does not have to follow the ASHA Standards and can retain or maintain different Standards for Texas.
- Audiologists and a public member of The State Board of Examiners will meet **December 8, 2011**, with the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments to develop common language and requirements for the 30-day trial period for consumers purchasing a hearing instrument. The two agencies are required to have joint rules for the sale of hearing instruments, record keeping, and contracts written in “plain language” designed to be easily understood by the average consumer.
- Renewals: A new computer system has been installed that should improve the speed when renewing a license.
- Licensees may go to the bottom of the DSHS Home Page and sign up to receive emails on DSHS and particularly State Board of Examiner informational topics. Should help serve as a helpful reminder of upcoming important dates and any Rule changes.
- DSHS faces a 17M decrease in funding for 2012 – equates to 25% budget cut. Currently DSHS has an 18% staff vacancy rate and those positions are not likely to be filled.
- State Board of Examiners Meeting Dates for 2012: (Tentative)
  - January 18 – 20, 2012, San Antonio
  - April 25 – 27, San Antonio
  - July 19-20, Dallas (Complaints Committee Only)
  - October 24 – 26, San Antonio
- Speech-Language Pathology Licensure Statistics:
  - Licensed                      10, 653
  - Licensed Assistants    2,823
  - Interns                         653
  - Temporary Lic.                4
- Audiology Licensure Statistics:
  - Licensed                      1,114
  - Lic. Assistants                2
  - Interns                         46
- Total Licensees: **15,325**

**PAC Board Activity:**

- The PAC participated in a fundraiser for **Senator Glenn Hegar**. Senator Hegar was chair of the Sunset Commission during the last Legislative Session, and was very helpful to TSHA in our licensure efforts. He has been a friend of TSHA for many years.