Government Affairs and Public Policy Cluster

Advocacy Update

April 6, 2020

Last Week in Review

Speaker Pelosi released a letter to the House Democratic Caucus noting that a CARES 2 package should “provide the desperately needed resources for our state and local governments, hospitals, community health centers, health systems and health workers, first responders and other providers on the frontlines of this crisis.”

GAPP staff participated in a call hosted by the Administrator of the Administration on Community Living at the U.S. Department of Health and Human Services. GAPP staff utilized the question and answer period to encourage ACL leadership to convey the importance of CMS allowing our members to bill Medicare for telehealth during a national emergency.

The Week Ahead

The House and Senate stand in recess. The Senate’s next vote is scheduled for April 20. Speaker Pelosi has indicated the House likely will not return prior to that date.

Schools Notes

GAPP will collaborate with the Schools Services team in development of a telepractice toolkit to ensure that Medicaid coverage requirements and considerations are communicated consistently across ASHA teams and Clusters.

Members continue to reach out to GAPP and additional ASHA teams regarding technical assistance requests related to telepractice broadly. GAPP staff are collaborating closely with Audiology and SLP Schools Services staff to address the unique interaction between HIPAA and FERPA for ensuring compliance with privacy and security requirements for school-based telepractice services that may be reimbursable by Medicaid.

GAPP staff attended a weekly Committee for Education Funding (CEF) meeting to discuss strategy on education funding priorities.

GAPP staff provided input to National Alliance of Specialized Instructional Support Personnel co-chairs’ letter to Congress regarding priorities for COVID-19 phase 4 legislation. Priorities included IDEA funding, support for mental and behavioral health services, resources for students during COVID-19 pandemic, and SISP recruitment and retention.
GAPP staff participated in webinars regarding the impacts of COVID-19 on education, including those hosted by the Heritage Foundation (on virtual education), AASA - the School Superintendents (regarding COVID-19 response legislation) and the Jewish Democratic Council (featuring American Federation of Teachers President Randi Weingarten on COVID-19 responses).

Health Care Notes

GAPP staff participated in a call with APTA and AOTA to discuss legislative and regulatory proposals to expand Medicare coverage of telehealth to include service provided by audiologists, SLPs, PTs, and OTs.

GAPP staff convened a call with APTA and AOTA to discuss development of a congressional letter to CMS encouraging the agency to use authority provided by section 3703 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) to enable audiologists and SLPs to be reimbursed for telehealth services provided to Medicare beneficiaries.

GAPP staff participated in a roundtable with the Better Medicare Alliance, along with AAA and the American Optometric Association, to discuss issues surrounding the inclusion of hearing, vision, and dental benefits in traditional Medicare.

The Friends of the Congressional Hearing Health Caucus held a call to discuss advocacy and collaboration on mutual areas of interest to members of Congress in future legislative responses to the COVID-19 pandemic.

Monday afternoon GAPP staff along with AOTA and APTA counterparts will meet virtually with CMS staff to press for expanded coverage of telehealth to include audiologists and speech-language pathologists. The meeting follows-up on a series of letters and direct interaction with the agency over the last several weeks via phone and email.

GAPP is finalizing a pair of letters to CMS, both in response to the recent Interim Final Rule (IFR) to press for telehealth coverage. The initial letter is meant to get on the record explicitly requesting expanded access to telehealth in response to the expanded authority CMS has received as a result of the CARES Act. The first letter is being sent as soon as possible in anticipation that CMS may be moving rapidly to draft another emergency rule in coming days. GAPP intends to send the second letter to CMS within about 10 days to provide a more comprehensive response to the IFR that will address a range of issues beyond just telehealth access.

Cochlear, the company, has been communicating with GAPP regarding support for Medicare telehealth coverage of audiology services. They have sent a couple of vignettes to help clearly demonstrate the type of services, within the range of what Medicare covers for audiologists in-person, that can be completed effectively via telehealth. Their description of the services can be helpful in supplementing ASHA’s
comments to CMS. ASHA will also share our draft comments with Cochlear so that their regulatory counsel can draft a similar letter to CMS in order to elevate our advocacy collectively.

A group of international SLPs, providing services to members of the military and their family members who have been deployed overseas, reached out to ASHA to request support in accessing coverage and reimbursement for telehealth services. While Tricare has expanded telehealth coverage across the United States, there seems to be a lagging gap in coverage for International Tricare plans. GAPP immediately contacted the contractor responsible for International Tricare to request immediate coverage and offer assistance with their implementation efforts. GAPP will also reach out to the Defense Health Agency to ensure broad coverage across all existing health plans for overseas deployed military personnel and their families.

**Professional Practice/Workforce Notes**

GAPP staff participated in the Public Service Loan Forgiveness (PLSF) coalition call during which there was discussion on the implementation of PSLF/financial aid provisions of the CARES Act, as well as next steps for address gaps in the CARES Act. Staff will monitor and participate in PSLF calls with Congressional staff as appropriate.

Four occupational licensure reform bills of concern are being closely watched by ASHA and its partners in the Professional Certification Coalition (PCC).

- AK HB 299 creates an apprenticeship programs which, if enacted, could circumvent licensure requirements.

- AK HB 169 is a Right to Earn a Living Act which allows a non-licensed individual to challenge the state licensure requirements in court with the burden of proof falling to the government agency.

- CT HB 5389 prohibits state licensure boards from discriminating for any criminal conviction

- MS Regulation Reduction act would require 30% of all licenses to be repealed and any new licensure request or reinstatement would require the state to repeal two existing regulations.

The interstate compact bill in Oklahoma remains active. GAPP staff provided information on the critical importance of passing licensure compact legislation particularly during a time of crisis including the COVID-19 pandemic.

ASHA’s state team continues to update a state-by state resource on telepractice requirements and exemptions located on the ASHA COVID-19 web page.
GAPP staff are responding to a variety of member questions regarding the state requirements for telepractice including confusion about requirements in states where there are no laws, rules or policies governing telepractice. Member questions also include the following topics:
- Telepractice requirements and limitations for school practitioners
- SLPA telepractice guidance
- Service provision across state lines
- In-depth practice and appropriate platform inquiries

Patient, Client, and Student Notes

The Patient Choice Alliance will hold a virtual meeting with AG Bell leadership on April 23rd to discuss AG Bell’s position on LEAD-K.

Political Notes

ASHA staff participated in a conference call with Rep. Donna Shalala (D-FL) hosted by her campaign. Rep. Shalala discussed health care priorities and how COVID-19 was impacting the Miami, FL area.

ASHA staff participated in a videoconference with Rep. Jimmy Gomez (D-CA) hosted by his campaign. Rep. Gomez, a member of the House Ways and Means Committee, provided an update on COVID-19 and discussed his thoughts on upcoming legislation and timing of Congress coming back to Washington, DC.

ASHA staff attended a virtual PAC Political Briefing with NRCC Political Director, Justin Richards and Energy & Commerce Committee Staff.

ASHA staff attended the first in a virtual series “Catch up with Charlie Cook” occurring every Friday during the coronavirus crisis. Charlie Cook provided a recap of the week, shared his latest outlook on the political landscape, and answered questions submitted by attendees.

Member Advocacy

No updates this week