

ASHA / 2017 NESSLP Conference

AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION

Stretch Your Knowledge of Telepractice

October 20, 2017

Susan Adams, Esq.
Director, State Legislative & Regulatory Advocacy

ASHA / Disclosure

Susan Adams, Esq.
Director, State Legislative & Regulatory Advocacy

- Financial: I am a paid employee of ASHA.
- Non-Financial: none

ASHA / Learning Outcomes

1. Demonstrate an understanding of Medicaid reimbursement currently with telepractice in at least two states.
2. Identify two licensure requirements and two barriers to practice.
3. List two resources available to assist with telepractice implementation, licensure and regulation.

ASHA / Overview

- Definition
- Terms
- Benefits
- Practice Considerations
- FERPA/HIPAA
- Barriers
- Licensure/Regulations
- Reimbursement
- Resources

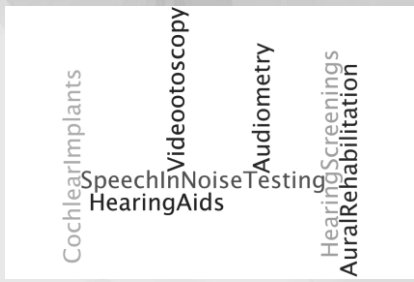
ASHA / Definition

“Telepractice is the application of telecommunications technology to the delivery of speech-language pathology and audiology professional services at a distance by linking clinicians to client/patient or clinician to clinician for assessment, intervention, and/or consultation.”

ASHA /

Telespeech
Telerehabilitation
Teletherapy
Telehealth
Teleaudiology
Telepractice
Telemedicine

ASHA / Audiology



A word cloud containing the following terms: Cochlear Implants, Videootoscopy, Audiometry, Hearing Aids, Speech In Noise Testing, Hearing Screenings, and Aural Rehabilitation.

ASHA / Speech-Language Pathology



A word cloud containing the following terms: Articulation, Autism, Dysphagia, Fluency, Dysarthria, Language, Voice, and Cognitive.

ASHA / Benefits in Schools

Schools


- Provides access to services in rural areas
- Decreases the requirement for audiologist or SLP to cover large territories
- Saves the school system on travel costs and loss of time
- Allows more flexibility in schedule
- Assists with collaboration among staff

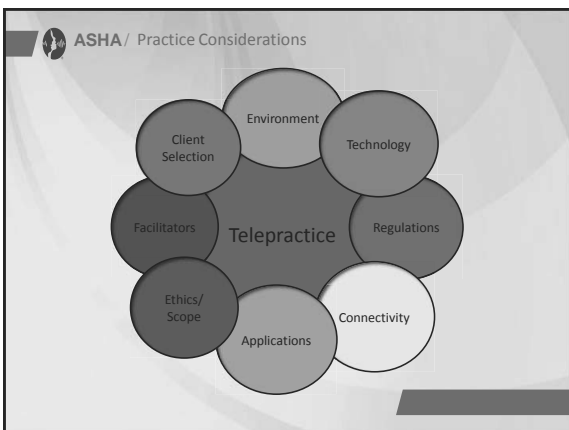
ASHA / Benefits in Healthcare


Healthcare

- Provides access to services in rural areas
- Decreases the requirement for patients with decreased mobility to travel to a provider
- Saves the patient money on travel and loss of work
- Saves provider money if transportation costs are covered in policy

ASHA / Practice Considerations








 ASHA / Practice Considerations

Client/Student Selection


- Physical and sensory
- Cognitive, behavioral and motivational
- Communication
- Support Resources




 ASHA / Practice Considerations



Facilitators


- Verify institution or state regulations
- Role of a facilitator



 ASHA / Practice Considerations


Environmental Considerations and Practice Areas




 ASHA / Practice Considerations

Code of Ethics /Scope of Practice

Regulations - State and federal



 ASHA / Practice Considerations

Live Interactive

- Participants interact in real time
- Synchronous

Store and Forward

- Electronic storage and privacy
- Asynchronous


Collect ➡ Store ➡ Transmit ➡ Interpret

 ASHA / Practice Considerations

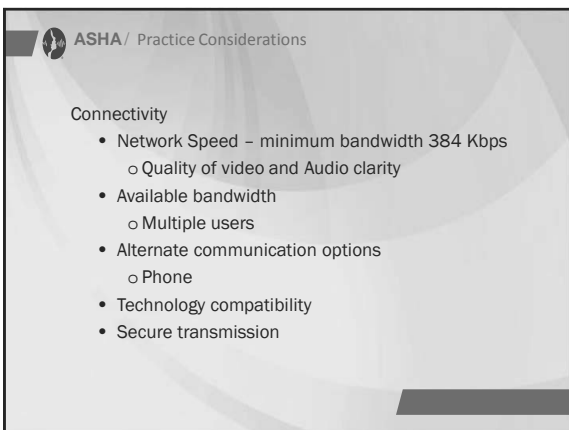
Applications

Videoconferencing Platforms/Hardware/Software


- Business Class
- Software-Based
- Public Domain










 ASHA / FERPA and HIPAA

Family Educational Rights and Privacy Act

- Federal law that protects the privacy of students' "education records"

Health Insurance Portability and Accountability Act


- Federal law that protects the privacy and security of health information
- Established national standards and requirements for electronic health care transactions
- Sets limits and conditions on the uses and disclosures without patient authorization
- Gives patient rights to examine and obtain a copy of their health records and request corrections

 ASHA / FERPA and Telepractice

How does FERPA Regulations impact telepractice?

- Requires student or parent consent prior to the disclosure of education records including billing Medicaid

It is recommended that you involve the student and parent in deciding if they are comfortable with telepractice


 ASHA / HIPAA and Telepractice

How does HIPAA Regulations impact telepractice?


- Requires that health records be kept secure
- Requires telepractice sessions be protected from unauthorized access
- Transmission security – data must be encrypted

Managing Risk

- Obtain documentation of informed consent from client/patient/student/parent.


 ASHA / FERPA and HIPAA

- The HIPAA Privacy Rule specifically excludes from its coverage those records that are protected by FERPA
- Most cases HIPAA does not apply to an elementary or secondary school

 ASHA / FERPA, HIPAA and Medicaid

Electronically transmitting health care claims to a health plan for payment such as billing Medicaid in the education setting

- The school is a HIPAA covered entity and must comply with the HIPAA transactions and code sets and identifier rules with respect to such transactions

 ASHA / FERPA, HIPAA and Telepractice

Scenario 1:

A child with an IEP is provided telepractice services by a SLP who is an employee of the public schools and is on school property. All records remain at the school. Do you follow FERPA or HIPAA?

ASHA / FERPA, HIPAA and Telepractice

Scenario 2:

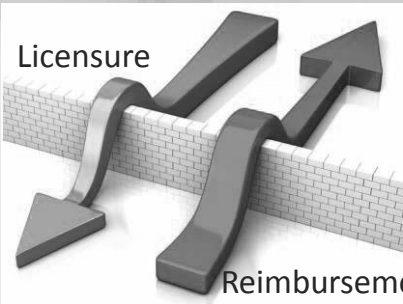
A child with an IEP is provided telepractice services by a SLP who is an employee of a private practice and is contracted to the public schools. The SLP bills for her services to the school district. Do the records fall under FERPA or HIPAA?

ASHA / FERPA, HIPAA and Telepractice

Scenario 3:

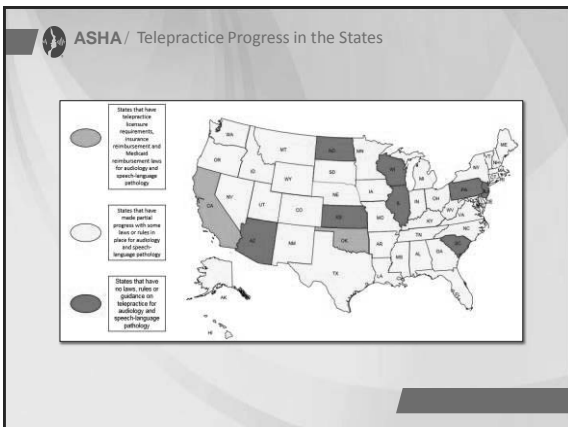
A SLP provides services via telepractice and bills Medicaid. Does this fall under HIPAA or FERPA?

ASHA / Barriers

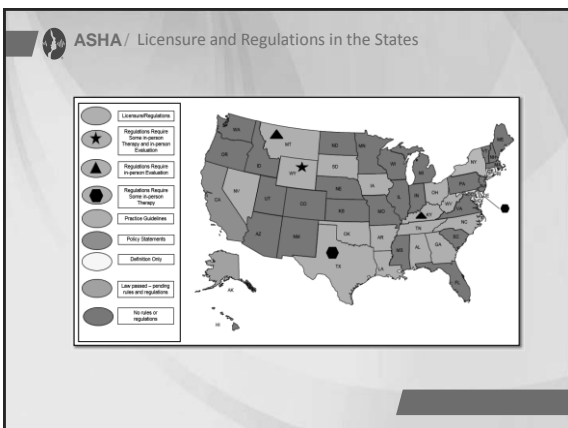



Licensure

Reimbursement








 ASHA / Licensure and Regulations in the States


Kentucky

- A practitioner-patient relationship shall not commence via telehealth. An initial, in-person meeting for the practitioner and patient who prospectively utilize telehealth shall occur.

 ASHA / Licensure and Regulations in the States


Arkansas

- Definition Only
- Telepractice: means telespeech, teleaudiology, teleSLP, telehealth, or telerehabilitation when used separately or together; and "Telepractice service" means the application of telecommunication technology equivalent in quality to services delivered face-to-face to deliver speech-language pathology or audiology services, or both, at a distance for assessment, intervention or consultation, or both.

 ASHA / Licensure and Regulations in the States

Iowa

- Licensure Required
- The provision of speech pathology or audiology services in Iowa through telephonic, electronic, or other means, regardless of the location of the speech/language pathologist or audiologist, shall constitute the practice of speech pathology or audiology and shall require Iowa licensure.

 ASHA / Licensure and Regulations in the States


Oops!- How did I miss that?

- Hidden Regulations
 - Ethics
- Other Regulations to Consider
 - Limited Permit
 - Unlawful to call yourself an audiologist or SLP

 ASHA / Licensure and Regulations in the States

Wisconsin


- No telepractice guidance
- Requires practitioner to interpret the law
- HAS 6.08 Limited Permit
 - A nonresident applicant
 - Valid for 45 days in a calendar year

 ASHA / Licensure and Regulations in the States


Kansas

- Unlawful to engage in the practice unless you hold a license or are not specifically exempted
- Cannot hold yourself out as an audiologist or speech-language pathologist unless licensed
- No guidance on telepractice


- Misdemeanor if you violate any of this act.

 ASHA / Licensure for Federal Employees

Licensure exception for U.S. Military/Veterans Administration/Public Health Service Officers practicing in Federal settings

 ASHA / Licensure – Alternate Models

Interstate Compact	Licensure Endorsement	Mutual Recognition
Reciprocity	Limited License	Registration

 ASHA / Licensure – Alternate Models

Mutual Recognition

- States recognize a license in another mutual recognized state and the individual can qualify for an equivalent type license

Reciprocity

- The state may grant a license when an individual has a license in another state. The individual must still satisfy all licensing requirements mandated by state law but the pathway to licensure is easier.

ASHA / Licensure – Alternate Models

Limited License

- Allows an individual to practice under limited provisions, for example – Allowing an individual with a license from another state to obtain a limited license to practice via telepractice only.

Registration

- Requires an individual with a state license in another state to register in the state the patient is located. Allows state boards to monitor and keep track of individuals without the individual incurring as much cost as a regular license

ASHA / Licensure – Alternate Models

Licensure Endorsement

- A streamlined application process
- Available to individuals who are licensed in another state that has comparable requirements in the state they are applying


Interstate Compact


- One license in the state the individual resides
- No additional licenses to practice across state lines
- State boards work together

ASHA / Licensure – Alternate Models

Louisiana Act 442


- Licensure
- Registration



 ASHA / Licensure Scenarios

Scenario 1:

The school district hires a contract SLP or company to provide speech therapy services via telepractice. The SLP is not in the state that the school currently resides in. Where does the SLP have to have a license?

 ASHA / Licensure Scenarios

Scenario 2:

You are practitioner who provides services to a patient via telepractice who lives 9 months of the year in one state and 3 months of the year in another state. Do you have to have a license in both states?

 ASHA / Telesupervision



 ASHA / Telesupervision

- Can you do it?
 - CF
 - SLPA/AA
 - Student Interns
- Direct Vs. Indirect
- Terminology



 ASHA / Telesupervision

Terminology

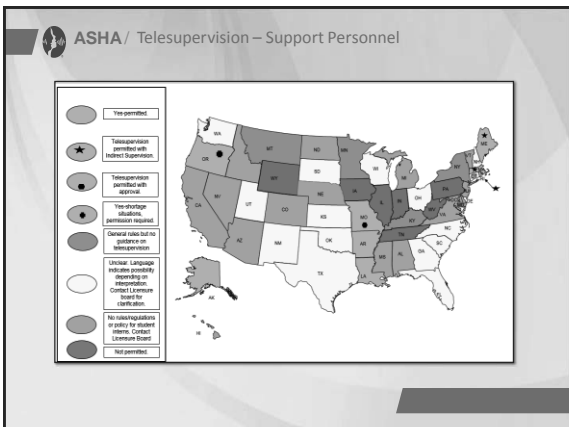
- Real-time electronic
- Telephonic or electronic
- Interactive Television
- By communications device
- In-person
- On the premises

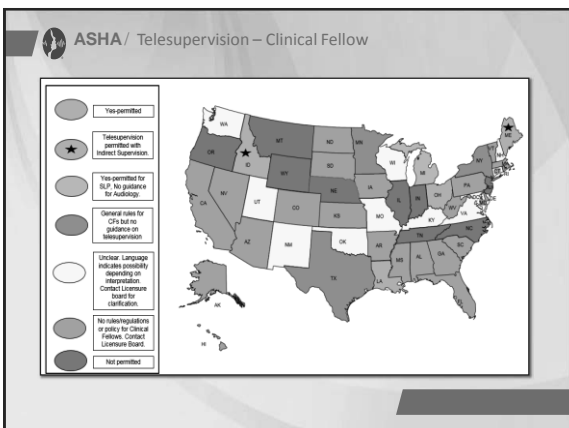


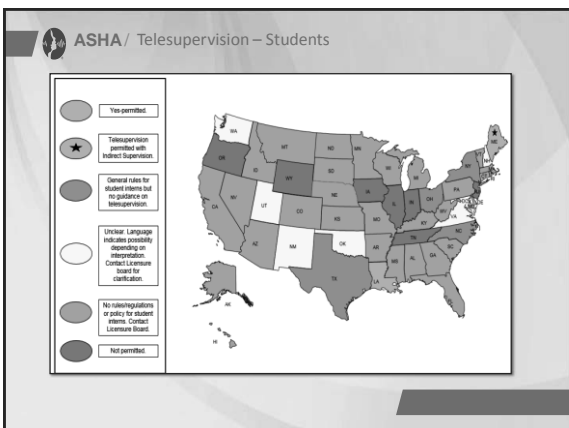
 ASHA / Telesupervision Terminology


- Direct Vs. Indirect
- Real-time electronic
- Telephonic or electronic
- Interactive Television
- By communications device
- In-person
- On the premises












 ASHA / Telesupervision

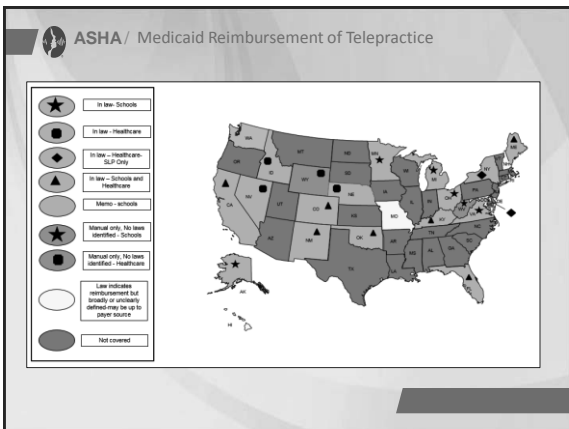
- Arkansas - SLPA
 - DIRECT SUPERVISION - Direct supervision means on-site, in-view observation and guidance by a speech-language pathologist while an assigned clinical activity is performed by a speech language pathology assistant or speech-language pathology aide.
 - INDIRECT SUPERVISION - Indirect supervision means those activities other than direct observation and guidance conducted by a speech-language pathologist that may include demonstration, record review, review and evaluation of audio or videotaped sessions, and/or **interactive television**.

 ASHA / Telesupervision

- Delaware - Audiology Aide
 - An Audiology Aide assists a licensed audiologist in professional activities with direct supervision by the audiologist. Direct supervision requires the presence of the supervising audiologist **on the premises** when the aide is performing professional activities.

 ASHA / Reimbursement





ASHA / Medicaid

Minnesota

- Reimburses for Medicaid eligible children if all IEP service requirements are met

New Mexico

- Reimburses for school-based and healthcare based SLP services

Ohio and Virginia

- Cover Medicaid eligible children in the schools

ASHA / Medicaid

California

- Reimburses all licensed providers

Colorado and Maine

- Reimburses under broad provisions

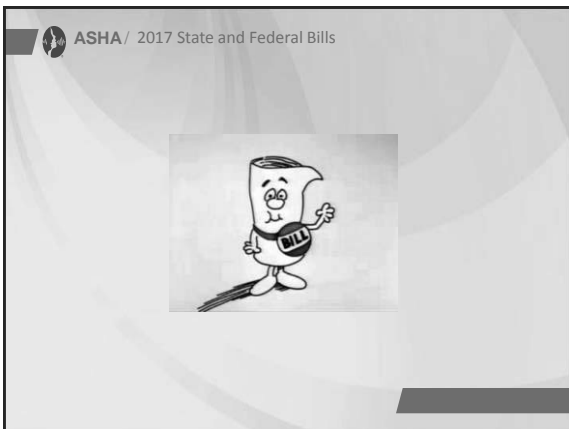
ASHA / Medicaid

Kentucky

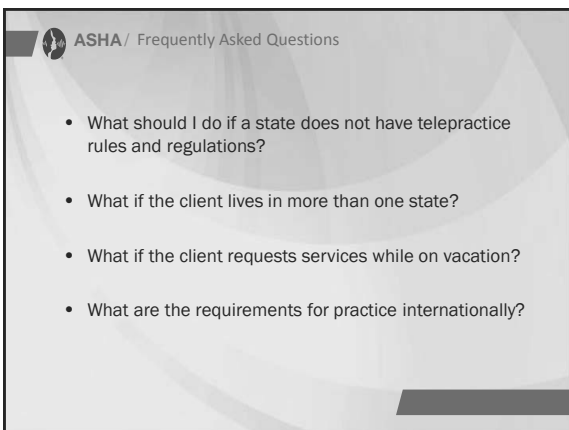
- Covers telepractice services provided by SLPs employed by a physician, hospital, outpatient department, home health agency and nursing facility.
- Providers must be an approved member of the Kentucky Telehealth Network and comply with standards and protocols established by the Kentucky Telehealth Board.
- There are no stipulations on the site location per the Telehealth Network and Board
- There is potential for hospital based SLPs who receive a contract with the schools to provide services for Medicaid eligible children and bill Medicaid.


ASHA / Medicare Reimbursement of Telepractice

ASHA / Private Insurance Reimbursement of Telepractice








 ASHA / Frequently Asked Questions


- What type of license do I need if I am working for a telepractice company providing services in the public schools?
- What code do I use to bill Medicaid for telepractice?
- What are the Medicaid telepractice guidelines for providers and facilities?
- How does Medicaid define and interpret telepractice?

 ASHA / Frequently Asked Questions

- Do occupational audiologists need a license in each state they have contracts?
- What if my client is going to college and I am providing services while they are at school or providing transition to a new therapist? They are not a resident of the state that the college is located.
- What if my client is moving and I want to provide transition services until they get established with another provider?

 ASHA / Telepractice Resources




 ASHA / Telepractice Resources


Telepractice Portal

- Asha's code of Ethics
- Scope of Practice
- State Telepractice Requirements
- International Considerations
- FAQs on Reimbursement and Licensure
- Barriers
- Trends
- Client/Patient Selection
- Practice Areas
- Videoconferencing Equipment
- Connectivity Suggestions

<http://www.asha.org/Practice-Portal/Professional-Issues/Telepractice/>

 ASHA / Telepractice Resources

- Sig 18 <http://www.asha.org/SIG/18/default/>
- ASHA Community <http://community.asha.org/Home/>
- International Audiology and Speech-Language Pathology Associations
http://www.asha.org/members/international/intl_assoc/

 ASHA / Telepractice Resources

- ATA – American Telemedicine Association
<http://www.americantelemed.org/>
- Regional Telehealth Resource Center
www.Telehealthresourcecenters.org
- Center for Connected Health Policy- Federally Designated National Telehealth Policy Resource Center
www.cchpca.org
- The National Telehealth Technology Assessment Resource Center
www.TelehealthTechnology.org

ASHA / Telepractice Resources

Questions About...

- SLP Practice Issues: Janet Brown, jbrown@asha.org 301-296-5679
- Telepractice/Medicaid Reimbursement: Laurie Alban-Havens, lalbanhavens@asha.org 301-296-5677
- Federal Bills on Telepractice: Sam Hewitt, shewitt@asha.org 202-624-5961

ASHA / Advocacy

- How can you help?
 - Advocate for reimbursement
 - Advocate for licensure/regulations
 - Conduct outreach to the community and potential patients

ASHA / Advocacy Resources




A map of the United States with all 50 states labeled with their names. The map is centered on the continental United States, with Alaska and Hawaii shown separately at the bottom left.

 ASHA / Advocacy Resources

State Liaisons

<p>Northeastern Region Susan Adams, Director, State Legislative & Regulatory Advocacy sadams@asha.org 301-296-5665</p> 	<p>Central Region Janet Deppe, Director, State Advocacy jdeppe@asha.org 301-296-5668</p> 
<p>Southern Region Cheris Frailey, Director, State Education and Legislative Advocacy cfraily@asha.org 301-296-5666</p> 	<p>Western Region Eileen Crowe, Director, State Association Relations ecrowe@asha.org 301-296-5667</p> 

 ASHA / Advocacy Resources

State-by-State pages - licensure requirements and contacts

- <http://www.asha.org/advocacy/state/>

States - Telepractice regulations

- <http://www.asha.org/Advocacy/state/State-Telepractice-Requirements/>
- State Association Grants
(<http://www.asha.org/Advocacy/stateleaders/StateAssocGrants/>)
- Hot Topics - Telepractice
(<http://www.asha.org/Advocacy/Telepractice/>)

 ASHA / Advocacy Resources



STARs - State Advocates for Reimbursement

ASHA Staff Liaison:
Laurie Alban-Havens, Director, Private Health Plans &
Medicaid Advocacy
lalbanhavens@asha.org



http://www.asha.org/practice/reimbursement/private-plans/reimbursement_network/

 ASHA / Advocacy Resources

 State Advocacy Networks
StAMPs

StAMP – State Advocates for Medicare Policy

ASHA Staff Liaison:
Sarah Warren, Director, Health Care Regulatory Advocacy
swarren@asha.org



<http://www.asha.org/Practice/reimbursement/medicare/StAMP/>

 ASHA / Advocacy Resources

 State Advocacy Networks
SEALs

SEALs-State Education Advocacy Leaders

ASHA Staff Liaison:
Eileen Crowe, Director, State Association Relations
ecrowe@asha.org



<http://www.asha.org/advocacy/state/seals.htm>

 ASHA / What Does the Future Hold?



 ASHA / Speech-Language-Hearing Licensure Compact

An Interstate Licensure Compact is an agreement between states that would offer a pathway for licensure to qualified audiologists and speech-language pathologists who wish to practice in multiple states.

An Interstate Licensure Compact would increase access to services for clients in underserved or rural areas and allow practitioners to more easily connect with experts and clients through the use of technology in other states.

 ASHA / Speech-Language-Hearing Licensure Compact

An Interstate Licensure Compact would ease the burden on:

- Members with multiple state licenses
- Members who move from state-to-state
- Military members/spouses
- Traveling therapists
- Telepractitioners

 ASHA / Speech-Language-Hearing Licensure Compact

An Interstate Licensure Compact would reduce:

- Practitioner shortages
- Costs of licensure in multiple states
- Administrative burdens on practitioners

An Interstate Licensure Compact would improve:


- Access to services
- Public protection
- What it is and how it will help Auds/SLPs

 ASHA / Speech-Language-Hearing Licensure Compact

Speech-Language-Hearing Interstate Compact
<http://www.asha.org/Advocacy/state/Audiology-and-Speech-Language-Pathology-Interstate-Compact.htm>
interstatecompact@asha.org

 ASHA / Questions



 ASHA / Contact

Susan Adams, Esq.
Director, State Legislative & Regulatory Advocacy
American Speech-Language-Hearing Association
Phone: 301-296-5665
Email: sadams@asha.org
