

STRETCH YOUR KNOWLEDGE OF TELEPRACTICE

Service Delivery, Regulation, Reimbursement

Disclosure

Name: Janet Deppe

Title: 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.

Overview

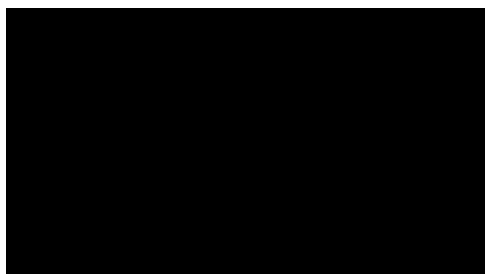
- Definition
- Terms
- Benefits
- Practice Considerations
- FERPA/HIPAA
- Barriers
- Licensure/Regulations
- Reimbursement
- Resources

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.”

<http://www.asha.org/PRPPrintTemplates.aspx?folderid+859934956>

Telepractice



Terms

Telespeech
Telerehabilitation
Teletherapy
Telehealth
Teleaudiology
Telepractice
Telemedicine

Use of Telepractice

Audiology

A word cloud for Audiology telepractice. The words are arranged in a roughly rectangular shape. The largest word is 'Audiology' at the top center. Other words include 'Cochlear Implants' (vertical on the left), 'Videootoscopy' (vertical in the center), 'Audiometry' (vertical on the right), 'Speech In Noise Testing' (horizontal in the middle), 'Hearing Aids' (horizontal below the middle), 'Hearing Screenings' (vertical on the right), and 'Aural Rehabilitation' (vertical on the right).

Use of Telepractice

Speech-Language Pathology

A word cloud for Speech-Language Pathology telepractice. The words are arranged in a roughly rectangular shape. The largest word is 'Speech-Language Pathology' at the top. Other words include 'Articulation' (top left), 'Autism' (top right), 'Dysphagia' (middle), 'Fluency' (middle left), 'Dysarthria' (middle), 'Language' (bottom left), 'Voice' (bottom center), and 'Cognitive' (bottom right).

Benefits

- 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

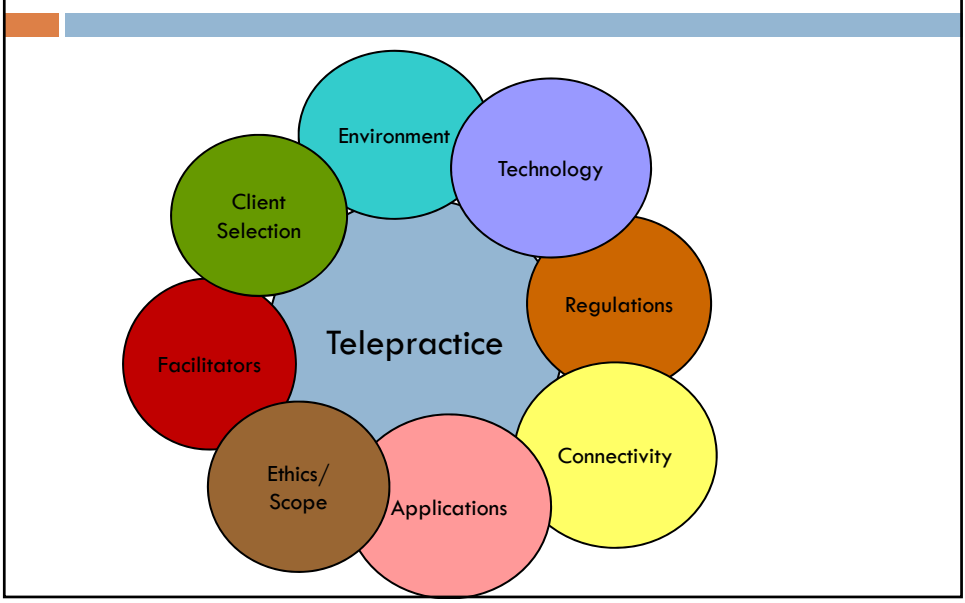
Benefits

- 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

Practice Considerations



Practice Considerations



FERPA and HIPAA



U.S. Department of Education



U.S. Department of Health
and Human Services

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

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

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.

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

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

FERPA, HIPAA and Telepractice

Scenario 1:

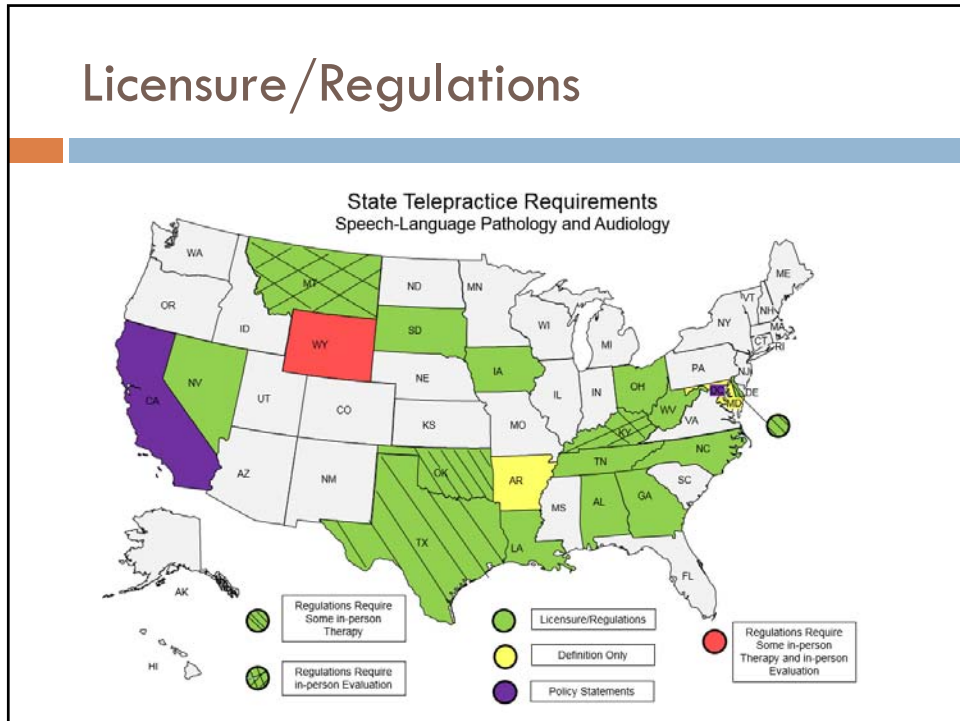
A child with an IEP is provided telepractice services by a SLP who is an employee of a private practice and is contracted to the public schools. The SLP bills for her services to the school district. Do the records fall under FERPA or HIPAA?

FERPA, HIPAA and Telepractice

Scenario 2:

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

Licensure/Regulations



Licensure/Regulations

- Delaware
 - ▣ Licensees shall not evaluate or treat a client with speech, language, or hearing disorders solely by correspondence. Correspondence includes telecommunication.

<http://regulations.delaware.gov/AdminCode/title24/3700.shtml>

Licensure/Regulations

- 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.

<http://slp.ky.gov/Documents/Speech%20Language%20Pathology%20and%20Audiology%20laws%20and%20regulations%202013.pdf>

Licensure/Regulations

- 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.

http://www.abespa.com/pdf/Practice_Act.pdf

Licensure/Regulations

- 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.

<https://www.legis.iowa.gov/docs/ACO/chapter/645.300.pdf>

Licensure/Regulations

Oops!- How did I miss that?

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

Licensure/Regulations: Hidden

- Oklahoma
 - **§690:10-3-9 Use of Telepractice**
 - 1. Licensees may evaluate and treat patients/clients receiving clinical services in Oklahoma by utilizing telepractice. Telepractice is defined as the application of telecommunications technology to deliver professional services at a distance by linking clinician to patient/client or clinician to clinician for assessment, intervention and/or consultation.
 - 2. Telepractice shall be obtained in real time and in a manner sufficient to ensure patient confidentiality.
 - 3. Telepractice is subject to the same standard of practice as if the person being treated were physically present with the licensee. Telepractice is the responsibility of the licensee and shall not be delegated.
 - 4. Licensees and staff involved in telepractice must be trained in the use of telepractice equipment.

Licensure/Regulations: Hidden

- Oklahoma
 - **§690:15-1-4 Ethics Proscriptions**
 - D) Licensees must not provide clinical services except in a professional relationship. They must not evaluate or treat solely by correspondence or telepractice. This does not preclude follow-up correspondence with persons previously seen, or providing them with general information of an educational nature.

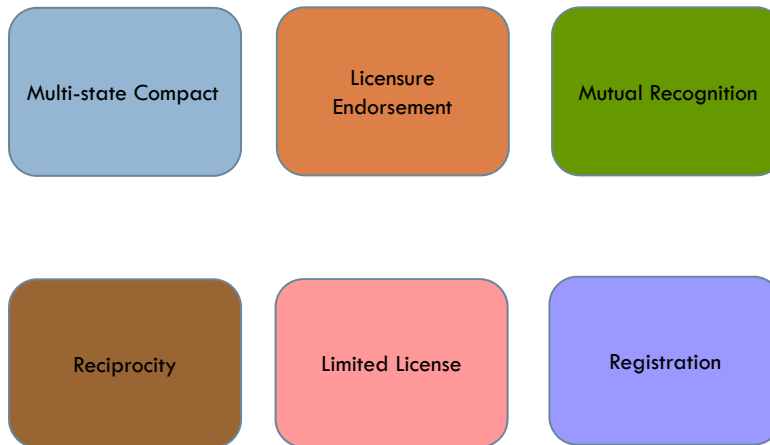
Licensure/Regulations: Limited Permit

- 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

Licensure/Regulations: Unlawful

- Kansas
 - **65-6504. Unlawful acts and representations; persons licensed under act not authorized to engage in dispensing and fitting hearing aids and not engaged in practice of healing arts; self representation.** (a) On or after September 1, 1992, it shall be unlawful for any person to [engage in the practice](#) of speech-language pathology or audiology in the state of Kansas unless such person has been issued a valid license pursuant to this act or is specifically exempted from the provisions of this act. It shall be [unlawful for any person to hold oneself out to the public](#) as a "speech pathologist," "speech therapist," "speech correctionist," "speech clinician," "language pathologist," "voice therapist," "voice pathologist," "logopedist," "communicologist," "aphasiologist," "phoniatriest," "audiologist," "audiometrist," "hearing therapist," "hearing clinician," "hearing aid audiologist," or any variation, unless such person is licensed under this act as a speech-language pathologist or audiologist.
 - Misdemeanor if you violate any of this act.

Licensure-Alternate Models



Licensure-Alternate Models

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

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 satisfy all licensing requirements mandated by state law, however, it makes it easier to apply for a license without having to complete more educational training/college coursework at the time of the application. Some states may have additional requirements but these can be met after the individual begins his/her job

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

Licensure-Alternate Model

- Louisiana House Bill 1280/Louisiana Act 442
 - Licensure
 - Registration

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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?

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?

Telesupervision



Telesupervision

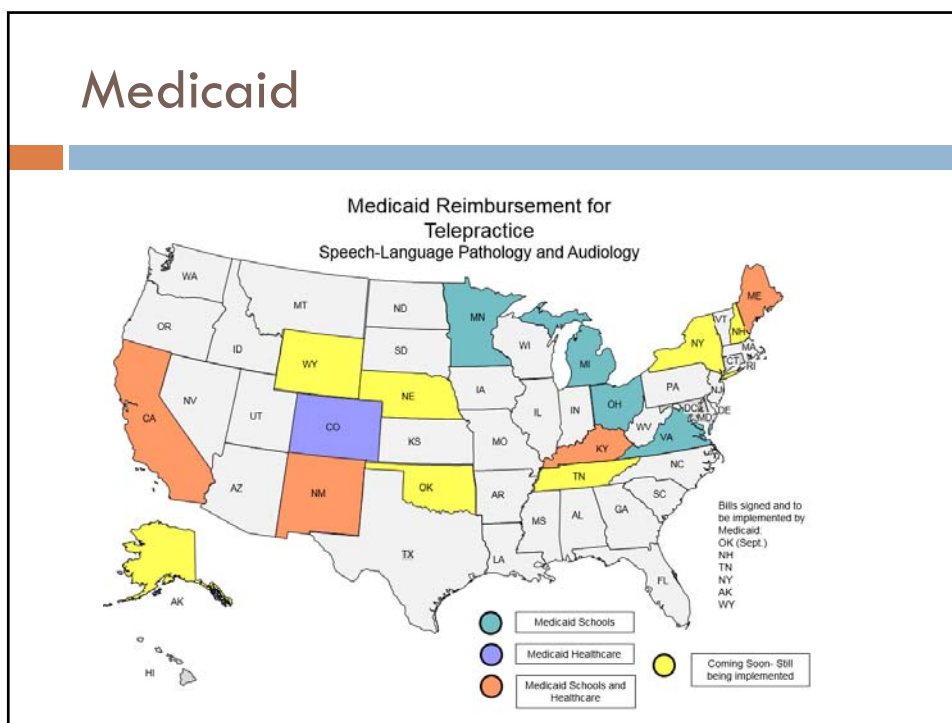
- Can we do it?
 - CF
 - SLPA/AA
 - Student Interns
- Direct Vs. Indirect
- Terminology



Medicaid



Medicaid



Medicaid

- Nebraska Telehealth Act
- New policies now cover telehealth services including speech-language pathology and Audiology, OT, PT, home health, podiatry and optometry subject to limitations
- Health care providers must:
 - ▣ Act within their scope of practice
 - ▣ Be enrolled in NE Medicaid; and
 - ▣ Be appropriately licensed or certified by NE HHS regulation and licensure

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

Medicaid

- California
 - ▣ Reimburses all licensed providers
- Missouri
 - ▣ Lists SLPs as participating providers. However, they have another network that must approve the technology first.
- Colorado and Maine
 - ▣ Reimburses under broad provisions

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.

Medicare



Medicare

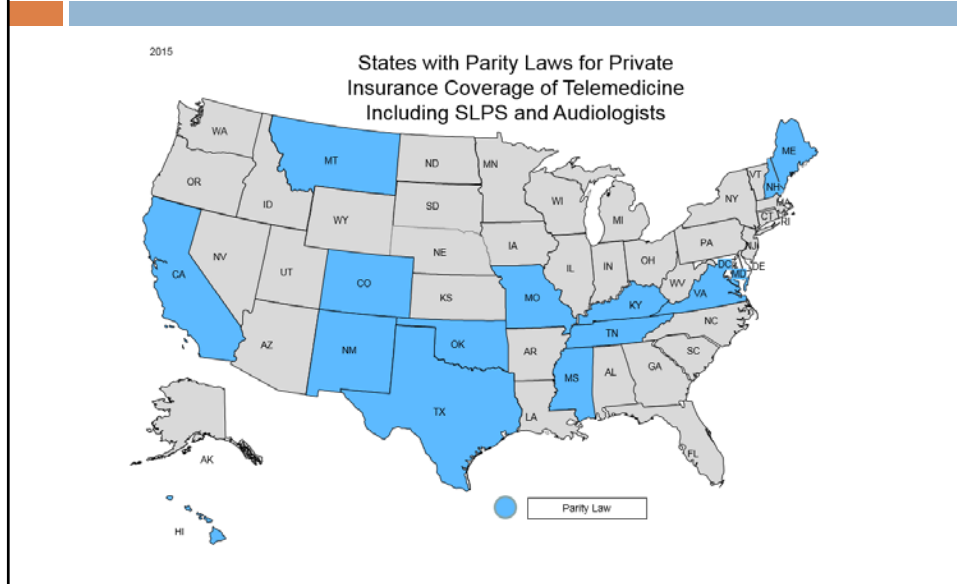
Medicare Reimbursement for Telepractice



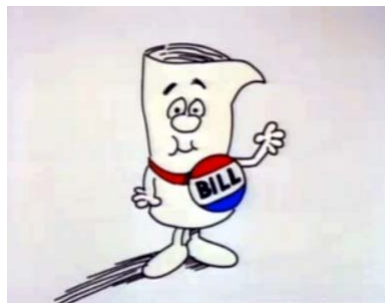
Parity Laws/Private Insurance



Parity Laws/Private Insurance



2015 State and Federal Legislation



Federal Legislation

- *Telemedicine for Medicare Act of 2013* (H.R. 3077)
- *Medicare Telehealth Parity Act of 2014* (H.R. 5380)
- **The Telemedicine for Medicare Act of 2015** (HR 3081) reintroduced in the House of Representatives in 2015
 - Allows Medicare to reimburse physicians and other health care providers for providing services remotely
 - Allows Medicare providers to treat clients in other states under one license
 - SLPs and Audiologists are specifically identified to be reimbursed by Medicare for providing telehealth services

Frequently Asked Questions

- What should I do if a state does not have telepractice rules and regulations?
- What if the client lives in more than one state?
- What if the client requests services while on vacation?
- What are the requirements for practice internationally?

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?

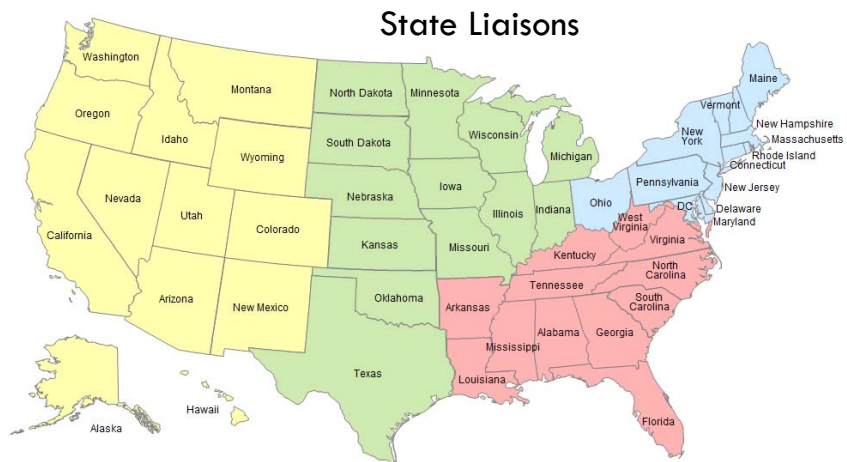
Frequently Asked Questions

- 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?

Telepractice Resources



Telepractice Resources



Telepractice Resources

State Liaisons

Northeastern Region

Susan Adams, Director, State
Legislative & Regulatory
Advocacy

sadams@asha.org

301-296-5665



Central Region

Janet Deppe, Director, State
Advocacy

jdeppe@asha.org

301-296-5668



Southern Region

Cheris Frailey, Director, State
Education and Legislative
Advocacy

cfrailey@asha.org

301-296-5666



Western Region

Eileen Crowe, Director, State
Association Relations

ecrowe@asha.org

301-296-5667



Telepractice 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/>

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/>

Telepractice Resources

Questions About...

- SLP Practice Issues: Janet Brown, jbrown@asha.org
301-296-5679
- Medicaid Reimbursement: Laurie Alban-Havens,
lalbanhavens@asha.org 301-296-5677
- Federal Bills on Telepractice: Sam Hewitt,
shewitt@asha.org 202-624-5961
- State Legislation and Regulations: Cheris Frailey,
cfrailey@asha.org 301-296-5666

Telepractice Resources

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

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

Advocacy

- Advocate for reimbursement
- Advocate for licensure/regulations
- Conduct outreach to the community and potential patients

What Does the Future Hold?



Questions

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