

# Federal and Missouri State Legislative Updates: Impacting OT and Beyond



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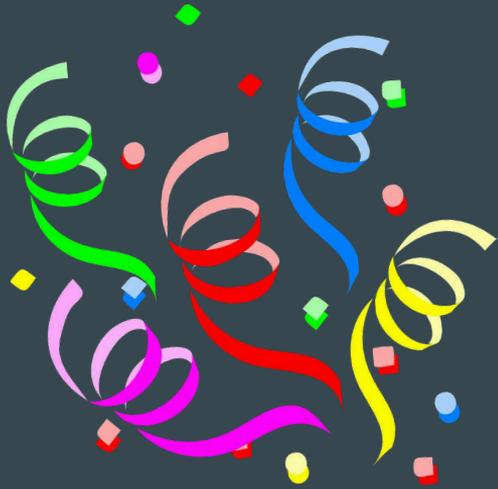
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# MISSOURI LEGISLATIVE UPDATE



# SUCCESS!

Insurance coverage for therapy for children with disabilities



# BILLS MONITORED IN 2019 LEGISLATIVE SESSION

## PHYSICAL THERAPY

Permit PTs to treat without a physician prescription with limitations

## ATHLETIC TRAINERS

Expand services & identify ATs as a healthcare professionals (AOTA alert)

## PRACTICE BY UNLICENSED PERSONS

Permits providing a service which state law otherwise requires a license

## MUSIC THERAPISTS

pursuing licensure; reimbursement implication

## ORTHOTISTS

pursuing licensure; infringement implications



FUTURE = 2024

## INTERSTATE COMPACT FOR OT

Psychologists, PTs in MO. AOTA creating an interstate professional licensure compact for occupational therapy; would require MO law adoption

# MOTA MEDICAID PRIORITIES IN 2020

## HEALTHCARE FOR MISSOURI - MEDICAID EXPANSION

- Provide healthcare to 1,000s of parents, seniors, and those earning less than \$18,000 a year.
- 172,000 signatures needed to place on state ballot
- MOTA = an endorsing sponsor, volunteers needed

## REGULATIONS - REIMBURSEMENT - INTERPRETATIONS OF RULES

Identifying and action planning for Medicaid barriers to practice

# OPIOID RELATED LEGISLATION AND REGULATIONS

## Regulation CSR70-3.300 Complementary Medicine & Alternative Therapy for Chronic Pain Management

MOTA provided comments in opposition to proposed regulation excluding OT - Guidelines taken from the CDC

## MENTAL HEALTH PRACTICE IN MISSOURI

- OTs are DMH Qualified Mental Health Providers
- MO 1 of 20 states \$\$ Medicaid MH services
- OT covered Medicaid service for behavioral services in schools; habilitation & disability redefined

# MISSOURI BOARD OF OCCUPATIONAL THERAPY UPDATES

## CHANGE IN SUPERVISION REGULATION

Board approved removal of the required 1 year of practice for supervising OT to supervise an occupational therapy assistant. Public comment date TBA. Effective date TBA



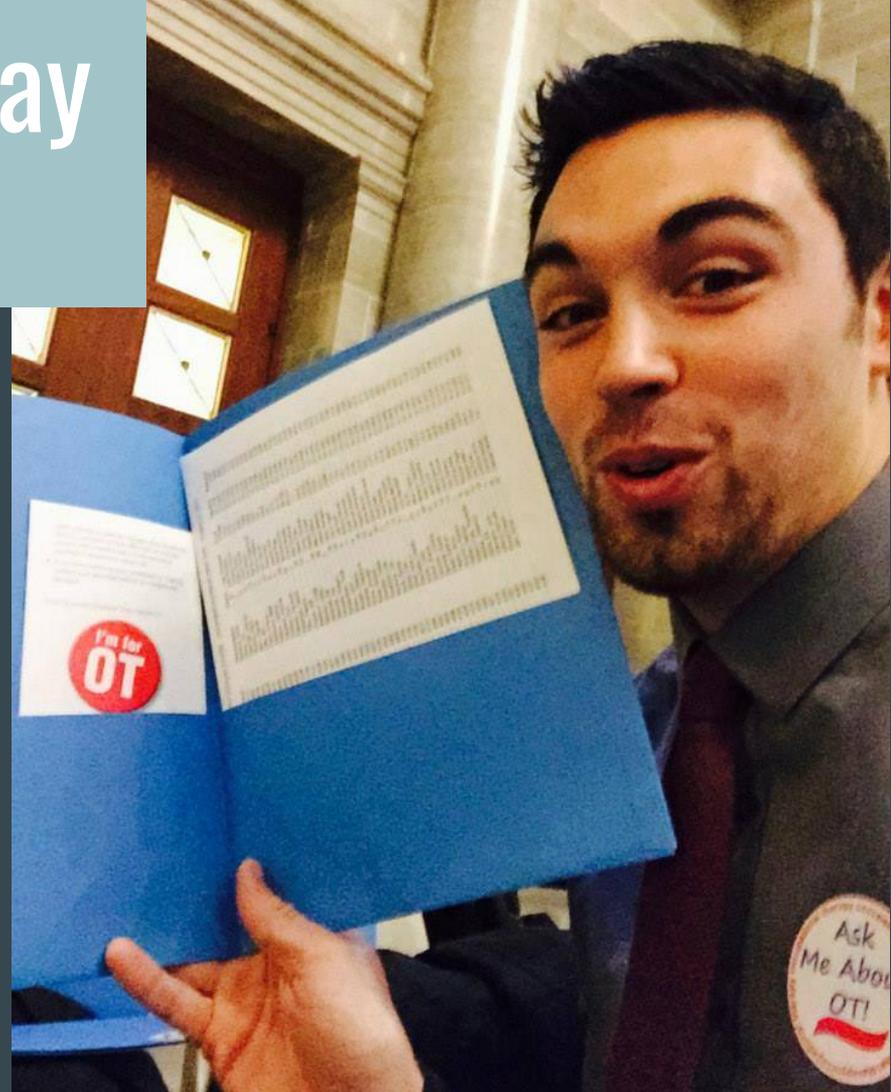
## CHANGES IN CONTINUING COMPETENCIES REQUIREMENTS

Several changes regarding clarification, documentation, and units. Changes effective October 30.

# Attend OT on the Hill Day

## MARCH 4, 2020

- Meetings arranged with your legislators to advocate for occupational therapy.
- A Rally with 300+ OTs, OTAs, students. Guest speakers.
- Observe Sessions & Hearings
- Hill Day Information available at [motamo.net](http://motamo.net)
- It's FUN!



# Federal Update



# Federal Affairs Update



The American  
Occupational Therapy  
Association, Inc.

- Discussing with Policy Makers – Not yet introduced:
  - Minimizing Impact of 15% OTA payment differential and other payment changes
  - Promoting the role of OT in falls prevention and aging in place
  - Expanding Access to OT Services via Medicare Telehealth
  - Held a panel session at the Congressional Black Caucus, Annual Legislative Conference on OT’s role in supporting people with Alzheimer’s/Dementia and their Caregivers
- Passed out of House Committee:
  - Allied Health Workforce Diversity Act (H.R. 3637)
- Passed Senate unanimously:
  - A resolution recognizing “National Specialized Instructional Support Personnel Appreciation Week” (H.Res. 298 /S. Res. 181)

# Medicare Home Health Flexibility Act

S. 1725/H.R.3127

- **Therapy-only Part A Home Health Cases**
  - 90% involve nursing
- **Champions:**
  - Senator Ben Cardin (D-MD) and Todd Young (R-IN)
  - Ways and Means: Rep Jason Smith(R-MO), Rep Lloyd Doggett (D-TX)
  - Energy and Commerce: Rep David McKinley (R-WV) and Rep Paul Tonko (D-NY)
- Does not change OT as qualifying service
- More Info: [http://cqrcengage.com/aota/Home\\_Health](http://cqrcengage.com/aota/Home_Health)

# Jason Smith

- Advocacy works!!
- MOTA found therapists to contact Rep. Smith
- We encouraged advocacy by practitioners last conference
- Local therapists communicated their story
- Rep. Smith co-sponsored Medicare Home Health Flexibility Act last summer!

# Allied Health Workforce Diversity Act (HR 3637)

- “In the Nation’s Compelling Interest: Ensuring Diversity in the Health Care Workforce”
  - Sparked the idea for HR 3637
- Minorities largely receive a lower quality of health care
- Increasing minorities in the workforce
  - Counteract this inequality
  - Mirror society
- Grants for all levels of education
- Possible spending \$363.1 billion by 2050 without increased diversity



# Loan Forgiveness for Mental Health Providers (HR 2431)

- “Mental Health Professionals Workforce Shortage Loan Repayment Act”
- Approximately 105.7 million Americans live in shortage areas
  - Less access to mental healthcare
- Mental health fields are short ~250,000 workers short of projected demand
- HR 2431 to provide loan forgiveness
  - Mental Health providers in underserved areas
  - Includes occupational therapists



# Regulatory Affairs: Working to Protect You



SNF & HOME  
HEALTH  
CHANGES

(PDPM and PDGM)

PAC OUTCOMES  
STUDY

CODING  
EDUCATIONAL  
AND PAYER  
ADVOCACY

PART B OTA  
REIMBURSEMENT  
AND QPP



The American  
Occupational Therapy  
Association, Inc.

# OTA Payment Reform

Starting January 2022, any payment “furnished in whole or in part by therapy assistants” will be 85% of OT/PT

- AOTA did NOT support
- Passed during same Budget Bill as Therapy Cap
- OTAs/PTAs under Medicare Part B
- AOTA established a workforce of OT/OTAs to discuss this issue and develop an action plan

# OTA Payment Reform

- Similar to current payment for PAs and NPs - 85% of physicians rate
- What's next?
  - AOTA contacted CMS for more clarification on the “in part”
    - “In Part” = “any minute” an OTA provides service when acting as an extension of the OTR
  - Consider possible exceptions and studies
- A modifier “CO” will be used for OTA and “CQ” for PTA
  - Will be important to consider for certain clinics and when co-treating
- More info: <https://goo.gl/hoxZgx>

# OT and Policy



# Government Agencies

- Centers for Medicare & Medicaid Services (CMS)  
[www.cms.gov](http://www.cms.gov)
- Center for Medicare & Medicaid Innovation (CMMI)  
[www.innovation.cms.gov](http://www.innovation.cms.gov)
- Centers for Disease Control and Prevention (CDC)  
[www.cdc.gov](http://www.cdc.gov)
- Health & Human Services (HHS) [www.HHS.gov](http://www.HHS.gov)
- Congress.gov
  - Check bill progress, read text, see co-sponsors

# Careers for OTs in Policy

- Run for Office
- Hill Staffer
- Work on campaign
- AOTA
- Other professional/ advocacy orgs
- Hospitals or EMR companies
- Centers for Medicare and Medicaid Services (CMS)
- Centers for Disease Control (CDC)
- Health and Human Services (HHS)
- National Quality Forum (NQF)

Consider a OTD in health policy or a MPH or DrPH

# Engage in Leadership Opportunities

- AOTA Membership Webinars
- AOTA Volunteer Leadership Development Committee (VLDC)
- COOL Volunteer
- Join MOTA Legislative Task Force or other Committees
- Patient advocacy groups
- Publications: OT Practice, AJOT, local newspapers, blogs, etc.
- Be active on CommunOT
- Volunteer for a campaign (Local, state, or federal)

# Where to Seek Information:

## AOTA:

- CommunOT:  
<https://communot.aota.org>
- Practice Pulse: Federal News and Legislative Update
- Email updates from AOTA
  - Manage subscriptions through MyAOTA
- Subscribe to updates through  
[www.aota.org/takeaction](http://www.aota.org/takeaction)

## Other:

- MOTAMO.Net Advocacy page
- Kaiser Health News:  
<https://khn.org/>
- Vox News:  
<https://www.vox.com/health-care>
  - Join daily newsletter for the latest health news
- Health Affairs Blog  
[www.healthaffairs.org](http://www.healthaffairs.org)

# Legislation Impact

1. It determines if, how, when, and how much we get paid by Medicare/Medicaid
2. Influences Scope of Practice for Medicare, VA, TriCare, and Medicaid
  - a. Telehealth
  - b. Approved Mental Health Providers
3. Determines what type and how much OT individuals have access to
  - a. ADA, IDEA, Essential Health Benefits
4. Insurance Premiums and Coverage
  - a. Cut to subsidies and advertising to ACA - fewer enrollees with ACA compliant plans
  - b. Reduce number of elective surgeries
  - c. Cost of copay impacts # of visits

# AOTA Political Action Committee (AOTPAC)

- “Voluntary, nonprofit, nonpartisan, unincorporated committee of members of AOTA”
- AOTPAC is the only PAC that is dedicated solely to occupational therapy
- Contributes money to political candidates who support OT
- Contributes campaign money to OTs, OTAs, or OT students who are running for public office
- Not a Super PAC!
  - It is a Separate Segregated Fund
- Contact: [AOTPAC@aota.org](mailto:AOTPAC@aota.org)
- Student Challenge

# AOTA Political Action Committee (AOTPAC)

- AOTPAC provides face to face opportunities for OT practitioners to voice their concerns and educate Legislators about OT
- **NONE** of your AOTA dues go towards supporting political candidates.
- AOTPAC can **ONLY** solicit contributions from AOTA members.
- Non-members can contribute to AOTPAC, but that money cannot be given to a candidate
- Anyone can see where the money comes from and where it goes.
  - [OpenSecrets.org](https://www.opensecrets.org)
- Contribution Limits
  - \$5000 limit for donors to a PAC
  - \$5000 limit from PAC to each candidate

# How AOTPAC Shapes Up (2018)

PAC Name	Average Salary of Members	PAC Receipts
APTA PAC	PT: \$85,400 PTA: 45,290	\$594,856
ASHA PAC	\$74,900 (SLP) \$76,790 (Audiologist)	\$222,423
AOTPAC	OT: \$84,640 OTA: 59,470	\$187,553

Why are these numbers important?

What does it mean for OT?

# Top AOTPAC Contributors

<b>2018</b>	<b>New Mexico</b>	<b>Kansas</b>	<b>N</b>
	11.6%	9.54%	H 9

Give today! Forms available  
give online at [www.aotpac.org](http://www.aotpac.org)

Goal  
\$200,000



\$118,315  
Raised

<b>of Wyoming</b>	<b>6.74%</b>
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or you can  
ac

# Advocacy

“If you’re not at the table, you’re on the menu.”  
~ Some Politician Somewhere



# Maintain AOTA and MOTA Membership

- Stay up to date on issues
- Break down complex bills and regulations into easy to understand formats
- Ensures a consistent message on OT standards and abilities
- Protects competitive pay for OT/OTAs
- Provides numerous opportunities to volunteer and improve leadership skills (for free)
- Monitors and assists all states in advocating for OT
- Advocate for our profession on federal, state, and local level

# What can you do?

- Reach out and build connections with your reps
- Run for office
  - Like Jacque Sample!
- [www.aota.org/takeaction](http://www.aota.org/takeaction)
- Legislative Task Force
  - Join our team!
- [www.MOTAMO.net](http://www.MOTAMO.net)  
advocacy page



# Use the Legislative Action Center

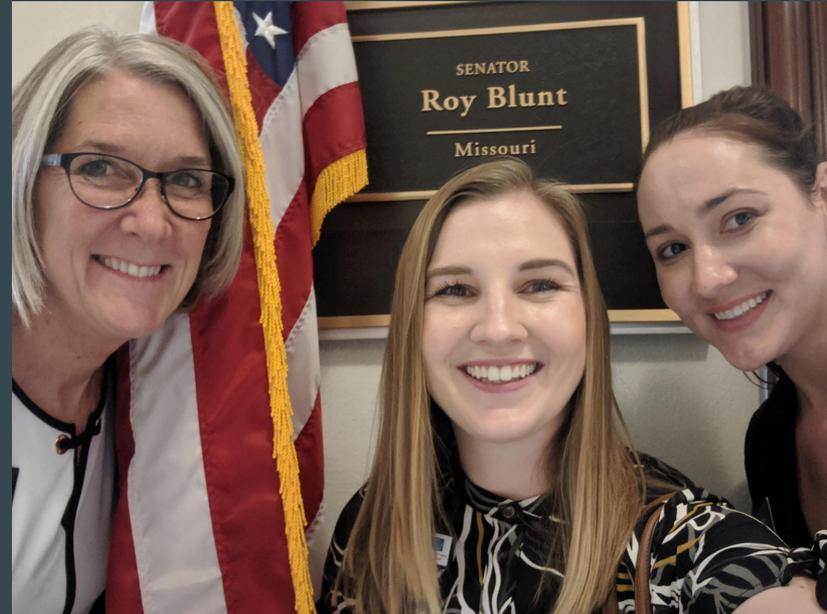
- Write a letter to your congressman
- [www.AOTA.org/takeaction](http://www.AOTA.org/takeaction)
- Click on “Take Action” tab
- Select topic of choice
- Fill in personal information
- Edit body text to tell your story
- Send!



# Attend AOTA Hill Day

## Date: TBD

- Registration opens in the summer
  - Free to register and attend
- Meet with your Congressmen or their staff and advocate for occupational therapy.
- AOTA provides materials and education
- It's FUN!
- Network with OT advocates in your area!
- Hill Day Information: <https://goo.gl/PiQNVF>



# Develop an Action Plan

- Exercise your right to petition your Representatives
  - Have district meeting
  - Support a candidate
  - Meet with your reps
  - Host friends to write letters
- Establish a face-to-face relationship with your legislator
- Attend town halls
- Who can be a lobbyist or advocate for occupational therapy?
  - YOU!
- Invite your representatives to shadow you where you work



# Providing Value

- How do you provide a valuable service?
  - Identify why you are the best professional to be treating that individual
- Examples providing value in the workplace
- How do you provide value in your OT world?



If you can't identify how you are providing a skilled service, then are you?

Therapists are more expensive than care techs and home health aides. What is different between our services and theirs?

# Advocating for Our Profession

- **Promoting our profession at work**
  - Seek opportunities for inclusion programs
  - Include advocacy in personal growth plan
  - Educate peers about your value
- **How do you articulate what you do?**
  - Show your value within your agency outside of direct patient care
  - Program development
  - Identify opportunities for collaboration



# How Can We Articulate Our Value?

- Value over volume
  - Make our interventions valuable
  - Patients feel important
- Want to communicate our importance as a profession
  - And our role



# Scenarios

Everyday Advocacy, Local Advocacy, State Advocacy, Federal Advocacy

Tell a Story:

- What is the purpose of your story?
- Who are the key players?
- What happened?
- What was the outcome?
- Why does it matter?
- Never assume they know what OT is and why it is important.

# Interaction

## Scenario 1: Advocating for OT with another practitioner:

- Explaining to a teacher why a child needs occupational therapy
- Explaining to a doctor you plan of care and goals
- Explaining to a nurse what OT is

## Scenario 2: Elevator Pitch to legislator or friend

- Why OT should be involved in building a park
- Why OT has a role in community programs
- Why a loved one should receive OT

## Scenario 3: Elevator pitch to your boss

- Introduce occupation based exercises into a biomechanical outpatient setting
- Stating to your supervisor why a school needs a defined handwriting program

# Discussion

- What did you realize with this activity?
- What did you find hard to talk about?
- What did you find easy to talk about?
- How have you faced similar situations that involve advocacy with our profession in the past?



# MOTA Working For You!



# Putting It All Together: What Does MOTA Do for You?

- Legislative Task Force
- Monitor and act on legislation
- Investigate how regulations or laws affect practice
- Educate our members on current issues
- Attend Missouri Board of OT meetings and observe
- Meet with other organizations about issues facing OT
- Organize OT on the Hill Day in Jefferson City

# Looking Forward to Upcoming Year

What do we foresee for the upcoming year?

1. Monitoring possible infringement on OT licensure and practice
2. Rules and Regulations impacting OT practice and billing
3. Opportunities for OT inclusion in Opioid Bills
4. Licensure Compact
5. Medicaid Expansion
6. 2020 OT on the Hill Day

# Thank You!

Please feel free to ask us questions or contact us

All members are eligible to join our Legislative Task Force

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