Professional Responsibility: Government Affairs & Grassroots Advocacy

North Texas District

Quarterly Meeting

Therapy 2000, Dallas, TX

United Region (Livestream), Wichita Falls, TX

January 15, 2019

Linda John, PT: APTA Federal Affairs Liaison - Texas Chapter

Angela Shuman: Director, State Affairs, American Physical Therapy Association

Professional Advocacy

PROFESSIONAL ADVOCACY

- Whose Responsibility is it?
- Why Can’t We Just Treat Patients?
- How Many of Us Really Know?

Threats to Physical Therapy

- Encroachment
- Direct Access
- Billing / Reimbursement

Threats to Physical Therapy

Encroachment:

- Physicians
- Chiropractors
- Podiatrists/Orthotists
- Athletic trainers
- Personal trainers
- Massage therapists

Threats to Physical Therapy

Who Has Direct Access?

- Physicians
- Chiropractors
- Athletic Trainers
- Podiatrists/ Orthotists
- Personal trainers
- Massage therapists
- Acupuncturists
- Guy Next Door

BALLROOM

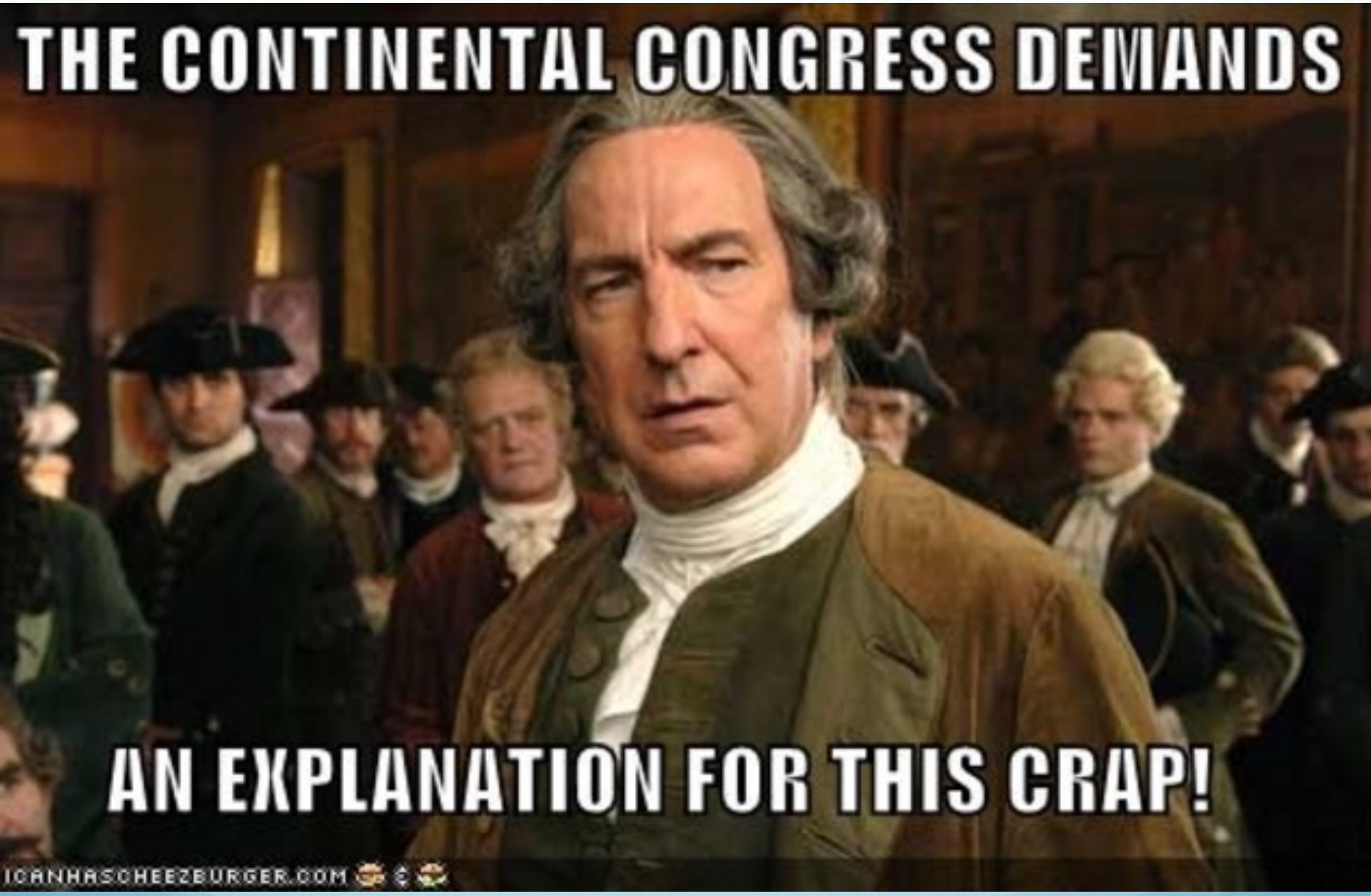
Whose Profession Is It Anyway?

What constitutes owning a profession?

- Do you own a profession if you require a referral to see a patient?
- Do you own a profession if other professionals can own your services?
- Do you own your profession if others can easily infringe on your practice?

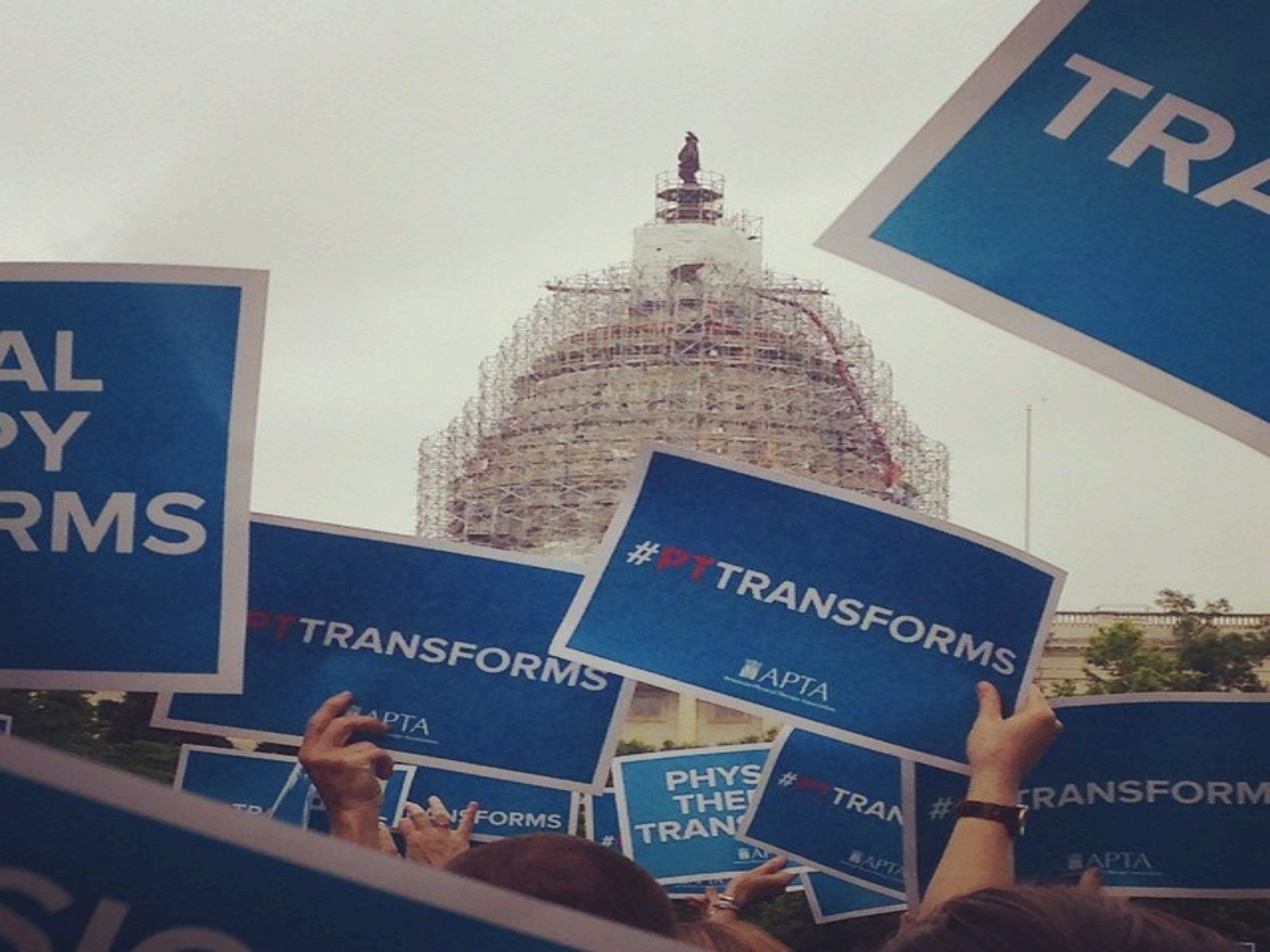
What is Lobbying?

- Educating legislators / consumers
- Influencing lawmakers to enact desired legislation
- Requires investments of time, money, and some sense of sanity


THE CONTINENTAL CONGRESS DEMANDS
AN EXPLANATION FOR THIS CRAP!
ICANHASCHEEZBURGER.COM

Why Lobby?

- Legislators want us to educate them.
- If we are not there to deliver our message – someone else is.
- Do you want to be AT the table or served ON the table?


#PTTRANSFORMS
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TRANSFORM
APTA

Things that Influence Lawmakers

- **Money**
- Constituents
- Political Parties
- The Media
- Other Lawmakers
- Lobbyists
- Scholars & Researchers
- Life Experiences
- Personal Staff
- Re-election campaign
- **Money**

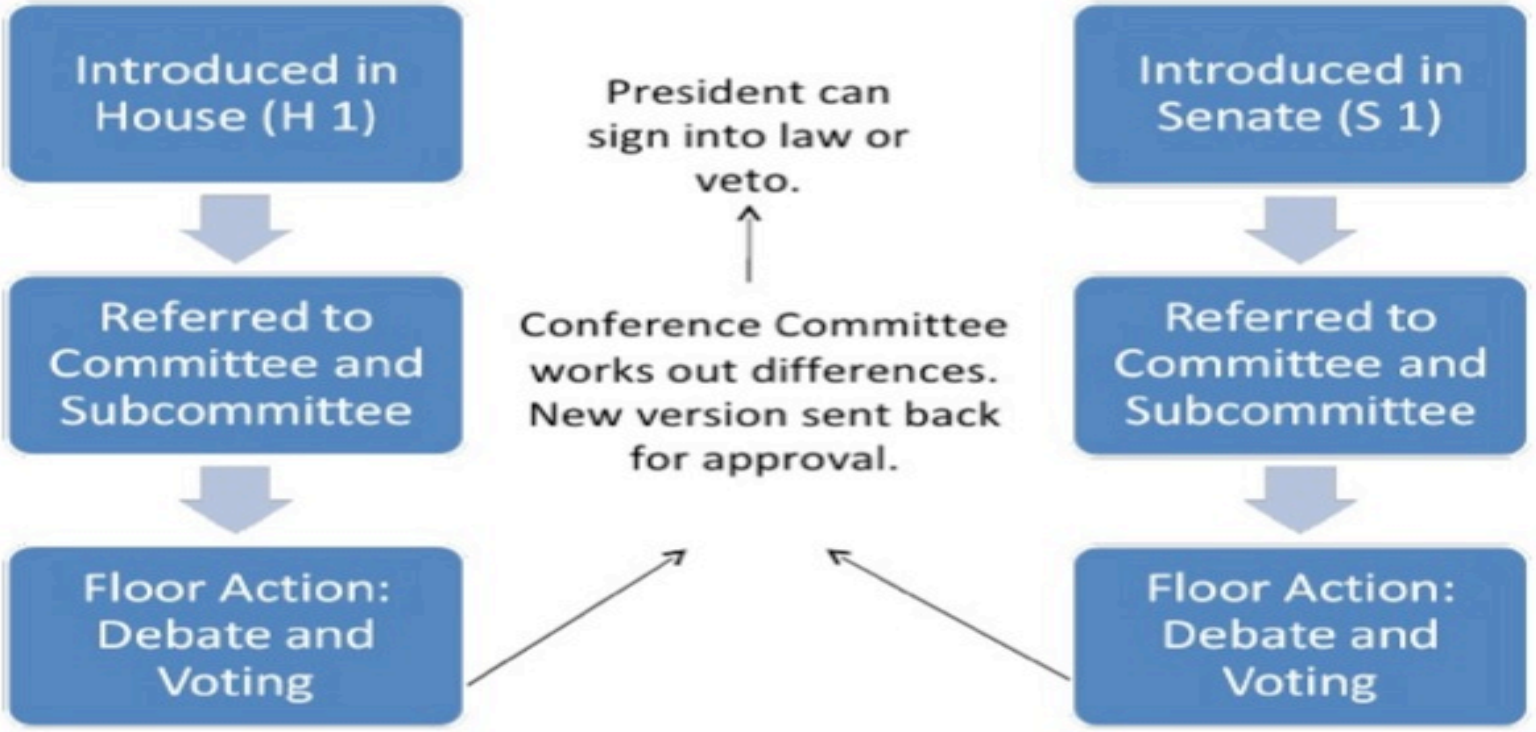
Things that Influence Lawmakers

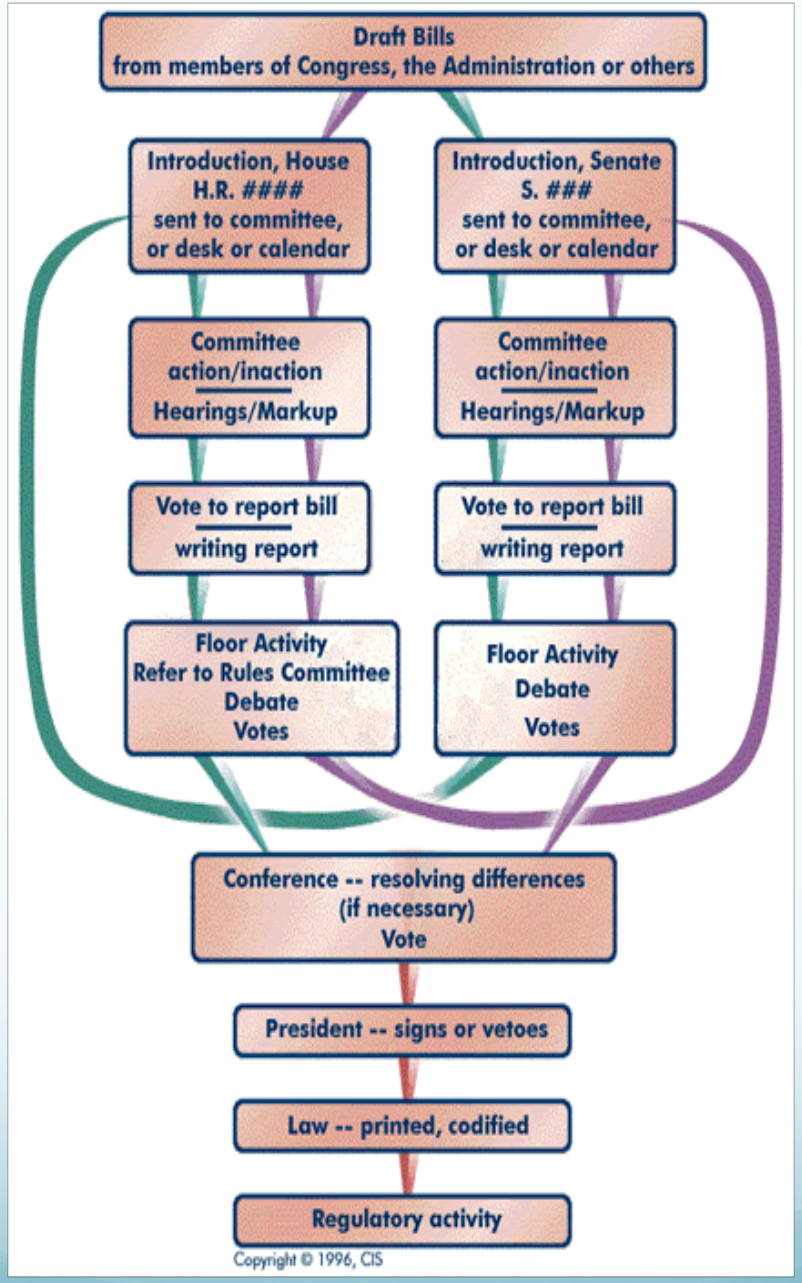
- *CONSTITUENTS*
- *PERSONAL RELATIONSHIPS*
- *MONEY*

= “PERSONAL RELATIONSHIPS !!”

EXIT

How a bill becomes a law (Basically)




Draft Bills
from members of Congress, the Administration or others
Introduction, House
H.R. ####
sent to committee,
or desk or calendar
Introduction, Senate
S. ###
sent to committee,
or desk or calendar
Committee
action/inaction
Hearings/Markup
Committee
action/inaction
Hearings/Markup
Vote to report bill
writing report
Vote to report bill
writing report
Floor Activity
Refer to Rules Committee
Debate
Votes
Floor Activity
Debate
Votes
Conference -- resolving differences
(if necessary)
Vote
President -- signs or vetoes
Law -- printed, codified
Regulatory activity
Copyright © 1996, CIS

United States Congress

116th Congress (2019-2020)

- Senate
  - **100 Members:**

    (53 Republicans,

    45 Democrats, 2 Indep)

- House
  - **435 Members**:

    (199 Republicans,

    235 Democrats, 1 vacant)

Committees of Jurisdiction

- **Senate Finance**
- **Senate HELP (Health, Education, Labor, & Pensions)**
- **House Energy & Commerce**
- **House Ways & Means**

Senate Finance

- **John Cornyn**, (R-TX)

House Energy & Commerce

- Michael Burgess (TX-26)
- Pete Olson (TX-22)
- Bill Flores (TX-17)

House Ways & Means

- Lloyd Doggett (TX-35)
- Kevin Brady (TX-8)
- Marc Veasey. (TX-33)
- Kenny Marchant (TX-24)

Texas State House

- Bicameral body:
  - Meets Biennial in **odd-numbered years**
  - Regular session = 140 days
- **31 Senators**
  (R-19 / D-12)
- **147 House Reps**
  (R-83/ D-64)

Texas State House Committees of Jurisdiction

Senate Health & Human Services

House Public Health Committee

Texas Senate Committee on Health & Human Services

CHAIR
Charles Schwertner

MEMBERS
Dawn Buckingham
Konni Burton
Lois Kolkhorst
Borris L. Miles
Charles Perry
Van Taylor
Kirk Watson

Texas House Committee on Public Health

CHAIR

Four Price

MEMBERS

J.D. Sheffield
Cindy Burkett
Nicole Collier
R.D. “Bobby” Guerra
Tom Oliverson
Diana Arévalo
Garnet Coleman
Philip Cortez
Stephanie Klick
Bill Zedler

2018 APTA Legislative Victories

- Permanent Repeal of Hard Therapy Cap
- Addition of PTAs/COTAs under TRICARE
- Sports Medicine Licensure Clarity Act
- Opioid Legislation

Ding Dong, the Cap is Dead!

- …sort of.

After 20 years of lobbying: **Permanent Repeal of Medicare Therapy Cap**

- Absolute end of Medicare beneficiary benefits at $2,010/year

  - "Soft cap" still requires KX modifier to attest services as "medically necessary" at $2,010
  - Targeted medical review at $3,000

Enacted a Comprehensive Opioid Package

Increases awareness about nonpharmacological treatment alternatives.

- Comprehensive screenings for seniors.
- Medicare opioid safety education.
- Todd Graham pain management study.
- Developing guidance on pain management and opioid use disorder prevention for hospita receiving payment under part A of the Medicare program.
- Technical expert panel (TEP) on reducing surgical setting opioid use; Data collection on perioperative opioid use.
- Requiring Medicare Advantage plans and part D prescription drug plans to include information on risks associated with opioids and on coverage of nonpharmacological therapies and nonopioid medications or devices used to treat pain.
- Revising measures used under the Hospital Consumer Assessment of Healthcare Providers and Systems Survey relating to pain management.
- Emergency department alternatives to opioids demonstration program.

The Sports Medicine Licensure Clarity Act (H.R. 302 / S. 808)

- Provides licensure clarifications and legal protections for physicians, physical therapists, and athletic trainers who practice across state lines as they travel with professional and collegiate teams
- Ensures liability insurance covers providers across state lines

National Defense Authorization Act

- Adds PTA's and COTA's to the TRICARE program as an authorized provider
- Waiting for final Regulations to be formally established
- Proposed Rule released December 2018; starts the time process to enact legislation
- APTA made template letter available for members to submit comments on the proposed rule

2019 Federal Affairs Priority Issues

- Telehealth, Electronic records, & PT Registry:
- Opioid Epidemic
- In-office ancillary services exception
- Student Loan/Workforce Programs
- Concussion legislation

Telehealth

- **CONNECT Act** (HR 2556/S 1016) and **Medicare Telehealth Parity Act** (HR 2550):
- allow PT's to furnish telehealth services under the Medicare program
- "a/k/a be reimbursed for…"
- PT Registry for provider information

Opioid Epidemic

- Educate legislators and the public about PT's role in wellness and prevention; "healing the musculoskeletal system" without unnecessary use & overuse of opioids
- #GetPT1st, @GetPT1st
- #ChoosePT

Education & Workforce
“Student Loan Forgiveness”

Physical Therapist Workforce and Patient Access Act

“Student Loan Forgiveness”

- Adds physical therapists to the primary health services section of the National Rural Health Services Corp
- Affords up to $60,000 for 2-years’ service in HPSA’s
- Max $160,00 for 6-years’ service

"In-Office Ancillary Services"
(Self-Referral)

Promoting Integrity in Medicare Act (PIMA) (Last introduced in 114th Congress)

- Excludes physical therapy services from IOAS exception under the physician self-referral prohibition (Stark Law)
- Expansive use of the IOAS exception by physicians undercuts the purpose of the law

Also Working On…

- Medicare Private Contracting "Opt-Out"
- Armed Services Legislation
- Rehabilitation Research
- Health Information Technology
- Administrative Burdens (Improving Appeals Process)
- **Medicare Direct Patient Access**

I'm mentally and emotionally exhausted!
Facebook.com/PutaSmileonFace
I would have added 'physically', but I can still move my pinky...

2017 TPTA Legislative Victories

- Sunset Review
- Physical Therapy Interstate Licensure Compact
- Medicaid Rates & Appropriations

Interstate Licensure Compact

- Allows physical therapists licensed in one state to practice in another state without having to go through the licensure process in another state.
- In effect, January 2, 2019, ensuring Texas' participation in the Compact

Medicaid Rates & Appropriations

- Appropriations Bill included a 25% restoration of rates for the 2018-19 biennium, and included several riders to study therapy services and ensure continued access to care, and additional funds to delay reductions for PTA-rendered services.
- The final passed Supplemental Appropriations Bill included a 50% restoration of rates for the remaining 2017 budget

2019 State Affairs Priority Issues

- **Patient access !!**
- Payment policy
- Co-pay/Co-insurance reform
- Concussion Management
- Dry Needling

Patient Direct Access (HB 29)

- Patient's ability to access physical therapy services without requiring a referral from another medical provider
- 48 other states operate within some capacity of direct access

We have arrived…or have we?

- We've come a LONG way
- Are we where we want or need to be?

One person CAN make a difference and everyone should try" -JFK

Our Association

- APTA & TPTA
- Members vs. Non-members
- PT's & PTA's
- Professionals & Students

Get to the Point Already:

My ask of each of you:

- Get involved as an advocate
- Be there for your patient EVERYDAY
- OWN OUR PROFESSION

It's not MY profession or YOUR profession but OUR profession!

PHYSICAL THERAPY TRANSFORMS
APTA
PHYSICAL THERAPY TRANSFORMS
APTA
#PTTRANSFORMS
APTA

What Can I Do to Help?

- Become involved in **TPTA Govt Affairs Committee** (GAC)
- Attend TPTA Legislative Day in Austin
  - **February 19, 2019**
- Attend APTA Federal Affairs Forum
  - **March 31-April 2, 2019**
- Get to know your legislators!
  - Sign up on legislator websites

What Can I Do to Help?

- TPTA-PAC (State)
- PT-PAC (Federal)
- Volunteer for campaigns
- Educate your patients and your peers
  - Submit articles to newspapers
- Respond to Action Alerts !!!

APTA Action App

Search for “**APTA Action**” to Download App

- Stay updated on current legislation
- Talking Points
- Locate Legislator Information
- TAKE ACTION
- Contribute to PT-PAC

Did you know?

- Number of PT/PTA in US: 300,000
- Over 35,000 PT/PTA students graduate each year
- Number of Chiropractors in US: 28,000
- Number of Orthopods in US: 28,000
- Number of ATC in US: 22,000

GUESS WHAT?: *WE OUTNUMBER THEM !!!*

It's *Your* Future…

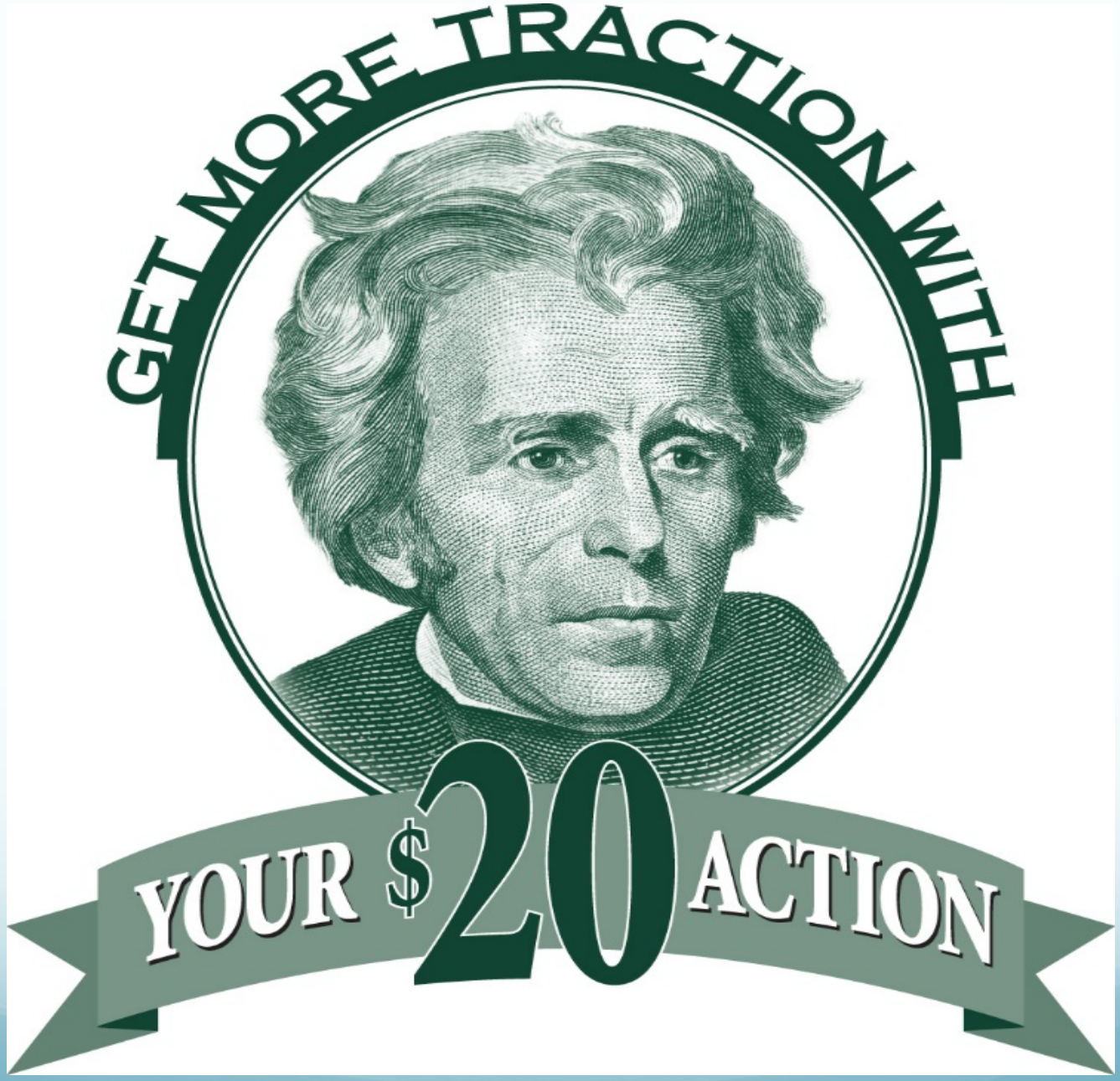
Physical therapy faces challenges and choices:

"Those who do not participate in their government are doomed to be ruled by those who do."

Abraham Lincoln

If you can't give money, give your time.

If you don't have time, give money.


GET MORE TRACTION WITH
YOUR $20 ACTION

It's *Your* Future…

"We do not have a government by majority. We have a government by majority of those who are involved."

- Thomas Jefferson

Questions? Comments? Concerns?
We want to hear from you

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