

2014 Legislative Updates

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The following bills were passed by the Tennessee General Assembly this year. Each bill affects speech-language pathologists and audiologists in some way.

Telehealth (Telepractice) Services

Public Chapter 675 applies to health insurance policies issued or renewed after **January 1, 2015**. It requires health insurance entities to provide coverage for healthcare services delivered during a “telehealth encounter” in a manner consistent with what the health insurance policy provides for the same services delivered during “in-person encounters.”

“Telehealth” is defined to be “the use of real-time, interactive audio, video telecommunications or electronic technology, or store-and-forward telemedicine services” when the provider is at a “qualified site” different from the site where the patient is located. A “qualified site” is defined to be a hospital, a healthcare provider’s office, a rural health clinic, a federally qualified health center, a mental health facility, **or any other location deemed acceptable by the health insurance entity.**

The patient must also be located at a “qualified site” or at a school clinic staffed by a healthcare provider. (A patient could receive the telehealth services in the patient’s home if the patient’s home is equipped to engage in telecommunications **and is deemed acceptable by the health insurance entity.**)

Each health professional licensing board may adopt rules governing the delivery of telehealth services by members of the profession regulated by that board.

Health insurance entities are required by this law to reimburse healthcare providers for the diagnosis, consultation, and treatment of an insured patient through telehealth and may not exclude from coverage a service solely because it is provided through telehealth.

Excluded from the definition of “telehealth” are audio-only conversations, email messages, and facsimile transmissions.

TennCare Funding

Public Chapter 877 is the Annual Coverage Assessment Act of 2014. It continues the hospital assessment which has been imposed by the General Assembly in each of the last four years. This funding ensures that there will be no cuts in TennCare funding for various services, including OT, PT, and speech therapy services.

Affordable Care Act (Medicaid Expansion)

Public Chapter 662 prohibits Governor Haslam from making a decision to expand the Medicaid program (TennCare) without obtaining the approval of the General Assembly.

Licensure Applications and Investigations of Healthcare Professionals

Public Chapter 949 does two things:

- (a) It amends the practice acts of several professions to make clear that licensure applications and renewal applications can be submitted electronically.
- (b) It also provides that investigative materials are not a public record before formal disciplinary charges are filed against a health care provider. Even after charges are filed, only the materials on which the charges are based are a matter of public record. The identity of the complainant and of a witness who requests anonymity, as well as a patient's identifying information and medical record, are not public record. However, healthcare facility and pharmacy survey inspection reports are public record.

Healthcare Practitioner Profiles on Department of Health Website

Public Chapter 898 imposes an affirmative obligation on all providers who have submitted information establishing their practitioner profiles to update that information in writing or online by notifying the Department with thirty (30) days after the occurrence of an event or the attainment of a status that is required to be reported.

Autism

Public Chapter 1010 creates a task force to make recommendations to the General Assembly "regarding ways to improve access to programs and services for early screening, diagnosis, and treatment of autism spectrum disorders" in Tennessee. There will be 16 members of the task force, including four legislators, four state commissioners, representatives from the Tennessee Disability Coalition, Autism Tennessee, Autism Speaks, a psychiatrist, a psychologist or behavior analyst, a community provider serving autism patients (e.g. speech-language pathologist), and two representatives of the health insurance industry.

The charge of the task force, as stated in the new law, is:

- (1) Review existing data, reports, and quality of life outcomes from local, state, and national agencies for individuals with autism spectrum disorders;

(2) Assess the current and future impact of autism spectrum disorders on the residents of Tennessee;

(3) Assess the availability of programs and services currently provided for early screening, diagnosis, and treatment of autism spectrum disorders;

(4) Assess the effectiveness of programs and services offered and provided to individuals with autism spectrum disorders and their families, including scientifically validated interventions that have demonstrated clinical efficacy;

(5) Assess the qualifications, training, and supervision of providers screening, diagnosing and treating autism spectrum disorders, and whether there are adequate provider networks for providers who treat autism spectrum disorders;

(6) Assess the availability of health care insurance coverage for autism spectrum disorders under various insurance models;

(7) Develop recommendations:

(a) To improve health care insurance coverage, screening, diagnosis and treatment of autism spectrum disorders; and

(b) To improve cooperation between state government agencies and non-governmental organizations and other advocacy groups in order to guide effective public policy regarding screening, diagnosis, and treatment of autism spectrum disorders; and

(8) Submit its findings and recommendations for potential legislation to the governor and the members of the general assembly in the form of a written report on or before January 15, 2015, and every January 15 thereafter, until January 15, 2017, at which time the taskforce shall cease to exist.