

House-Senate Conference Agrees to 2-Year Moratorium on Therapy Cap

In a stunning victory, ASHA and other therapy professional organizations have won a significant battle in moving forward a two-year repeal of the arbitrary \$1500 caps on speech-language pathology (SLP), physical therapy (PT) and occupational therapy (OT) services. The caps implemented by the Balanced Budget Act (BBA) of 1997 became a target of changes by Congress due to numerous reports on their detrimental impact on Medicare patients since being put in place at the beginning of this year. A recent report by the U.S. Department of Health and Human Services (HHS) Office of the Inspector General (OIG) found that between 29 and 38 percent of beneficiaries with a diagnosis of stroke would have reached the \$1500 cap in 1998. The OIG report and a recent ASHA member survey both found that over 20 percent of nursing home patients would exceed the caps, potentially leading to denied or rationed care.

The House-Senate conferees involved with the Balanced Budget Adjustments Act of 1999, who met to resolve differences between their respective bills, agreed to the Senate's provision for a two-year moratorium on \$1500 caps that would be effective January 1, 2000. This also includes a favorable revision in the scope on a report from the Secretary of Health and Human Services on recommendations for a new utilization and alternative payment policy for SLP, PT and OT services required by BBA '97. The report's recommendations for legislation are to be submitted to Congress by the end of next year. The House version would have split the shared cap by SLPs and PTs establishing three \$1500 caps, and provided a limited exceptions process for individuals for in need of services.

The conference agreement on the "BBA fix" bill must still be voted on and approved by both the full House and Senate, and signed by the President before it becomes law.

This action concluded a year-long campaign by ASHA to remedy the arbitrary \$1500 cap that involved thousands of letters, phone calls, emails, and Capitol Hill visits from consumers and ASHA members. ASHA's advocacy efforts to remedy the cap were resumed in the 106th Congress in February with a broadly disseminated, member advocacy kit designed to help involve concerned consumers and providers. ASHA was also instrumental in introducing and gathering support for the Medicare Rehabilitation Benefit Improvement Act of 1999, S. 472, sponsored by Senator Charles Grassley (R-IA), and its companion bill, H.R. 1837, as introduced by Representative Richard Burr (R-NC) in Congress. The Grassley-Burr legislation, which was co-sponsored by 58 Senators and 124 House members, laid the groundwork for a possible remedy this year.

In August, ASHA targeted Republican leaders with a coordinated advocacy and media campaign intended to educate key lawmakers about the negative impact that this policy was having on Medicare beneficiaries. In early October, ASHA represented the therapy organizations in testifying before a hearing of the House Ways and Means Committee. ASHA lobbyists were also involved in convincing the Senate Finance Committee to abandon an initially proposed \$3500 blended cap for SLP, PT and OT services in favor of the 2-year moratorium that was ultimately agreed to by the conferees. More recently, ASHA co-authored a letter to Senators asking them to voice their support for the Senate's approach and jointly took out a full-page advertisement in the *Wilmington New Journal* thanking Senate Finance Committee Chair William Roth for the moratorium provision and asking Delaware residents to urge the Senator to push for this measure.

ASHA is grateful to the thousands of ASHA members involved in bringing this matter to the attention of their Members of Congress and the Clinton Administration. For more information, call 800-498-2071 for Jim Potter at ext. 4125 or Reed Franklin at ext. 4473.

Victory!

Congress to Repeal \$1500 Cap

Congress has agreed to a 2-year moratorium of the arbitrary \$1500 caps on speech-language pathology, physical therapy and occupational therapy services, effective January 1, 2000. This action concludes a year-long advocacy campaign by ASHA to remedy the detrimental \$1500 cap on Medicare outpatient rehabilitation services.

Newborn Hearing Screening

Congress also passed the Walsh bill, H.R. 1193, and approved new funding for newborn hearing screening grants to states through the Health Resources and Services Administration (HRSA) and the Centers for Disease Control and Prevention (CDC).

President Clinton is expected to sign both bills. Watch for continuing coverage in the *ASHA Leader* or more information is available on ASHA's web site at www.asha.org.

ASHA ACTION ALERT

11/30/99

It's Official - President Clinton Signs Omnibus Bill

On November 29, 1999, in a ceremony in the White House Rose Garden, President Clinton made it official! At the end of the legislative session, Congress bundled together five of the 13 annual appropriations bills they need to pass to keep the government operating. In order to expedite business and adjourn on schedule, they rolled a number of other bills into the same piece of legislation. By signing the omnibus budget package, the President brought ASHA's highest priority advocacy efforts to a successful conclusion, including a two year moratorium on the \$1500 Medicare cap, the "Walsh Bill" providing states with grants for infant hearing screening & intervention programs, and increased funding for the NIH including a significant increase for the NIDCD.

The newborn hearing screening language was included in the FY2000 Labor, HHS & Education Appropriations bill. The moratorium on the \$1500 Medicare cap was contained in a bill that made a number of changes to the Medicare provisions of the 1997 Balanced Budget Act.