

Summer 2010



# KSHA Communicator

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## House Bill 376 Signed Into Law

After four years, House Bill (HB) 376 which pertains to ASHA-certified speech-language pathologists and audiologists working in the public school setting, was finally signed into law. We should be encouraged that our hard work has finally brought this Legislation to the Governor's desk. This session alone nearly 900 bills were proposed and only 164 became law. This Bill acts to recognize those who hold the ASHA-CCC and provides the mechanism for those providers to receive a salary supplement equal to that of national board-certified teachers when money is allocated by the General Assembly for this purpose. It comes as no surprise that in the current economic climate and with the Legislature still unable to settle on a budget from last session, we are unsure what will happen with future budgets. KSHA will continue to pursue this matter in future sessions to see that this Bill will be funded and that all ASHA-certified clinicians will receive a salary supplement. Though currently not funded at the state level, the Bill does contain language that "a local board of education may provide an annual salary supplement ... using the resources available to the local board of education." This is really nothing new. Many local districts have provided salary supplements in one form or another for years to attract or retain speech-language pathologists and may continue to do so. This language does not require a district to provide a salary supplement. Many districts don't have "resources available" at this time. There is also no language which states that a district must now change any payroll or certification status as a result of the passage of this legislation. Payroll and certification issues are dealt with differently by each district. Due to the variety of different circumstances that may exist, each district handles their speech-language pathologists and audiologists on an individual basis. It is up to each member to advocate for our profession by addressing what happens at the district level. Now is the time to place a renewed focus on educating others about the ASHA-CCC. Make it part of your professional responsibility to enlighten others about what it took to obtain the CCC, what it takes to maintain the CCC and why it is of value to the district, as well as to the children and parents you work with. The value of what we do comes from the high level of expertise we provide and it is incumbent upon each of us to prove why that value should be rewarded. HB 376 is a good first step in the right direction and will hopefully encourage each of you to advocate for our profession at the district level as well as throughout the state.

As I move into the role of president in the summer, I will be unable to continue with the SEAL (State Education Advocacy Leader) position as this is also an Executive Council position. If you are interested in taking up this role, please let me know. This is an excellent opportunity to continue with our advocacy efforts as well as to devise and implement a new legislative agenda for school-based issues. Contact me for more information or if you have any questions at Douglas.Keefe@Jefferson.kyschools.us.

**Douglas Keefe**  
**President Elect**



This picture is from the Bill signing for House Bill 376 in the Governor's office on April 15. Pictured are KSHA President Elect Douglas Keefe; State Representative and Bill Sponsor Leslie Combs; and Kentucky Governor Steve Beshear.

## Executive Council 2009-2010

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# Message From the President



**Greetings KSHA members,**

It has been a fun and eventful year highlighted by one of the best Conventions anyone can remember topped off with the passage of the Salary Supplement Bill (HB 376), which was signed by Governor Beshear on April 15.

Again, I would like to thank KSHA's Executive Council and the officers with whom I worked with this year: Jeff Holbrook, Secretary and Ann Swinford, Treasurer. The new slate of officers that will take office on August 1, 2010, are as follows:

President: Doug Keefe  
Secretary: Lisa Coleman  
Treasurer: Tammy Cranfill

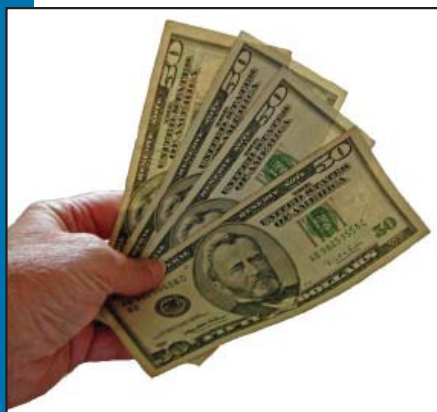
I know they will do a great job and our Association is in great hands!

In May, Doug and I travelled to San Antonio for the meeting of the Council of State Speech-Language-Hearing Association Presidents (CSAP). We had the opportunity to learn from each other and bring back great ideas for the upcoming year. We also had the honor of bragging a bit about our state's accomplishments. Every member of KSHA should be proud to know that historically, Kentucky has been held in very high esteem among the state associations and this year proved to be no different.

It has been an honor to serve as the KSHA President, and I am grateful for everyone's help and support as we moved closer toward our goals. I look forward to another exciting year of challenges as we continually strive to be the best.

**Lonnie Harris**  
*President*

## Regional Grants Available



A survey was sent out earlier this year requesting input from members with regard to continuing or discontinuing Regional Grant availability. In the past, grant applications for money were accepted to support continuing education efforts throughout the state. KSHA reasoned that it would allow members additional options when traveling to the Annual Convention that may not have been possible. However, over the past few years there have been no applications or requests for assistance from membership. Despite this, most respondents concluded that Regional Grants are still needed. Therefore, KSHA will continue to offer grants for the upcoming fall.

Grant amounts from \$100-250 will be available to KSHA members interested in providing continuing education opportunities within their regions. Applications can be obtained from Tammy Cranfill, Grant Committee Chairperson, via email (tamara.cranfill@eku.edu). The application process is simply a

matter of completing and returning a form as well as verifying KSHA membership. Selections will be made on a first-come, first-served basis for this year only. If you are considering hosting a CEU event or need additional support to provide an event, now is your chance!

**Tammy Cranfill**  
*Treasurer Elect*  
*Grant Committee Chairperson*

# KSHA-PAC

**M**any Kentucky associations have Political Action Committees (PAC). PACs are a set of funds created by donations from an association's members that is used to support legislators and legislative caucus who have been favorable toward an association's issues.

Kentucky Election Finance laws allow an association member to give up to \$1,500 per year to an association PAC. An association PAC may give up to \$1,000 per year to any individual candidate and may give up to \$2,500 to any political party, executive committee or caucus campaign committee. There are 142 active registered PACs in Kentucky.

As your lobbyist, throughout the year I make KSHA leadership aware of political events that may be of interest to KSHA. KSHA leadership then makes a determination on whether to donate PAC dollars at that event.

PACs are a great way for associations to make their voices heard in Kentucky. While there is certainly no "quid pro quo" in Kentucky State Legislative politics, many associations pool resources and donate to legislators and legislative caucuses that have been supportive of their issues.

Last year, the KSHA PAC donated to the House Democratic Caucus Campaign Committee at an event in Prestonsburg, Kentucky and to the Senate Republican Trust at an event in Lexington, Kentucky. KSHA leadership attended both of the events and used the opportunities to discuss important legislative issues with leadership of the House and Senate.

I hope you will consider donating to KSHA's PAC. The PAC gives KSHA another tool to use in support of legislative issues that are important to speech-language pathologists and audiologists throughout Kentucky. Also, it is quite possible that associations that can be unfriendly to KSHA's issues have PACs as well, and it is important to ensure that our voice is heard throughout the year instead of just when the Legislature is in session.

If you have any questions about a PAC contribution, please contact your KSHA leadership. If you are a regular PAC contributor, thank you for your support. If you have never donated, please give it some thought and perhaps talk to others you know about it. I think you will find it is a very common practice and most association members who donate feel as though their contribution was well used.

**Patrick Jennings**  
**Lobbyist**

## The Whats, Whys and Hows of KSHA- PAC

### **What is KSHA-PAC?**

The Kentucky Speech-Language Hearing Association Political Action Committee (KSHA-PAC) is a non-profit, unincorporated, and non-partisan committee of speech-language pathologists and audiologists. The KSHA-PAC operates as a separate legal entity which can receive and distribute contributions to Kentucky Election campaigns.

The purpose of KSHA-PAC is to encourage and facilitate participation by members of the profession in the policy making process. Another purpose is to support candidates for state office whose records and policy positions demonstrate that they work to further the goals of the Association in areas such as education and healthcare.

### **Why is KSHA-PAC needed?**

Legislation enacted by Congress can have important consequences for members of the profession and persons with speech, language and hearing disorders. This committee provides our profession with an important vehicle for participating in the political process and helping to choose members of government who share in our policy goals. Also, the committee helps to provide members in our profession with a means of registering their views on state issues by supporting candidates who espouse positions favorable to people with communication disorders and disabilities.

### **How You Can Participate?**

Participation in KSHA-PAC by all speech-language pathologists and audiologists is encouraged, but involvement is always an individual and voluntary decision. Individuals become involved with KSHA-PAC by making a contribution of any amount to the Committee. They receive acknowledgment of their contribution and news of the PAC's activities.

Participants can be confident that their contributions will be used to support political candidates who will further the goals of health and education professionals and people with disabilities.

**If you are interested in donating, to the KSHA-PAC, please send checks to:**

**KSHA-PAC**  
**Attn: Heather Marlow**  
**710 Bryant Street**  
**Corbin, KY 40701**

### **KSHA-PAC Officers**

**PAC Chair**  
**Mary Gray**  
**mary.gray@va.gov**

**PAC Treasurer**  
**Heather Marlow**  
**hmmyers@aol.com**

**PAC Custodian**  
**Gail Murray**  
**gmurray@arh.org**

# Audiology Update

Greetings KSHA Members!



**A** lot has been happening in the world of audiology. Here are a couple highlights:

Coding Changes affecting audiology service provision with respect to vestibular services went into effect earlier this year. There is now a bundled code (92540) that should be used for a basic vestibular assessment, which includes spontaneous nystagmus test with eccentric gaze fixation nystagmus, with recording; positional nystagmus test, minimum of four positions, with recording; optokinetic nystagmus test, bidirectional foveal peripheral stimulation, with recording; and oscillating tracking test, with recording. Providers may not report this new code in conjunction with 92541, 92542, 92544 or 92545. Providers may still bill separately for caloric irrigations (92543) and certain other procedures. There is an explanation of the new codes available at the ASHA website if you have questions.

With America focused on health care as never before, it's time that hearing health be more fully integrated into the larger health care system and recognized by health care gatekeepers as a vital component to an individual's overall well-being and quality of life. The Better Hearing Institute is partnering with audiologists across the nation to launch a national effort to urge physicians and nurse practitioners across the country to include hearing health assessments as a routine part of their patients' physical exams. According to MarkeTrak VIII, fewer than 15 percent of those who received a physical exam in the last year said they received a hearing screening by their physician or nurse during that exam. With statistics suggesting that roughly 10% of the US population has some degree of hearing loss, it is time that hearing health issues receive the attention they deserve from primary care health care providers.

If you have any news relevant to the practice of audiology and would like for me to highlight it in future editions of the *KSHA Communicator*, do not hesitate to contact me at [ach@cardinalhill.org](mailto:ach@cardinalhill.org), and I will be happy to reply.

**Chip Hahn**  
*Audiology Chair*

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# Legislative Update

## Save The Date

### 2011 KSHA Convention

February 9-12, 2011  
Northern Kentucky Convention Center  
Covington, Kentucky

If you would like to become more involved with the KSHA Convention, join the KSHA Convention Committee today.

Please contact the KSHA Office for more information. Your involvement adds to a successful Convention.

The Kentucky Legislature adjourned their 60-day session of the Kentucky General Assembly on April 15 without passage of a state budget. The “long session” of the legislature takes place on even-numbered years and those sessions are typically dominated by discussion on the state budget. This session was no different although negotiations broke down at near the end on true philosophical disagreements between the House and Senate.

The Kentucky House of Representatives passed a budget in early March that included \$1 billion in bond funding for a range of public construction projects. Many of the projects related to new school construction and highway construction. Because of the national economic recession public bond rates are at an all-time low, and the House thought now was a good time to capitalize on those rates. The House estimated that their construction projects, which they called “Kentucky Jobs for Kentucky Families” would create 25,000 jobs. To pay for the bonds, the House closed two business tax loopholes. The first would not have allowed businesses who carry a net operating loss to deduct that loss in their next year’s taxes. The second would have required businesses to accelerate sales tax payments.

The Kentucky Senate chose a different path. They cut all of the House projects and called for a 1.5% across-the-board spending cut in year one of the budget and another 1% cut in year two. These cuts included all aspects of state government and included education as well. The Senate simply believes that Kentucky State Government shouldn’t borrow money when they can’t afford it and shouldn’t tax business in the heart of a recession to pay for more spending.

That fundamental disagreement led the Legislature to adjourn without passing a budget. The Governor is expected to call the Legislature into special session at the end of May for the purpose of completing work on a budget.

The good news is that after four years, the Legislature did pass HB376 that recognizes that ASHA certification for speech-language pathologists (SLPs) and board certification for audiologists should be considered on par with National Board Certification for Kentucky teachers. This was a major victory to finally push the bill through after it had stalled out in previous sessions. While the bill specifically states that no state stipends will be issued

until the Legislature makes a new appropriation specifically for that purpose, the bill sets a framework for the funding when it comes. The Legislature included that provision because they simply did not think they could appropriate funds for a new program in the current economic climate when they were making education cuts in other areas.

I look forward to working with KSHA to secure that appropriation as soon as possible.

Also, Senator Julie Denton introduced a concurrent resolution – concurrent resolutions carry the weight of law, unlike simple resolutions – that would have directed the Legislative Research Commission to study the advantages and disadvantages of reducing caseloads for SLPs. While this resolution did not pass the House, I suspect that is an issue that will be back during the next legislative session.

Thank you to all SLPs who made calls in support of HB376. Your calls do make a difference and many legislators told me they were hearing from folks back at home in support of the bill.

Lastly, a special thank you to Representative Leslie Combs for carrying House Bill 376 across the finish line. Representative

Combs has been a tireless advocate for SLPs in the Legislature and we should all let her know that we appreciate her efforts and a thanks goes out to Senator Bob Leeper who helped steer our bill through the Senate.

## 2011 Convention Call For Papers



The Convention will be held on February 9-12 at the Northern Kentucky Convention Center, Covington, KY. Educational programs can be in the form of mini-seminars, short courses or poster presentations.

To submit your Call for Paper, log onto the KSHA website

[www.ksha.info](http://www.ksha.info)

**Deadline for submissions is September 30, 2010.**

**Check the website for details!**

If you have any questions, please contact the KSHA Office at 800-837-2446 or [kshaoffice@ksha.info](mailto:kshaoffice@ksha.info).

**Patrick Jennings**  
Lobbyist

# State Medicare Administrative Contractor Network News

**A**SHA's State Medicare Administrative Contractor (SMAC) Network focuses on "improving and continuing the advocacy, leadership and communication of ASHA members at the state level to influence administrative and public policy decisions that impact the Medicare coverage, reimbursement and delivery of both speech-language pathology services and audiology services."

The SMAC group holds a conference call each month to discuss issues of immediate importance. Please note the following areas of discussion from the minutes of our conference calls:

- Physician Quality Reporting Initiative (PQRI)
  - PQRI reporting of quality care information will result in a 2% increase in Medicare payments at the end of the year
  - ASHA worked with CMS to establish reporting protocols that will enable Medicare private practice SLP's and audiologists to receive the 2% increase. The following reporting rules apply:
    - ◊ Is a voluntary program
    - ◊ SLPs can report on eight of the functional communication measures (FCMs) established in our NOMS program
    - ◊ SLPs must enroll in NOMS
    - ◊ Audiologists must refer patients of any age to a physician (if currently under the care of a physician for that condition) if the audiologist assessment identifies:
      - Congenital or traumatic deformity of the ear
      - History of active drainage from the ear within previous 90 days
      - History of sudden or rapidly progressive hearing loss
- Abusive practices by SNF administrators
  - Increased number of calls to ASHA reporting therapists are being asked to see patients that are not appropriate and see them for long periods of time to increase their RUG levels; reports of administrators/managers interfering with SLP clinical decision making
  - ASHA will be meeting with representatives of large contract rehab firms
- Billing untimed codes more than once daily
  - ASHA received reports of 92507, speech-language treatment, (being denied payments if this code was used twice in one day. The Benefits Policy Manual lists therapy codes that cannot be billed more than once per day, but they are evaluation codes only. (ASHA identified a CMS MUE (Medically Unlikely Edit) for 92507 with a "1" limit. The Health Care Economics Committee will have to address this issue.)
- Cap exceptions process
  - The health care reform package included a provision for an extension of the therapy cap exceptions process until December 31, 2010.
- Bundling of post-acute care with hospital acute care payment
  - Mark Kandar reported that this is a concept being actively discussed as a way to contain costs. The new health care reform bill requires such a pilot program to be established by January 2013.

- RAC audits
  - Region C-Southeast
    - ◊ The main SLP-related problem has been automated audits of the code pair 92610 and 92526 (Dysphagia evaluation and Dysphagia treatment) rendered on the same day. ASHA will determine progress at the appeals level before they follow up with a contact at the CMS regional office.
- Cognitive therapy correction
  - ASHA notified CMS that the National Correct Coding Initiative Policy Manual (Chapter XI, section H (2)) stated that SLPs ... do not perform services coded as CPT codes 97110 (therapeutic exercises), 97112 (neuromuscular reeducation), 97150 (group therapeutic procedures), 97530 (therapeutic activities) or 97532 (cognitive skills development) ...
    - ◊ ASHA submitted various CMS and MAC references confirming that it was appropriate for SLPs to use 97532 (cognitive skills development), although not on the same day as 92507 (speech-language treatment).
    - ◊ On January 29, 2010, ASHA was notified by CMS that the reference to 97532 (cognitive skills development) would be eliminated in the next version of the NCCI Manual scheduled for 10/1/10. The 97533 (sensory integrative techniques) is not mentioned but is included in all current speech-language Local Coverage Determinations (LCD).
  - Before using the physical medicine codes, 97111 (therapeutic exercises), 97530 (therapeutic activities) and 97535 (self-care/home management training), you need to have written confirmation that these codes are allowed for speech-language pathology. (One MAC, Highmark, does allow these codes and are listed in its LCD.)
- Course proposal on new MDS 3.0
  - Joanne Wisely and Lisa Milliken, SMAC members, have submitted a course proposal to the new MDS 3.0 for 2010 ASHA Convention. The new version of the MDS, effective 1/1/10, is significant for SLPs because it requires a determination of the patient's ability to be a reliable source of information prior to the first full assessment.

With the passage of Health Care Reform, we all have many questions as to the effects it will have on our clients as well as on us, as speech-language pathologists and audiologists. The Kaiser Family Foundation has a summary that should be helpful at <http://www.kff.org/healthreform/8061.cfm>.

Please feel free to contact me at [lgregory5@live.com](mailto:lgregory5@live.com) if you have questions regarding Medicare reimbursement.

**Linda Gregory, M.A., CCC-SLP**  
**KY Representative**  
**ASHA Advisory Councilor and SMAC**

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**Fall KSHA Communicator**  
Deadline: July 1, 2010

**2011 Convention  
Call for Papers**  
Deadline: September 30, 2010

**2011 Convention**  
February 9-12, 2011  
Northern Kentucky Convention Center  
Covington, Kentucky

## Submissions

Submissions of articles, manuscripts, reports and letters to the editor are encouraged. The *KSHA Communicator* also welcomes suggestions of editorial coverage. The editorial staff reserves the right to edit submissions for length and clarity.

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**Please send all correspondence and editorial submissions to:** KSHA Office, 838 East High Street, Suite 263, Lexington, KY 40502, 800-837-2446 (office), 888-729-3489 (FAX), [publications@ksha.info](mailto:publications@ksha.info)

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Spring	February 1	March 31
Summer	May 1	June 30
Fall	July 1	August 31
Winter	October 1	November 30

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