



November/December Federal Legislative Update

Medicare Therapy Caps Need to be Addressed before January 1

With the current exceptions process set to expire on January 1, 2013 it is critical that Congress takes action before the caps are implemented and thousands of Medicare beneficiaries lose access to essential occupational therapy services.

With few legislative days left in the lame duck session and a laundry list of issues to address before the end of the year including the “fiscal cliff”, tax extenders, sequestration, and the physician fee schedule it is critical that we keep the Medicare therapy cap issue as part of the discussion. Use the take action button below to help protect beneficiary access to critical and medically necessary occupational therapy services.

Visit [AOTA's legislative action center](#) to learn more about the current situation and to advocate with your members of Congress to stop the therapy caps and help protect beneficiary access to critical and medically necessary occupational therapy services.

AOTA Attends Carter Symposium on Mental Health

President elect Virginia Stoffel and Ralph Kohl, AOTA Legislative Representative attended the Twenty-Eighth Annual Rosalynn Carter Symposium on Mental Health policy; Beyond Stigma: Advancing the Social Inclusion of People With Mental Illnesses. This two day, invite only symposium was attended by representatives from the Obama Administration, including Paolo del Vecchio, Director, Mental Health Services at the Substance Abuse and Mental Health Services Administration (SAMSHA), representatives from the US Centers for Disease Control and Prevention (CDC) and leading national mental health consumer and provider groups.

The symposium included several breakout working groups focused on public health, law and policy, services, and research relating to mental health policy. These working groups focused on formulating specific recommendations to guide the Carter symposium on these critical issues. Dr. Stoffel and Mr. Kohl actively participated in the Public Health and Policy and law working groups respectively. The

Public Health group primarily looked at well-being, quality of life and participation as key to recovery while the Policy and Law group focused on actionable public policy goals.

The two day program also included several panel discussions focused on stigma reduction, social inclusion in housing, employment and education and integrated care and wellness. Included as a panelist discussing employment issues for individuals coping with mental illness was Margaret (Peggy) Swarbrick PhD, OT, CPRP, FAOTA from the Support Programs of New Jersey Institute for Wellness and Recovery Initiatives. Ms. Swarbrick is a member and AOTA fellow whose participation marked the first time in the 28 year history of the Carter Symposium on Mental Health that an occupational therapist was invited to participate as a panelist.

AOTA Meets with the Substance Abuse and Mental Health Services Administration (SAMSHA)

President Elect Virginia Stoffel and representatives from AOTA's federal affairs and practice departments had the opportunity to meet with Paolo del Vecchio, MSW, the Director of the Substance Abuse and Mental Health Services Administration (SAMHSA)'s Center for Mental Health Services (CMHS) at SAMSHA's offices in Rockville, MD.

During this hour long meeting Dr. Stoffel and AOTA's staff focused on the role of occupational therapy in the provision of high quality mental health services. The conversation touched on a variety of topics including occupational therapy's existing and potential roles for occupational therapy practitioners in mental health recovery, as part of interdisciplinary behavioral health teams and as a key component of systemic changes included in the Affordable Care Act (ACA) including the medical home model, primary care teams and prevention and wellness.

Director del Vecchio and several members of his staff were fully engaged in the conversation and indicated they would like to utilize Dr. Stoffel and AOTA as a resource moving forward specifically referencing SAMHSA's future work on behavioral health workforce issues.

AOTA Attends the College for Behavioral Health Leadership (ACMHA) Policy Forum

President elect Ginny Stoffel and AOTA Senior Legislative Representative Ralph Kohl attended the College of Behavioral Health meeting on entitled "Harnessing Community Support for Health and Well Being" to participate in a Policy Forum on Capitol Hill to join a dialogue among behavioral health leaders, the broader health policy community and legislative staff on the need for wider support of community engagement activities in behavioral health promotion. The Forum focused on community-wide efforts to improve health and well-being.

This two day event was attended by leaders of the behavioral and mental health communities, focusing on best practices in working with consumers with lived experiences transition back into meaningful and productive participation in their lives and communities

The Forum included presentations and panel participation from:

- Dr. Vincent Felitti, Kaiser Permanente's Department of Preventive Medicine in San Diego, will discuss findings about the impact of childhood trauma for later adult health, which was documented in the Adverse Childhood Experiences Study;
- Dr. Carolyn Jenkins will discuss how to improve outcomes for diabetes pioneered in South Carolina at the REACH U.S. SEA-Center of Excellence in the Elimination of Diabetes and Disparities;
- Dr. Arthur Evans, Commissioner, Philadelphia Department of Behavioral Health and Intellectual Disability Services will provide local perspectives on the issue;
- Dr. Thom Bornemann, Director, Carter Center Mental Health Program, will provide international perspectives on the issue; and
- Ms. Tonier Cain, Team Leader at the National Center for Trauma Informed Care in Annapolis, MD, will share her perspectives as a person in recovery, a trauma survivor and a national consumer advocate

For additional information regarding this meeting visit the [ACMHA web-site](#).

Support the Occupational Therapy Mental Health Act

Representative Paul Tonko (D-NY) along with Representative Jan Schakowsky (D-IL) introduced the Occupational Therapy Mental Health Act (HR 3762). This important measure will add occupational therapists to the Federal definition of behavioral and mental health practitioner and make occupational therapists eligible to participate in the National Health Services Corps [NHSC] Scholarship and Loan Repayment Programs as behavioral and mental health professionals.

AOTA has been successful in securing support of the Mental Health Liaison Group (MHLG) a leading national coalition focused on mental health issues. Over 34 members of the group have signed onto a letter supporting the HR 3762 which will be circulated on Capitol Hill.

Securing the support of the broader mental health community is a significant step in AOTA's efforts to advance occupational therapy's role in the provision of quality mental health services.

Visit [AOTA's legislative action center](#) to urge your members of Congress to support this critical issue

Make Occupational Therapy an Initiating Service

Representatives Charles Boustany (R-LA) and John Lewis (D-GA), have introduced the Medicare Home Health Flexibility Act, allowing an occupational therapist to perform the initial and comprehensive assessment in Medicare Home Health pursuant to a physician's order.

AOTA staff is working aggressively to secure strong bipartisan support for this legislation, specifically focused on the two committees of jurisdiction in the House of Representatives (Energy and Commerce and Ways and Means). Over the past weeks AOTA has met with several key members of both committees to build momentum towards possible inclusion in an end of the year Medicare package.

This has been an issue for over 30 years and needs to be addressed to insure that beneficiaries have access to the most appropriate skilled therapy service in the timeliest and appropriate manner possible.

The American Occupational Therapy Association (AOTA) continues to work towards passage of the [Medicare Home Health Flexibility Act](#) (HR 2468) to remove a long standing problem for the profession. [Visit AOTA's legislative action center](#) and advocate today.

AOTA Supported Legislation

AOTA Working Towards Passage of the AMSC Bill

AOTA is working in coalition with the American Physical Therapy Association (APTA), the American Academy of Physician Assistants (AAPA), and the American Dietetic Association (ADA) to pass legislation to modify the appointment and grade of the Chief of the Army Medical Specialist Corps to the grade of brigadier general.

This legislation is critical to insure that the practitioners of the Army Medical Specialist Corps, who are so critical to the provision of high quality, effective care, have equal representation in decision making in the Army Medical Department as other health corps.

Senator Tim Johnson (D-SD) has introduced this legislation in the Senate and AOTA in concert with the other organization is working to secure introduction it the House of Representatives and

to secure bi-partisan support in both chambers of Congress. Visit [AOTA's legislative action center](#) for additional information and to advocate in support of this important issue.

Frontline Health Care Providers

Representative Bruce Braley (D-IA) has introduced the Access to Frontline Health Act (HR 531) to establish and carry out a Frontline Providers Loan Repayment Program to provide loan repayments in exchange for a health professional, including occupational therapy practitioners, providing frontline care services for two years in a designated scarcity area.

This legislation will help address shortages of qualified occupational therapy practitioners as well as providing clients in shortage areas with access to necessary and critical services.

Visit [AOTA's Legislative Action Center](#) and urge your member of Congress to support this important legislation.

AOTA Opposed Legislation

Oppose the Athletic Trainers Access to Medicare Act

The Athletic Trainers Equal Access to Medicare Act (HR 2785) was recently introduced in the House of Representatives by Representative Edolphus Towns (D-NY). The legislation would allow non-qualified athletic trainers to bill the Medicare program for therapy services “incident-to” the physician’s professional services, thereby eroding the May 2005 Centers for Medicare and Medicaid Services (CMS) regulations that restrict the billing of therapy services under Medicare to those qualified to deliver physical therapy, occupational therapy, and speech language pathology services.

HR 2785 would allow the billing of services provided by athletic trainers to the physician fee schedule and would apply the therapy cap limitations to these services. AOTA strongly opposes this legislation and encourages members of Congress to do the same. There is currently no Senate companion bill to HR 2785.

Visit [AOTA's legislative action center](#) and urge your members of Congress to oppose this potentially harmful legislation.