

Eli's Rehab Report

Home Health: Get the Inside Scoop on H.R. 5794 and What It Means for OT

The Medicare Home Health Flexibility Act helps agencies, boosts OT professional integrity.

When it comes to home health services, occupational therapy has traditionally had the short end of the stick, compared to physical therapy and speech-language pathology. But the Medicare Home Health Flexibility Act (H.R. 5794) is aiming to change that. This budget-neutral bill that opened in the House last April is worth following -- and would do more than just help OTs be on equal ground.

Background: PT and SLP are "qualifying disciplines" in home health, which means that under the current home health Conditions of Participation, these disciplines can open a case. "OT, however, has never been a qualifying discipline except for one brief shining moment in 1981," explains **Karen Vance, OTR**, who helped initiate the Medicare Home Health Flexibility Act. And not allowing OTs to open a case can put the home health agency in a bind and even be detrimental to the patient.

Here's why: "Imagine a Friday afternoon at a home health agency," says Vance, senior consultant with Springfield, Mo.-based home health consulting firm BKD. Personnel are scrambling to get their last load of referrals staffed for Monday (agencies are required to complete admissions within 48 hours of physician orders). There's a rehab-only case with orders for PT, OT and speech. The agency's PT and speech contacts are booked for Monday, but an OT contact has an opening. Under current law, the OT could not open the case, and the patient would have to wait for PT or speech.

OT Slated for Initiating, Not Qualifying Service

So the answer is to make OT a qualifying discipline, right? Not exactly. H.R. 5794's strategy offers a solution Congress is more likely to agree with. It's easy to mistake the Medicare Home Health Flexibility Act as making OT a qualifying discipline in home health, but that is not the case, Vance says. "This bill allows OT to be an initiating service, not a qualifying discipline." In other words, if there's a rehab-only case (no nursing) with orders for a qualifying discipline (speech or PT), OT would have the ability to conduct the initial assessment for Medicare patients. OT, however, still could not open the case if speech or PT were not ordered since it's not a qualifying discipline.

Who's all in: The National Association of Home Care and Hospice supports the bill, an association source confirms with TCI. And no surprise, the American Occupational Therapy Association (AOTA) is backing it as well. "It would better address patient needs for OT, and it's certainly a professional integrity issue for us, too; OT is a skilled service just the same as PT and speech," says **Tim Nanof**, legislative representative for AOTA who's working on H.R. 5794.

And in many home health cases, OT is truly the best option, advocates argue, especially if the rehab focus is on ADLs. "I've so often seen agencies assigning PT to a case when OT is really the more appropriate discipline," Vance laments. "But this bill would allow the agency more flexibility in deciding which is the most appropriate discipline."

Stay Tuned for Next Medicare Package

So when would this bill have the chance of becoming a reality? Its advocates are thinking around December 2009. "We'd like to convince the committee staff to include it in the next Medicare package, which will probably be 18 months from now," Nanof reports. That would allow time to build cosponsors -- and to show that there is "no opposition."

Why it's win-win: It doesn't threaten anyone else's Medicare funding because it's budget-neutral. Congress wouldn't have to crunch new numbers or cut funding from other groups to give OT the ability to open a case (when other qualifying therapies are involved). "Making OT a qualifying service, however, would not be budget-neutral because that would be

considered an expansion of coverage," Nanof explains. "And people get gunshy about signing on to something that changes the scope of practice because of how it affects other groups."

"This is why it's so important not to misinterpret this bill as making OT a qualifying discipline," Vance stresses.

Naturally, OT advocates would eventually like to see OT as a qualifying discipline for home health services right along with PT and speech, but that battle is for another time.