



A Year of Success for NJSHA

NJSHA's Legislative Committee, chaired by immediate past president Mary Faella, works hand-in-hand with our governmental affairs consultants, **Lynn Nowak** and **Jacy Lance** at Porzio Governmental Affairs. NJSHA tracked 260 bills introduced and moved through the legislative process in 2020. Below is a brief outline of successes that NJSHA achieved in the past year.

Single Licensure for Audiologists

- Signed by Governor Murphy in March of 2019, this new law permits certain audiologists to dispense and fit hearing aids by virtue of their audiology license, eliminating the additional test and license which were previously required.
- The regulatory process occurred in 2020, with the Audiology and Speech-Language Pathology Advisory Committee approving a very simple addition to the Audiology Scope of Practice in March.
- The proposed new language was published in the New Jersey Register in October for public comment. NJSHA registered our support, and there was no opposition to the proposed change.
- We expect final adoption of the new regulations to occur in the first half of 2021.

Protections Incorporated into Applied Behavior Analyst Licensing Bill

- Signed by Governor Murphy on January 13, 2020, with language proposed by NJSHA, this new law requires proper training and licensure of Applied Behavior Analysts.
- The law now specifically clarifies, "the practice of behavior analysis does not include diagnosis of speech-language, hearing, and other communication and swallowing disorders" and "nothing in this act shall be construed to apply to the practice, activities and services of qualified members of other professions, including speech-language pathologists or audiologists."
- NJSHA's advocacy on behalf of speech-language pathologist (SLPs) throughout this legislative process led to a successful dialogue and working relationship with Autism NJ and the New Jersey Association of Behavior Analysis (NJABA). Our efforts began with a meeting in January 2020 and continued with the establishment of a NJSHA/NJABA Collaborative Practice Group. This group, with approval from both associations' boards of directors, is charged with promoting inter professional collaboration between behavior analysts and speech-language pathologists. The group will work together to develop a variety of resources and materials which will be shared on the associations' websites.

COVID-RELATED ISSUES:

1. TELEHEALTH/TELEMEDICINE

- **A.3860 / P.L.2020, c.3** signed by Governor Murphy on March 19, 2020, establishes certain requirements to use telemedicine and telehealth to respond to coronavirus disease 2019 (COVID-19).
 - This bill allows a licensed practitioner to provide and bill for telehealth even if rules for their particular practice have not yet been adopted (THIS IS VERY IMPORTANT FOR SPEECH AND AUDIOLOGY: While the Audiology and Speech-Language Pathology Advisory Committee proposed telehealth/telemedicine rules for the two professions – and NJSHA commented on them – they have not yet been formally adopted).
 - This bill allows an out of state provider to provide telehealth but only related to testing and treatment of COVID-19; unless the provider had a previous relationship with the patient. It also allows the Department of Health (DOH) to waive privacy requirements.
- **A.3843 / P.L. 2020, c.7** signed by Governor Murphy on March 20, 2020, requires health insurance and Medicaid coverage for testing of COVID-19 and for telemedicine and telehealth during COVID-19 state of emergency.
 - As originally introduced, this bill only required coverage of the virus testing, but telehealth was added.
 - The bill states that the coverage of telehealth shall be in accordance with the provisions of P.L. 2017, c. 117, legislation that governs telemedicine/telehealth in the state. NJSHA was involved in the process that led to creation of that law, including the explicit inclusion of audiologists and SLPs.
 - Please note that self-funded plans governed by Employee Retirement Income Security Act of 1974 (ERISA) are not included. ERISA is a federal law and

it cannot be preempted by state law.

- **S.2559 / A.4179 / A.4200** will revise requirements for health insurance providers and Medicaid to cover services provided using telemedicine and telehealth.
 - This bill passed the Assembly Health Committee on June 22, 2020, and the Senate Health Committee on January 14, 2021. NJSHA President Robynne Kratchman testified before the Assembly Health Committee at their June 22 hearing and provided valuable insight to the Senate Health Committee when they held an informational hearing on telehealth on October 8, 2020. NJSHA also supported S.2559 when it was officially heard at the January 14 hearing.
 - This legislation addresses the biggest concern that COVID-19 revealed with the 2017 teletherapy law. It will provide PAYMENT parity, while the 2017 law only provided COVERAGE parity.

2. SCHOOL SETTINGS

- **A.3904 / P.L.2020, c.27** signed by Governor Murphy on April 14, 2020, permits use of virtual or remote instruction to meet minimum 180-day school year requirement under certain circumstances.
 - Speech-language services were included in the bill for public schools from the beginning. In the final bill, other therapies (OT, PT) were included, as were Approved Private Schools for Students with Disabilities.

RE-ADOPTION OF SPECIAL EDUCATION CODE

- In early spring 2020, the New Jersey State Board of Education began the task of re-adopting the state's special education rules before they sunset (expire).
- Led by Sue Goldman (School Affairs Committee) and Maria Rodriguez (Multi Cultural Affairs Committee), NJSHA suggested changes to the Code as requested by the Board of Education in advance of their undertaking a more significant review/overhaul 2021.
- The comments were reviewed over the

summer and the Code was readopted with limited amendments in September 2020. NJSHA will continue to actively participate in all future discussions and reviews.

- Among the topics addressed in NJSHA's comments were the removal of the term "speech correctionist" and the addition of the term "speech-language specialist-equivalent", additional administrative time being afforded to speech-language specialists who serve as case managers to students with disabilities, and the requirement of the re-evaluation of a student with a disability once speech language services are no longer warranted to determine if the student continues to be a student with a disability.

LICENSING, REGULATORY AND INSURANCE ACCOMPLISHMENTS:

- In March 2020, NJSHA learned that Clinical Fellows could not be supervised remotely to meet the supervision requirements of their temporary license. We reached out by letter to Renee Clark, Executive Director of the Audiology and Speech-Language Pathology Advisory Committee at the New Jersey Division of Consumer Affairs to address this issue. Given that all speech services were being conducted virtually due to the Governor's executive order, CFs and their supervisors were placed in an untenable position. After NJSHA continued to push this issue, DCA Administrative Order No. 2020-14 and Waiver No. DCA-W-2020-13 were issued by Paul Rodríguez, Acting Director, Division of Consumer Affairs, on July 29, 2020, allowing CFs to receive supervision virtually.
- Another issue related to CFs was the limitation on CFs actually providing teletherapy services. NJSHA again reached out to Renee Clark, Executive Director of the Audiology and Speech-Language Pathology Advisory Committee at the NJ Division of Consumer Affairs who provided us with a statement that "Clinical interns may practice via telehealth by statute in the Uniform Enforcement Act N.J.S.A. 45:1-62 et al."

- We became aware early in April 2020 that individuals with temporary licenses had been informed that permanent licenses would not be issued until the end of the Public Health Emergency (PHE) and instead their temporary license would simply be extended. Clearly, this posed a problem due to the limitations imposed by a temporary license. NJSHA reached out to our licensing board, and on April 28 the Division of Consumer Affairs posted an alert to its website indicating that clinical interns who are two months away from the end of their supervision may submit their temporary-to-permanent application materials directly to Renee Clark via email, and obtain their permanent license at the appropriate time. NJSHA's intervention was successful.
- Finally, in March, when COVID-19 forced many private practices to resort to telepractice, NJSHA found that Horizon and other insurance carriers did not have the correct CPT codes that would allow SLPs to bill for their services provided virtually. NJSHA worked directly with its contacts at Horizon and provided Horizon with the CPT codes SLPs and audiologists needed. Horizon uploaded these to its system, thereby allowing teletherapy claims to be processed correctly.

STATE/LOCAL RECOGNITION:

- On April 1, 2020, board members of the New Jersey State Board of Education recognized and presented a plaque and resolution to NJSHA leadership, designating May as *Better Hearing and Speech Month*.

