



2018 Legislative Day Webinar  
Wednesday, January 17, 2018

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### Participant Instructions

- Dial the telephone number posted on your computer screen to listen to the audio portion of today's webinar or listen through your computer speakers. Telephone lines are muted.
- If you would like to ask a question of the presenter, or post a comment any time during today's webinar, please use the chat feature on your computer screen. To use the chat feature, go to the "chat" box. From the dropdown list, choose whether you want to send your question or comment to a specific person, to all of the presenters, or to all of the participants. Once you've made that determination, simply type your question or comment in the "chat" box, and click "send."

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### Today's Presenters

- Lana Wood, APRN, Nebraska Home Care Association Past President and Government Affairs/Reimbursement Committee Chair - Director of Patient Care at FirstCare Home Health of Eastern Nebraska in Lincoln
- Janet Seelhoff, Nebraska Home Care Association Executive Director

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## How a Bill Becomes a Law

- Be a Citizen Advocate
- Development and Process of Legislative Bills
  - Legislative Committees
  - General File
  - Select File
  - Final Reading
  - Governor's Approval
  - Veto




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## 2018 Legislative Composition and Priorities

- New Senator Theresa Thibodeau (Omaha)
- Term limits for Senators Jim Smith (Papillion), Bob Krist (Omaha), Burke Harr (Omaha), Lydia Brasch (Bancroft), Tyson Larson (O'Neill), and Paul Schumacher (Columbus)
- Nearly 400 carryover bills
- **January 16<sup>th</sup>** – Committee hearings start
- **Jan. 18<sup>th</sup>** – deadline for new bill introduction
- **February 20<sup>th</sup>** – Last day for priority bill designation
- **February 27<sup>th</sup>** – Last day of committee hearings
- **February 28<sup>th</sup>** – Legislature begins full day floor debate
- **April 18<sup>th</sup>** – Anticipated adjournment date
- Major issues: tax reform, \$173 million budget shortfall, property tax and income tax relief and corrections reform




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## Tips for Talking with Senators

- Remember that they are people too and they want to talk to you.
- Be polite/respectful even if their opinion differs from your own. "Agree to Disagree."
- Tell stories about how what you do impacts your patients every day. Tie in current Legislation when applicable to help Senators understand how a new bill may or may not impact what you do.
- If Senators start talking on tangents, politely re-direct them by say something like, "Senator that is really interesting, but what I would really like to discuss is....."
- Smile and be happy that you are meeting with them.
- Ask the senator if they have a loved one, friend or someone else they know who has home care services
- Share success stories – tell them how patients' quality of life has improved; savings to the state
- Invite the senator on a home care visit in their district to experience firsthand the services being provided to their constituents (members will need to follow up with senator's scheduler).

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## Lobbying Tips

- **Be an Information Source**
- **Make a Specific "Ask"**
- **Make your Connections Known**

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## Nowka & Edwards monitors bills that affect:

- Your licensure
- How you are reimbursed
- Home and community-based services
- Patient populations (home health, hospice, private duty)
- Changes to the tax code ( both negative and positive) that can affect home care and hospice providers or those you serve
- Medicaid program issues
  
- Each week a list of bills is being monitored. Their status in the legislative process is posted on the Nebraska Home Care Association website in the advocacy section - members only area. Email updates are sent to the membership when the association submits a letter or testifies at a specific hearing.

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## Home Care Overview

- Key talking points with state senators:
  - Explain the types of services your agency provides and how it helps our state's citizens remain independent in the comfort and safety of their homes.
  - Share your agency's costs to provide care for skilled nursing, PT, OT, ST, and companion care services for Medicaid clients and what the current reimbursement is. Explain what's included in your agency's or company's operating costs.
  - Explain home care providers deliver health care and services to constituents that help them avoid re-hospitalization and institutional care, which creates more cost to the state.

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## Priority Legislative Bills

- Priority #1: LB442 (carryover bill introduced by Senator Kate Bolz in the 2017 legislative session: [https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=31031](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=31031))
- Purpose: to establish a Medical Assistance Managed Care Organization Oversight Committee for Heritage Health
- Key talking points with state senators:
  - Oversight from the legislature is needed to help enhance the Heritage Health Program, particularly as it relates to timely and accurate authorizations, claims, reimbursement of services, reduction of administrative burden on providers and adequate number of providers to deliver care and services.
  - Share your agency's experiences with Heritage Health and recommendations on how to improve the program.

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## Priority Bills:

- Priority #2 LB867 Change provisions regarding managed care – introduced by Senator Sue Crawford: [https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=34395](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=34395)
- Purpose: To make an effort to provide more transparency and accountability to DHHS as it concerns their process for issuing fines and sanctions to the MCOs when they are not meeting contractual requirements. Help ensure the Legislature's HHS Committee and the public know how fines and sanctions are imposed moving forward now, that we are a year into the new contracts.
- The second part of the bill requires the Department to negotiate a clean claims rate to be put in the contracts with the MCO. This rate would be required in all contract renewals and new contracts moving forward. The thought behind this provision is that the MCOs will have a motivating reason to work more closely with providers in helping them submit clean claims if there is a contractual requirement they have to hit.
- Talking points with state senators:
  - The Nebraska Home Care Association is a member of the Heritage Health Provider Coalition. We support establishing accountability measures like those recommended by Senator Crawford to promote corrective measures when outcomes aren't achieved. Providers shouldn't experience delays in reimbursement or be required to resubmit claims or file appeals when there are errors or delays made by the managed care plans.

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### Priority Bills:

- LB866: Change provisions relating to rules, regulations, and waivers under the Medical Assistance Act introduced by Senator Sue Crawford: [https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=34432](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=34432)
  - Purpose of the bill: when there are proposed changes in rules, regulations and waivers, the Legislature's HHS Committee would hold a public hearing within 10 days after a report with the proposed changes is issued by DHHS. A public notice and comment period regarding proposed changes must also be provided by DHHS.
  - Talking points for state senators
    - The association supports efforts to help improve the communication, transparency and stakeholder engagement when there are proposed changes to rules, regulations, waivers, programs or other items impacting citizens through the Medical Assistance Act.

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### Additional Bills the Association Supports

- LB979 – introduced by Senator Sue Crawford - <https://nebraskalegislature.gov/FloorDocs/105/PDF/Intro/LB979.pdf>
- The intent of this bill is to authorize nurse practitioners and physician assistants to render expert opinions within their scope of practice
- Key talking points for state senators:
  - Explain shortages of physicians in areas of our state and the work and services that physician assistants and nurse practitioners are providing for home care clients.

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### Additional Bills the Association Supports

- LB701 – Provide for telehealth practice by physicians and physician assistants - introduced by Senator Mark Kolterman <https://nebraskalegislature.gov/FloorDocs/105/PDF/Intro/LB701.pdf>
- Purpose: The bill defines telehealth and telemonitoring, allows licensed physicians and PAs to establish relationships with patients through telehealth, and allows for licensed physicians and PAs to prescribe medication through telehealth if they are authorized to do so.
- Talking points: although the bill doesn't address telemonitoring services by home health providers, it expands the options for physicians and PAs to deliver telehealth services. The association supports efforts to expand telehealth and telemonitoring technology and use.
- Explain how your agency does (or would) use telemonitoring services and the benefits to patients.

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## Bills and Studies the Association is Monitoring

- LB924 – [https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=34179](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=34179) introduced by Senator Merv Riepe – **Change provisions of the Emergency Medical Services Practice Act, the Occupational Therapy Practice Act, and the Uniform Credentialing Act**
- Purpose: Emergency services providers want to be able to provide services in hospitals and clinics.
- Talking points:
  - In 2015, the association opposed a bill that would have allowed emergency services providers to provide skilled care services in the home. Providers must be adequately trained, certified and licensed to provide home health services and comply with scope of practice requirements.

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## Bills and Studies the Association is Monitoring

- LR281CA introduced by Senator Adam Morfeld: [https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=34280](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=34280)
- The intent of this bill is to present a constitutional amendment for the public to vote on during the November 2018 general election to state that affordable health care is a right and to expand eligibility under the medical assistance program. It would also require the state legislature to provide affordable health care under the medical assistance program for all adults under the age of 65 with incomes under 133% of the federal poverty level
- Key talking points for state senators:
  - This is an individual decision that would be made by the voters. The Nebraska Home Care Association is not taking a position regarding this study. We want citizens to be able to receive the home care services they need and at the same time ensure there are adequate resources to deliver the care and services.

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## Home Care vs. Home Health

- If you have additional time during your conversation with state senators at the luncheon, discuss:
- The differences between home care and home health
- Emphasize what you do and your extensive training to provide highly skilled, quality care to patients with a variety of healthcare needs including those with complex, long-term care. Explain why it's important to protect our scope of practice.

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## Why are our services needed?

- Talk about that home health agencies, hospice providers and home care companies help Nebraskans save a significant amount of money by preventing emergency room stays and re-hospitalization.
- Home care is the most economical healthcare choice. Share examples of services your agency provides, including telehealth if applicable.
- We reduce long-term care costs through our expertise, and keep people in the safety and comfort of their home where they want to be.
- We help constituents have improved quality of life and increased independence.
- Share examples of how your agency has helped patients' improve their health and quality of life.

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## Nebraska Home Care Association Legislative Day



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