

# Implications of the Affordable Care Act of 2010 for Recreational Therapists

Dawn De Vries, DHA, CTRS  
devridaw@gvsu.edu

## Session Description

- The *Patient Protection and Affordable Care Act of 2010* is one of the most significant recent health policies to be passed in the United States; yet, many recreational therapists know little about it. This session will help recreational therapists understand the development and implementation of the ACA and discuss potential implications that may affect clients and recreational therapists. Implications for assessment, planning, implementation, evaluation and documentation will be shared.

copyright 2016 DeVries

{ 2 }

## Session Outcomes

Participants will be able to:

- Explain the background and development of the Affordable Care Act.
- Identify 3 components of the Affordable Care Act that could impact recreational therapists.
- Describe 2 implications for the APIED process for recreational therapists.

copyright 2016 DeVries

{ 3 }


## What do you know about the ACA?

- The ACA is also referred to as Obamacare.
- The ACA was passed in 2009.
- The ACA allows individuals to be covered under a parent's health insurance until they are 24 years old.
- There have been no attempts to overturn the ACA at this point in history.
- The ACA requires that all pre-existing conditions be covered by health insurance.
- Recent studies show that the ACA is costing more than projected.

copyright 2016 DeVries

{ 4 }

<h2>WHO CARES ABOUT THE ACA?</h2>	copyright 2016 DeVries ( 5 )
-----------------------------------	---------------------------------

<h2>Understanding Public Policy</h2> <ul style="list-style-type: none"><li>• Public policy is often ignored, seen as boring</li><li>• Public policy goal = addressing public problems to ensure public/common good</li><li>• Healthcare one of most regulated industries</li><li>• Laws directly impact delivery of services</li></ul>	 copyright 2016 DeVries ( 6 )
--	---



copyright 2016 DeVries

## WHAT DO YOU KNOW ABOUT PUBLIC POLICY AND LEGISLATION?

{ 7 }

## Public Policy 101 Quiz

- Public policy refers to...
  - Government action taken in response to public problems
- The main reason government gets involved in addressing public problems is to:
  - Ensure that the public good is maintained & protected
- Each state has \_\_\_ senators representing its citizens.
- When I hear the word "public policy", I want to: \_\_\_\_\_
- Which age group has the highest voter turnout rates?
- The U.S. election system is called the:
  - Electoral College
- True or False: Everything I need to know about public policy, I learned from School House Rock.



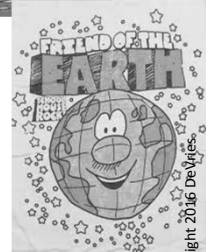
copyright 2016 DeVries

{ 8 }

# Public Policy 101



- “policy” -> standard
- “Policy” -> course of action
  - Language of government
  - Objective = achieving public good
  - Oriented towards a desired state/goal
  - Based on decision and information available
  - Dynamic on where at in the election cycle
  - Short term focus (2 years)



copyright 2016 DeVries

{ 9 }

<http://youtu.be/FFroMQIKiag?list=PLcprapTD03KftZ5Ta2aPuh03feYcmR3Gj>

## PUBLIC POLICY 101

copyright 2016 DeVries

{ 10 }

# Public Policy 101

## How are Public Policies Made?

- Problem identified
- Agenda set
  - Acknowledgement
  - Solutions
  - Environment
- Policy formulated
- Policy adopted
- Policy implemented
  - Laws (acts)
  - Regulations
  - Directives
  - Guidelines
- Policy evaluation
- Policy modification or termination

copyright 2016 DeVries

{ 11 }

# Public Policy 101

### The Players

- Citizens
- Organizations
- Lobbyists
- Government agencies
- Congress people – House of Representatives & Senate; committees
- President

### General

- Local vs. State vs. Federal governments
- HR = bills introduced in the House
- S = bills introduced in the Senate



copyright 2016 DeVries

{ 12 }

## Public Policy 201

### The Nitty Gritty of Bills

- Congress person who has idea becomes sponsor of bill and gives it to the clerk .
- Clerk assigns a number.
- Distributed by GPO
- Assigned to committee for study by Speaker of the House
- Committee studies bill, hears testimony
- Committee may release bill with recommendation to pass, revise, or lay it aside (tabling)
- If released, it goes on a list of bills awaiting action (can limit debate or prohibit amendments)
- Goes to floor for consideration, reading of the bill.

copyright 2016 DeVries

( 13 )

## Public Policy 201

### The Nitty Gritty of Bills

- If passes by simple majority, moves to Senate.
- Follows same process.
- Moves to conference committee to work out differences between both sides of Congress,
- Once approved, printed by GPO (process called in enrolling). Clerk from introducing house certifies the final.
- Enrolled bill signed by Speaker of the House and then the Vice President.
- Sent to President for consideration – 10 days to sign or veto.
- If vetoed, can still become a law with a 2/3 majority vote by Senate and 2/3 majority vote by the House

copyright 2016 DeVries

( 14 )

## Importance of Understanding Public Policy

- Informed healthcare provider
- Advocate for consumers
- Shape policy
- Implement appropriate, timely services impacted by legislation



copyright 2016 DeVries

( 15 )

## THE PATIENT PROTECTION AND AFFORDABLE CARE ACT OF 2010

copyright 2016 DeVries

( 16 )



## History of the ACA Background & Development



- Most significant piece of healthcare legislation since Medicare & Medicaid
- Follow up to 1993 attempt by Clinton
- Purpose: increase access to affordable healthcare insurance, thus reducing number of uninsured
  - Expand Medicaid coverage
  - Increase Children's Health Insurance Program

copyright 2016 DeVries

[ 17 ]

## Overview of the ACA

- Two components:
  - Patient Protection and Affordable Care Act of 2010 (PL 111-148)
  - Health Care and Education Reconciliation Act of 2010 (PL 111-152)
- Split along party lines
- Multiple revisions and pieces of legislation
- Ad-hoc legislating
- HCERA done as budget reconciliation
- Attempts to overturn



copyright 2016 DeVries

[ 18 ]

## Supreme Court Rulings



- 2 Supreme Court cases
  - National Federation of Independent Business v. Sebelius
    - challenged constitutionality of individual mandate – upheld
    - States that do not participate in Medicaid expansion still entitled to matching federal funds
  - King v. Burwell
    - Eligibility for tax credits even if state of residence does not have a state health exchange

copyright 2016 DeVries

[ 19 ]

## ACA Background

- All Americans must have health insurance or pay tax penalty
- Minimum essential coverage
- Tax credits to small businesses; tax penalties to larger businesses who do not offer health insurance
- Requirements of mandated coverage and services by insurance companies = essential health benefits (10)

copyright 2016 DeVries

[ 20 ]

## IMPLICATIONS OF THE ACA FOR RECREATIONAL THERAPY

copyright 2016 DeVries

[ 21 ]

## Rehabilitation and Habilitation Services and Devices

- Purpose
  - minimize disability and effects of chronic conditions
  - ensure access to needed equipment
  - provide services to maintain functional skills and improve QOL
  - improve outcomes
  - reduce use of health services
- Improvement and maintenance of function, and prevention of deterioration
- Home and community based

copyright 2016 DeVries

[ 22 ]

## Habilitation Services

- “help a person keep, learn or improve skills and functioning for daily living. Examples include therapy for a child who isn’t walking or talking at the expected age” – NAIC
  - RT fits in the “other services” category
  - Variations by state
- Includes:
    - Self-help
    - Socialization
    - Adaptive skills
    - Pain management
    - Cognitive retraining
    - Orthotics and prosthetics
    - Vision and hearing
    - Augmentative communication devices

copyright 2016 DeVries

[ 23 ]

## Mental Health and Substance Use

- EHB
  - Expand coverage of Mental Health Parity and Addiction Equity Act of 2008
  - Must coverage MH and substance use the same as other medical services
  - Expand Medicaid coverage
- Includes preventative services
  - Covers Applied Behavior Analysis (ABA) for autism (29 states)
  - Interventions covered: stress management and pain management, coping skills, relaxation techniques

copyright 2016 DeVries

[ 24 ]

## Older Adult Services

- Improved Medicare coverage of preventative services and prescription medications; annual health screenings free
- Demonstration project Independence at Home (2011)
- Anticipated expansion of home and community based services as focus shifts to aging in place
- Reduce hospital readmissions, Medicare fraud, improved care coordination, controls on administrative spending



copyright 2016 DeVries

( 25 )

## Inpatient Rehabilitation

- Physiatrist make determination of most appropriate and medically necessary services rather than CMS' 60% rule (fit into 13 specific dx)



copyright 2016 DeVries

( 26 )

## Pre-Existing Conditions

- Prohibition of denial of coverage for pre-existing conditions
  - Developmental disabilities and delays
  - Chronic conditions
  - Mental health
- Covers rehabilitation, maintenance and prevention services
- Coverage for young adults on parents' health insurance until the age of 26

copyright 2016 DeVries

[ 27 ]

## Chronic Disease Management and Public Health



- Goal = prevention of chronic disease
- Health promotion, wellness and disease prevention
- Community based care and services – “natural environment”
- Grants to promote community initiatives

copyright 2016 DeVries

[ 28 ]

## Evidence Based Practice

- ACA goal = reduce costs of healthcare by changing delivery methods
- Implement standardized care based on research and evidence to improve clinical decision making



copyright 2016 DeVries

( 29 )

## Educational Training



- Training for geriatric education, cultural competency, prevention and health care, working with individuals with disabilities
- SNFs require dementia training

copyright 2016 DeVries

( 30 )

## **WHAT DOES THIS MEAN FOR RECREATIONAL THERAPISTS? HOW DOES THIS IMPACT APIED?**

copyright 2016 DeVries

{ 31 }

## **Changes in Practice**

1. More access for consumers to needed health care
2. Coverage of pre-existing conditions
3. Coverage of habilitation services
4. Focus on community and home based services and care
5. Coverage of medically necessary equipment
6. Focus on wellness, health promotion and lifestyle education
7. Need for and use of EBP

copyright 2016 DeVries

{ 32 }



# APIED

- Assessment
- Planning
- Implementation
- Evaluation
- Documentation



copyright 2016 DeVries

( 33 )

# Equipment and Devices



- Vision and hearing
- Orthotics and prosthetics
- Communication devices
- Equipment needed in home AND community

copyright 2016 DeVries

( 34 )

# Wrap-up

## What should we be doing NOW

- Community skills, integration and inclusion as part of services
- Use and development of EBP
- Get involved in training on disability issues and dementia

## What's still to come...

- Increased community based care and services
- Aging in place
- Focus on wellness, health promotion and chronic disease prevention

copyright 2016 DeVries

( 35 )

# QUESTIONS?

copyright 2016 DeVries

( 36 )