



Proponent Testimony for HB 2039

Chairman Carpenter, Vice Chair Buehler, Ranking Member Ruiz and Members of the Health and Human Services Committee:

My name is Stephanie Underwood and I am the General Counsel for Fox Rehabilitation. Fox Rehabilitation is an outpatient private practice consisting of physical therapists, occupational therapists and speech-language pathologists caring for complex older adults in their home using a Geriatric House Calls™ Program currently operating in 36 states (including D.C.).

FOX is a Medicare part B provider of outpatient physical, occupational and speech therapy services in the home. We do not bill Medicare Part A nor are we a home health agency. Our average patient is 82 years old with multiple comorbidities. Fox fills the gap for patients that are not homebound and need outpatient therapy services, but have difficulty, or no desire, to go to a traditional brick and mortar outpatient clinic.

We provide our services in the patient's home. Approximately 60% of our services are in assisted living facilities and 40% in residential homes. In assisted living facilities, Fox often partners with Medicare part A home health agencies via subcontracting agreement where FOX's clinicians provide therapy for the home health agency. For patients who are not home health service-eligible (i.e., are not homebound, as required under Medicare HHA rules), FOX directly provides therapy services under the Medicare part B benefit aimed at improving the patient's functional wellness.

As stated, we want to expand our operations in Kansas to be able to offer our house calls to older Kansans. Kansas's current statute regarding home health services includes outpatient practices that provide therapy in the home, which could subject FOX to home health licensing. We are proposing a clarification to Kansas' definition of Home Health Agency to exclude entities not reimbursed by Medicare part A and only provide services licensed under the physical or occupational therapy acts or is licensed as a speech-language pathologist. We note that unlike home health agencies who credential their own staff and bill Medicare as the agency, outpatient part B providers, like FOX, must credential clinicians directly with Medicare as our services are billed through the clinician, not the provider entity. In addition, our clinicians are subject to oversight by their respective licensing boards.

I appreciate your time in discussing this important matter and hope that you will support our legislation that will open access to care for older Kansans.