



March 6, 2023

Ms. Sarah Bailey
Alaska Department of Commerce, Community, and Economic Development
Division of Insurance
P.O. Box 110805
Juneau, AK 99811-0805

RE: Regulations Cutting Health Care Claim Payments

Dear Ms. Bailey:

On behalf of the American Speech-Language-Hearing Association and the Alaska Speech-Language-Hearing Association (AKSHA), we write to oppose the proposed regulations that would abolish the 80th percentile as the floor for health care claim payments.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 228,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students. Over 400 ASHA members reside in Alaska.¹

The proposed cuts to health care claim payments would result in denying much needed care to Alaskans by no longer requiring health care insurers to pay out-of-network health care providers for covered services or supplies based on an amount that is equal to or greater than the 80th percentile of charges in a designated geographical area. This proposed change in coverage for out-of-network health care providers will limit patient access to services provided by both audiologists and speech-language pathologists.

The proposed regulations raise concern with ASHA and AKSHA regarding the implications to the rules set forth in the No Surprises Act, which was released last year to protect patients from unforeseen medical expenses. Removing a minimum payment requirement will allow health plans to arbitrarily dictate a reimbursement rate with no regard for the actual cost required to provide care. This will lead to a large disparity between the out-of-pocket costs for the patient and the allowable amount for reimbursement from their health plan.

Audiologists possess a clinical doctoral degree enabling them to conduct comprehensive assessments that determine hearing loss, auditory function, balance and related systems, and evaluate, select, and dispense hearing aids. Audiologists also assess the candidacy of individuals with hearing loss for cochlear implants and work with medical teams to provide fitting, mapping, and audiological rehabilitation to optimize the use of these devices.

Speech-language pathologists possess a master's or doctoral degree with 75 semester credit hours in a course of study addressing the knowledge and skills pertinent to the field of speech-language pathology, as determined, validated, and systematically updated using a skills validation process along with completing a clinical practicum experience. This educational background makes them uniquely qualified to assess and treat speech, language, swallowing, and cognitive communication disorders in children and adults. These services help children acquire language and enable people to recover essential skills to communicate about their health and safety, to swallow adequate nutrition safely, and to have sufficient attention, memory,

and organizational skills to function in their environment. It is critical that Alaskans maintain the opportunity to access these services via their health insurance coverage when using out-of-network providers.

Thank you for considering ASHA's and AKSHA's opposition to the proposed regulations. If you or your staff have any questions, please contact Eileen Crowe, ASHA's director, state association relations, at ecrowe@asha.org.

Sincerely,



Robert M. Augustine, PhD, CCC-SLP
2023 ASHA President



Andrea Toth, CCC-SLP
2023 AKSHA President

¹ American Speech-Language-Hearing Association. (2022). *Alaska* [Quick Facts].
<https://www.asha.org/siteassets/advocacy/state-fliers/alaska-state-flyer.pdf>