

2017 Regular Session

HOUSE BILL NO. 338

BY REPRESENTATIVE POPE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SPEECH/PATH/AUDIO: Provides relative to the Louisiana Board of Examiners for Speech-Language Pathology and Audiology

1 AN ACT

2 To amend and reenact R.S. 37:2654(A)(introductory paragraph), (1)(c), and (2), (B) through

3 (D), and (F) through (H), 2662(A)(introductory paragraph), (2), (3), and (7)(c) and

4 (B), 2663(A), (B), and (D), and 2664, to enact R.S. 37:2654(A)(1)(d) and (e) and (I)

5 through (K), 2656.1, 2660.1, 2661.2, and 2662(C), and to repeal R.S. 37:2655,

6 relative to the practice of speech-language pathology and audiology; to provide for

7 membership on the Louisiana Board of Examiners for Speech-Language Pathology

8 and Audiology; to provide for officers and the domicile of the board; to provide for

9 removal of members; to regulate telepractice; to authorize the conditional issuance

10 or renewal of a license; to provide for disciplinary proceedings and penalties; to

11 prohibit the practice of speech-language pathology and audiology without a license

12 or registration; to prohibit certain actions by licensees and registrants; and to provide

13 for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 37:2654(A)(introductory paragraph), (1)(c), and (2), (B) through

16 (D), and (F) through (H), 2662(A)(introductory paragraph), (2), (3), and (7)(c) and (B),

17 2663(A), (B), and (D), and 2664 are hereby amended and reenacted and R.S.

18 37:2654(A)(1)(d) and (e) and (I) through (K), 2656.1, 2660.1, 2661.2, and 2662(C) are

19 hereby enacted to read as follows:

1 §2654. Board of examiners; creation; membership; appointment; terms; chair;
2 quorum; domicile

3 A. The Louisiana Board of Examiners for Speech-Language Pathology and
4 Audiology is hereby created within the Louisiana Department of Health and is
5 subject to the provisions of R.S. 36:803. The board shall consist of seven persons
6 who are residents of this state, and who, except for the public and physician member,
7 have been engaged in providing service, or in teaching, or research in speech-
8 language pathology or audiology for at least five years prior to appointment and who
9 are licensed speech-language pathologists or audiologists under this Chapter. At
10 least two of the members shall be practicing audiologists, one of whom shall be a
11 dispensing audiologist, at least two shall be practicing speech-language pathologists,
12 one of whom shall be currently ~~certified by the State Board of Elementary and~~
13 ~~Secondary Education as a specialist of speech-language pathology and currently~~
14 ~~employed in a public school setting, one shall be either a practicing speech-language~~
15 ~~pathologist or a practicing audiologist, one shall be a physician licensed to practice~~
16 ~~medicine by the Louisiana State Board of Medical Examiners who shall serve in an~~
17 ~~advisory capacity only and shall not be a voting member of the board, and one shall~~
18 be a public member.

19 (1) No public member shall:

20 * * *

21 (c) Have a financial interest in the practice or business of speech-language
22 pathology or audiology.

23 ~~(c)~~ (d) Be an elected official.

24 (e) Be a family member or spouse of a licensed speech-language pathologist
25 or audiologist.

26 (2) The public member shall be an individual or a ~~family member/spouse~~
27 family member or spouse of an individual ~~who is deaf, hard of hearing or speech~~
28 ~~impaired or a member of an advocacy group committed to the advancement of the~~

1 ~~well-being of the deaf, hard of hearing or speech impaired.~~ with a communication
2 disorder.

3 B. Members of the board shall be appointed by the governor for terms of
4 three years each or until their successors have been appointed, ~~and take office.~~ The
5 ~~public member shall be appointed to the board on or before August 15, 1995.~~

6 C.(1) Appointment to the board shall be made without regard to race or
7 ethnicity, ~~creed, sex, age,~~ religion, ~~or~~ national origin, sex, or disability of the
8 appointee. The Louisiana Speech-Language-Hearing Association, shall within not
9 less than thirty days prior to the expiration of each term of office, submit to the
10 governor ~~a list of at least three~~ the names of qualified individuals for each respective
11 professional service category of board member, except the physician member and the
12 public member, selected by all licensed speech-language pathologists and
13 audiologists in this state, from which the governor shall make his appointment to fill
14 the office for the next succeeding term.

15 (2) The Louisiana State Medical Society shall, within not less than thirty
16 days prior to the expiration of the term of office of the physician member of the
17 board submit to the governor ~~a list of at least three~~ the names of qualified physicians
18 from which the governor shall make the appointment of the physician member of the
19 board for the next succeeding term. The Louisiana Speech-Language-Hearing
20 Association shall, within not less than thirty days prior to the expiration of the term
21 of office of the public member, submit to the governor ~~a list of at least three~~ the
22 names of qualified individuals selected by all licensed speech-language pathologists
23 and audiologists in this state from which the governor shall make his appointment
24 to fill the office for the next succeeding term. The ~~three~~ names shall be selected
25 from those nominees submitted by any individual or advocacy group which meets
26 the qualifications and requirements listed under Paragraph A(2) of this Section.

27 D. Any vacancy on the board occurring for any cause except the expiration
28 of the term, shall be filled by the governor for the unexpired portion of the term from
29 a list of names submitted by the board or the Louisiana State Medical Society for a

1 physician vacancy on the board or for the public member from names submitted to
2 the board by an individual or advocacy group which meets the qualifications and
3 requirements of Paragraph A(2) of this Section.

4 * * *

5 F. There shall be a chair and a vice chair of the board, who shall be elected
6 annually from among the members of the board licensed pursuant to this Chapter.
7 In order to be eligible for these positions, an individual shall have served as a
8 member of the board for a minimum of two years. A chair shall serve no more than
9 three consecutive full years. ~~Four members shall constitute a quorum for the~~
10 ~~transaction of the business of the board provided that at least one speech-language~~
11 ~~pathologist and one audiologist are present.~~

12 G. Regular meetings of the board shall be held at such times and places as
13 is prescribed and special meetings may be held upon the call of the chair, provided
14 that at least one regular meeting be held each ~~year.~~ quarter. Meetings may be
15 conducted in accordance with Robert's Rules of Order. Four members shall
16 constitute a quorum for the transaction of the business of the board provided that at
17 least one speech-language pathologist and one audiologist are present.

18 H. No member ~~of the board~~ shall be paid any compensation for duties
19 performed as a member of the board, but shall be reimbursed for all reasonable and
20 necessary travel expenses in attending any board meeting ~~of the board~~ within this
21 state and may be reimbursed for all other reasonable and necessary expenses incurred
22 in attending board meetings ~~of the board~~ or on necessary business of the board which
23 is authorized by the board.

24 I. No member of the board shall be an officer or hold any leadership position
25 in a state speech-language pathology or audiology professional association for the
26 term of the member's appointment to the board. For the purposes of this Subsection,
27 "leadership position" shall include but not be limited to an elected or appointed
28 position as a member of the state executive board, service on an ethics committee or

1 membership committee, or other similar positions of the state professional
2 association.

3 J. There shall be a secretary-treasurer of the board who shall be elected
4 annually from among the members of the board. The secretary-treasurer shall review
5 financial records and, together with one of the officers of the board, shall co-sign all
6 checks disbursing funds of the board.

7 K. The domicile of the board shall be the parish of East Baton Rouge.

8 * * *

9 §2656.1. Removal of board members

10 A member of the board may be removed by the board upon an affirmative
11 vote of a two-thirds majority of members otherwise eligible to vote upon one or more
12 of the following grounds:

13 (1) Refusal or inability for any reason of a member of the board to perform
14 the duties required of a board member.

15 (2) Failure to attend two consecutive meetings of the board without prior
16 approval of the board chair.

17 (3) Misuse of a board member position to obtain or attempt to obtain any
18 financial or material gain, or any advantage personally or for another, through such
19 position.

20 (4) A final adjudication that there has been a violation of the laws governing
21 the practice of speech-language pathology or audiology by a board member.

22 (5) Conviction of a crime other than a minor traffic offense.

23 * * *

24 §2660.1. Telehealth

25 The use of telehealth in the delivery of speech-language pathology or
26 audiology services, regardless of where the services are rendered or delivered,
27 constitutes the practice of speech-language pathology or audiology and shall require
28 Louisiana licensure for in-state practitioners and telehealth registration for out-of-

1 state practitioners.

2 * * *

3 §2661.2. Conditional issuance or renewal of a license

4 An individual may have a license issued on a conditional basis. Conditions
5 may include but are not limited to any of the following:

6 (1) Additional requirements for continuing education.

7 (2) Additional supervision requirements.

8 (3) Limitations on practice.

9 (4) Limitations on supervisory responsibility.

10 (5) Monthly monitoring of conditions.

11 §2662. Disciplinary action

12 A. Any individual licensed or registered ~~under~~ pursuant to this Chapter may
13 have his license suspended or revoked or be disciplined by the board upon proof that
14 such individual:

15 * * *

16 (2) Has obtained his license or registration by means of fraud,
17 misrepresentation, or concealment of material facts.

18 (3) Has engaged in ~~abusive~~ negligent or fraudulent billing in connection with
19 services provided.

20 * * *

21 (7) Has provided professional services while:

22 * * *

23 (c) ~~Has used~~ Under the influence of any narcotic or controlled dangerous
24 substance or other drug that is in excess of therapeutic amounts or without valid
25 medical indication.

26 * * *

27 ~~B. When the board is authorized to discipline an individual, the board may:~~

28 B. It shall be unlawful for any individual to engage in the practice of speech-
29 language pathology or the practice of audiology unless currently licensed or

1 registered to practice pursuant to the provisions of this Chapter. The individual
2 engaging in unlicensed practice shall be subject to a cease and desist order or
3 disciplinary action by the board, as appropriate, and as provided for in Subsection
4 C of this Section.

5 C. When the board is authorized to discipline an individual, the board may
6 impose, separately or in combination, any of the following disciplinary actions:

7 (1) Refuse to issue or renew a license or registration.

8 (2) Issue a public ~~or private~~ letter of reprimand or concern.

9 (3) Has engaged in abusive or fraudulent billing in connection with services
10 provided.

11 (4) Has engaged in conduct likely to deceive, defraud or harm the public, or
12 demonstrated a willful or careless disregard for the welfare or safety of a consumer.

13 (5) Has engaged in unprofessional conduct, as defined by the rules
14 established by the board, or has violated the code of ethics adopted and published by
15 the board.

16 (6) Suspend or revoke a license or registration.

17 (7) Has provided professional services while:

18 (a) Mentally incompetent.

19 (b) Under the influence of alcohol.

20 (c) Has used any narcotic or controlled dangerous substance or other drug
21 that is in excess of therapeutic amounts or without valid medical indication.

22 (8) Has violated any provision of this Chapter.

23 (9) Issue a consent agreement and order.

24 §2663. Disciplinary hearing; procedure, appeal

25 A. Any person, against whom a complaint has been filed ~~under~~ pursuant to
26 this Chapter shall be given thirty days notice, in writing by certified mail with return
27 receipt, enumerating the charges and specifying the date, place, and time for public
28 hearing thereon. In connection with any hearing, the board may issue subpoenas,
29 compel the attendance and testimony of witnesses, and administer oaths the same as

1 a district court in the parish where the hearing takes place. A ~~stenographic~~ record of
2 all proceedings before the board shall be made and a ~~transcript~~ kept on file with the
3 board.

4 B. Any licensee or registrant aggrieved by a decision of the board may
5 appeal the decision within thirty days thereof to the district court for the parish in
6 which the board is domiciled. In such case the secretary-treasurer shall transmit to
7 the district court a certified copy of the record. The procedure for the appeal shall
8 be pursuant to the Administrative Procedure Act.

9 * * *

10 D. The state of Louisiana shall be a party to the prosecution of all such
11 actions and hearings before the board pertaining to the suspension and revocation of
12 a ~~certificate, license or registration,~~ and the attorney general, or one of his assistants,
13 is hereby authorized and directed to shall appear on behalf of the state.

14 §2664. Prohibitions

15 No person ~~may~~ shall:

- 16 (1) Sell, barter, or offer to sell or barter a license or registration.
- 17 (2) Purchase or procure by barter a license or registration with intent to use
18 it as evidence of the holder's qualifications in the practice of speech-language
19 pathology or audiology.
- 20 (3) Alter a license or registration materially.
- 21 (4) Use or attempt to use a license or registration which has been purchased,
22 fraudulently obtained, counterfeited, or materially altered.
- 23 (5) Willfully make a false, material statement in an application for a license
24 or registration or for renewal of a license or registration.

25 Section 2. R.S. 37:2655 is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 338 Original

2017 Regular Session

Pope

Abstract: Provides for the powers and duties of the La. Board of Examiners for Speech-Language Pathology and Audiology.

Present law creates the La. Board of Examiners for Speech-Language Pathology and Audiology within the La. Department of Health. Further provides that at least two of the seven members shall be practicing speech-language pathologists, one of whom shall be currently certified by the State Board of Elementary and Secondary Education (BESE) as a specialist of speech-language pathology and currently employed in a school setting.

Proposed law removes the requirement that at least one member be certified by BESE and specifies that the member must be employed in a public school.

Present law prohibits certain actions by the public member of the board.

Proposed law retains present law and adds that no public member shall have a financial interest in the practice or business of speech-language pathology or audiology or be a family member or spouse of a licensed speech-language pathologist or audiologist.

Present law requires the public member to be an individual or a family member or spouse of an individual who is deaf, hard of hearing, or speech impaired or a member of an advocacy group committed to the advancement of the well-being of the deaf, hard of hearing, or speech impaired.

Proposed law changes the qualification for the public member to an individual or family member or spouse of an individual with a communication disorder.

Present law requires the public member to be appointed to the board on or before August 15, 1995.

Proposed law repeals present law as the deadline has passed.

Present law requires appointments to the board to be made without regard to race, creed, sex, religion, or national origin of the appointee.

Proposed law requires appointments to the board to be made without regard to race or ethnicity, age, religion, national origin, sex, or disability of the appointee.

Present law requires the La. Speech-Language-Hearing Association to submit to the governor a list of at least three names for each respective professional service category of board member, except the physician member and the public member, selected by all licensed speech-language pathologists and audiologists in this state.

Proposed law removes the requirement that a total of three names be submitted.

Present law requires the La. State Medical Society to submit to the governor a list of at least three names of physicians from which the governor shall make the appointment of the physician member of the board.

Proposed law removes the requirement that a total of three names be submitted.

Present law requires the La. Speech-Language-Hearing Association to submit to the governor a list of at least three names selected by all licensed speech-language pathologists and audiologists in this state from which the governor shall make his appointment to fill the public position.

Proposed law removes the requirement that a total of three names be submitted.

Present law provides that there shall be a chair and a vice chair of the board, who shall be elected annually from among the members of the board

Proposed law retains present law but requires the chair and vice chair to be licensees of the board.

Present law requires regular meetings of the board to be held at least once each year and authorizes special meetings to be held upon the call of the chair.

Proposed law increases the frequency of required meetings to at least one each quarter.

Proposed law prohibits a member of the board from being an officer or holding any leadership position in a state speech-language pathology or audiology professional association for the term of the member's appointment to the board.

Proposed law establishes the domicile of the board in the parish of East Baton Rouge.

Proposed law provides that a member of the board may be removed by the board upon an affirmative vote of a two-thirds majority of members otherwise eligible to vote upon one or more of the following grounds:

- (1) Refusal or inability for any reason of a member of the board to perform the duties required of a board member.
- (2) Failure to attend two consecutive meetings of the board without prior approval of the board chair.
- (3) Misuse of a board member position to obtain or attempt to obtain any financial or material gain, or any advantage personally or for another, through such position.
- (4) A final adjudication that there has been a violation of the laws governing the practice of speech-language pathology or audiology by a board member.
- (5) Conviction of a crime other than a minor traffic offense.

Proposed law requires La. licensure for in-state practitioners and telehealth registration for out-of-state practitioners using telehealth in the delivery of speech-language pathology or audiology services, regardless of where the services are rendered or delivered.

Proposed law authorizes the board to issue a license on a conditional basis. Conditions may include but are not limited to any of the following:

- (1) Additional requirements for continuing education.
- (2) Additional supervision requirements.
- (3) Limitations on practice.
- (4) Limitations on supervisory responsibility.
- (5) Monthly monitoring of conditions.

Present law authorizes the board to suspend a license or discipline a licensee for certain acts.

Proposed law retains present law and expands the board's authority to individuals registered with the board.

Present law authorizes the board to discipline a licensee who has engaged in abusive or fraudulent billing in connection with services provided.

Proposed law changes the prohibited act to negligent or fraudulent billing in connection with services provided.

Proposed law prohibits any individual from engaging in the practice of speech-language pathology or audiology unless currently licensed by or registered with the board. Further provides that the individual engaging in unlicensed practice shall be subject to a cease and desist order or disciplinary action by the board, as appropriate.

Proposed law authorizes the board to issue a consent agreement and order in a disciplinary action.

Present law requires a stenographic record of all disciplinary hearing proceedings before the board to be made and a transcript kept on file with the board.

Proposed law authorizes the record to be made in any form and requires the record itself to be kept on file.

(Amends R.S. 37:2654(A)(intro. para.), (1)(c), and (2), (B)-(D), and (F)-(H), 2662(A)(intro. para.), (2), (3), and (7)(c) and (B), 2663(A), (B), and (D), and 2664; Adds R.S. 37:2654(A)(1)(d) and (e) and (I)-(K), 2656.1, 2660.1, 2661.2, and 2662(C); Repeals R.S. 37:2655)