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A bill to be entitled
 An act relating to the Board of Hearing Aid Specialists
 and the Board of Speech-Language Pathology and Audiology;
 merging these boards into a new Board of Communication
 Disorders; providing for membership of the new board;
 providing for a type two transfer of powers, duties and
 functions, records, personnel, property, and unexpended
 balances of appropriations, allocations, or other funds of
 the former boards to the new board; preserving pending
 judicial and administrative actions; specifying the time
 of abolishment of the former boards; providing for
 jurisdiction of the new board; amending ss. 20.43,
 468.1125, 468.1135, 468.1246, 468.1315, 484.041, and
 484.0512, F.S.; conforming provisions to changes made by
 the act; repealing ss. 484.042 and 484.043, F.S., relating
 to the Board of Hearing Aid Specialists and its
 membership, appointment, terms, and headquarters;
 providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The Board of Speech-Language Pathology and
 Audiology, created by section 468.1135, Florida Statutes, and
 the Board of Hearing Aid Specialists, created by section
 484.042, Florida Statutes, are merged into the Board of
 Communication Disorders, created by this section.

(2) The members of both former boards shall serve the
 balance of their terms as members of the Board of Communication

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29 Disorders. Vacancies shall be filled in accordance with section
30 468.1135, Florida Statutes, as amended by this act.

31 (3) All of the statutory powers, duties and functions,
32 records, personnel, property, and unexpended balances of
33 appropriations, allocations, or other funds for the
34 administration of the Board of Speech-Language Pathology and
35 Audiology and the Board of Hearing Aid Specialists shall be
36 transferred by a type two transfer, as defined in section
37 20.06(2), Florida Statutes, from the Board of Speech-Language
38 Pathology and Audiology and the Board of Hearing Aid Specialists
39 to the Board of Communication Disorders.

40 (4) The transfer of regulatory authority as provided by
41 this act shall not affect the validity of any judicial or
42 administrative action pending as of 11:59 p.m. on June 30, 2005,
43 to which action the Board of Speech-Language Pathology and
44 Audiology and the Board of Hearing Aid Specialists are at that
45 time parties, and the Board of Communication Disorders shall be
46 substituted as a party in interest in any such action.

47 (5) Effective at 11:59 p.m. on June 30, 2005, the Board of
48 Speech-Language Pathology and Audiology and the Board of Hearing
49 Aid Specialists are abolished.

50 (6) This section shall take effect upon this act becoming
51 a law.

52 Section 2. Paragraph (g) of subsection (3) of section
53 20.43, Florida Statutes, is amended to read:

54 20.43 Department of Health.--There is created a Department
55 of Health.

56 (3) The following divisions of the Department of Health

57 are established:

58 (g) Division of Medical Quality Assurance, which is
 59 responsible for the following boards and professions established
 60 within the division:

- 61 1. The Board of Acupuncture, created under chapter 457.
- 62 2. The Board of Medicine, created under chapter 458.
- 63 3. The Board of Osteopathic Medicine, created under
 64 chapter 459.
- 65 4. The Board of Chiropractic Medicine, created under
 66 chapter 460.
- 67 5. The Board of Podiatric Medicine, created under chapter
 68 461.
- 69 6. Naturopathy, as provided under chapter 462.
- 70 7. The Board of Optometry, created under chapter 463.
- 71 8. The Board of Nursing, created under part I of chapter
 72 464.
- 73 9. Nursing assistants, as provided under part II of
 74 chapter 464.
- 75 10. The Board of Pharmacy, created under chapter 465.
- 76 11. The Board of Dentistry, created under chapter 466.
- 77 12. Midwifery, as provided under chapter 467.
- 78 13. The Board of Communication Disorders ~~Speech-Language~~
 79 ~~Pathology and Audiology~~, created under part I of chapter 468 and
 80 part II of chapter 484.
- 81 14. The Board of Nursing Home Administrators, created
 82 under part II of chapter 468.
- 83 15. The Board of Occupational Therapy, created under part
 84 III of chapter 468.

- 85 16. Respiratory therapy, as provided under part V of
- 86 chapter 468.
- 87 17. Dietetics and nutrition practice, as provided under
- 88 part X of chapter 468.
- 89 18. The Board of Athletic Training, created under part
- 90 XIII of chapter 468.
- 91 19. The Board of Orthotists and Prosthetists, created
- 92 under part XIV of chapter 468.
- 93 20. Electrolysis, as provided under chapter 478.
- 94 21. The Board of Massage Therapy, created under chapter
- 95 480.
- 96 22. The Board of Clinical Laboratory Personnel, created
- 97 under part III of chapter 483.
- 98 23. Medical physicists, as provided under part IV of
- 99 chapter 483.
- 100 24. The Board of Opticianry, created under part I of
- 101 chapter 484.
- 102 ~~25. The Board of Hearing Aid Specialists, created under~~
- 103 ~~part II of chapter 484.~~
- 104 25.26. The Board of Physical Therapy Practice, created
- 105 under chapter 486.
- 106 26.27. The Board of Psychology, created under chapter 490.
- 107 27.28. School psychologists, as provided under chapter
- 108 490.
- 109 28.29. The Board of Clinical Social Work, Marriage and
- 110 Family Therapy, and Mental Health Counseling, created under
- 111 chapter 491.
- 112 Section 3. Subsection (2) of section 468.1125, Florida

113 Statutes, is amended to read:

114 468.1125 Definitions.--As used in this part, the term:

115 (2) "Board" means the Board of Communication Disorders
 116 ~~Speech-Language Pathology and Audiology~~.

117 Section 4. Section 468.1135, Florida Statutes, is amended
 118 to read:

119 468.1135 Board of Communication Disorders ~~Speech-Language~~
 120 ~~Pathology and Audiology~~.--

121 (1) There is created within the department the Board of
 122 Communication Disorders ~~Speech-Language Pathology and Audiology~~,
 123 composed of nine ~~seven~~ members appointed by the Governor and
 124 confirmed by the Senate.

125 (2)(a) Six ~~Four~~ members of the board shall be persons
 126 licensed by the board ~~under this part~~, as follows:

127 1. Two members shall be practicing speech-language
 128 pathologists.

129 2. Two members shall be practicing audiologists.

130 3. Two members shall be hearing aid specialists who have
 131 been licensed and practicing in this state for at least the
 132 preceding 4 years.

133 (b) One member shall be an otolaryngologist ~~a physician~~
 134 licensed pursuant to chapter 458 or chapter 459 ~~who is a~~
 135 ~~neurologist, an otolaryngologist, or a pediatrician~~.

136 (c) Two members shall be citizens of the state ~~who are~~
 137 ~~communicatively impaired and~~ who are not, and have never been,
 138 licensed as a speech-language pathologist or an audiologist and
 139 who are in no way connected with the practice of such
 140 profession. Neither of the two shall derive economic benefit

141 from the fitting or dispensing of hearing aids. At least one of
 142 the two shall be a hearing aid user but may neither be nor have
 143 been a hearing aid specialist or a licensee of a closely related
 144 profession. At least one of the two shall be communicatively
 145 impaired. At least one of the two shall be 65 years of age or
 146 older.

147 ~~(d) At least one member of the board shall be 60 years of~~
 148 ~~age or older.~~

149 (3) As the terms of the initial members expire, the
 150 Governor shall appoint successors who meet the requirements of
 151 subsection (2) for terms of 4 years. Members shall serve until
 152 their successors are appointed.

153 (4)(a) The board has authority to adopt rules pursuant to
 154 ss. 120.536(1) and 120.54 to implement the provisions of this
 155 part conferring duties upon it.

156 (b) The board shall adopt rules requiring that each
 157 prospective purchaser of a hearing aid be notified by the
 158 attending audiologist, at the time of the initial examination
 159 for fitting and sale of a hearing aid, of telecoil, "t" coil, or
 160 "t" switch technology. The rules shall further require that
 161 licensed audiologists make available to prospective purchasers
 162 information regarding telecoils, "t" coils, or "t" switches.
 163 These rules shall be effective on or before October 1, 1994.

164 (5) All provisions of chapter 456 relating to activities
 165 of regulatory boards shall apply to the board.

166 (6) The board shall maintain its official headquarters in
 167 Tallahassee.

168 Section 5. Subsection (2) of section 468.1246, Florida

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169 Statutes, is amended to read:

170 468.1246 Thirty-day trial period; purchaser's right to
 171 cancel; notice; refund; cancellation fee.--

172 (2) The board, ~~in consultation with the Board of Hearing~~
 173 ~~Aid Specialists,~~ shall prescribe by rule the terms and
 174 conditions to be contained in the money-back guarantee and any
 175 exceptions thereto. Such rule shall provide, at a minimum, that
 176 the charges for earmolds and service provided to fit the hearing
 177 aid may be retained by the licensee. The rules shall also set
 178 forth any reasonable charges to be held by the licensee as a
 179 cancellation fee. Such rule shall be effective on or before
 180 December 1, 1994. Should the board fail to adopt such rule, a
 181 licensee may not charge a cancellation fee which exceeds 5
 182 percent of the total charge for a hearing aid alone. The terms
 183 and conditions of the guarantee, including the total amount
 184 available for refund, shall be provided in writing to the
 185 purchaser prior to the signing of the contract.

186 Section 6. Subsection (1) of section 468.1315, Florida
 187 Statutes, is amended to read:

188 468.1315 Saving clauses.--

189 (1) No judicial or administrative proceeding pending
 190 pursuant to part I of chapter 468, Florida Statutes, 1989, on
 191 October 1, 1990, shall be abated as a result of the repeal of
 192 ss. 468.139, 468.140, 468.141, 468.142, 468.1425, 468.143,
 193 468.144, 468.145, 468.146, 468.147, 468.148, and 468.149. In any
 194 such unabated proceeding, the Board of Communication Disorders
 195 ~~Speech-Language Pathology and Audiology~~ and the department shall
 196 be deemed parties in interest and shall be made parties to the

197 proceeding.

198 Section 7. Subsection (1) of section 484.041, Florida
 199 Statutes, is amended to read:

200 484.041 Definitions.--As used in this part, the term:

201 (1) "Board" means the Board of Communication Disorders,
 202 created in s. 468.1135 ~~Hearing Aid Specialists.~~

203 Section 8. Subsection (2) of section 484.0512, Florida
 204 Statutes, is amended to read:

205 484.0512 Thirty-day trial period; purchaser's right to
 206 cancel; notice; refund; cancellation fee; criminal penalty.--

207 (2) The board, ~~in consultation with the Board of Speech-~~
 208 ~~Language Pathology and Audiology,~~ shall prescribe by rule the
 209 terms and conditions to be contained in the money-back guarantee
 210 and any exceptions thereto. Such rule shall provide, at a
 211 minimum, that the charges for earmolds and service provided to
 212 fit the hearing aid may be retained by the licensee. The rules
 213 shall also set forth any reasonable charges to be held by the
 214 licensee as a cancellation fee. Such rule shall be effective on
 215 or before December 1, 1994. Should the board fail to adopt such
 216 rule, a licensee may not charge a cancellation fee which exceeds
 217 5 percent of the total charge for a hearing aid alone. The terms
 218 and conditions of the guarantee, including the total amount
 219 available for refund, shall be provided in writing to the
 220 purchaser prior to the signing of the contract.

221 Section 9. Sections 484.042 and 484.043, Florida Statutes,
 222 are repealed.

223 Section 10. Except as otherwise provided herein, this act
 224 shall take effect July 1, 2005.