

By Senator Baker

20-590A-05

See HB 1137

1 A bill to be entitled
2 An act relating to the Board of Hearing Aid
3 Specialists and the Board of Speech-Language
4 Pathology and Audiology; merging these boards
5 into a new Board of Communication Disorders;
6 providing for membership of the new board;
7 providing for a type two transfer of powers,
8 duties and functions, records, personnel,
9 property, and unexpended balances of
10 appropriations, allocations, or other funds of
11 the former boards to the new board; preserving
12 pending judicial and administrative actions;
13 specifying the time of abolishment of the
14 former boards; providing for jurisdiction of
15 the new board; amending ss. 20.43, 468.1125,
16 468.1135, 468.1246, 468.1315, 484.041, and
17 484.0512, F.S.; conforming provisions to
18 changes made by the act; repealing ss. 484.042
19 and 484.043, F.S., relating to the Board of
20 Hearing Aid Specialists and its membership,
21 appointment, terms, and headquarters; providing
22 effective dates.

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

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26 Section 1. (1) The Board of Speech-Language Pathology
27 and Audiology, created by section 468.1135, Florida Statutes,
28 and the Board of Hearing Aid Specialists, created by section
29 484.042, Florida Statutes, are merged into the Board of
30 Communication Disorders, created by this section.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 (2) The members of both former boards shall serve the
2 balance of their terms as members of the Board of
3 Communication Disorders. Vacancies shall be filled in
4 accordance with section 468.1135, Florida Statutes, as amended
5 by this act.

6 (3) All of the statutory powers, duties and functions,
7 records, personnel, property, and unexpended balances of
8 appropriations, allocations, or other funds for the
9 administration of the Board of Speech-Language Pathology and
10 Audiology and the Board of Hearing Aid Specialists shall be
11 transferred by a type two transfer, as defined in section
12 20.06(2), Florida Statutes, from the Board of Speech-Language
13 Pathology and Audiology and the Board of Hearing Aid
14 Specialists to the Board of Communication Disorders.

15 (4) The transfer of regulatory authority as provided
16 by this act shall not affect the validity of any judicial or
17 administrative action pending as of 11:59 p.m. on June 30,
18 2005, to which action the Board of Speech-Language Pathology
19 and Audiology and the Board of Hearing Aid Specialists are at
20 that time parties, and the Board of Communication Disorders
21 shall be substituted as a party in interest in any such
22 action.

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

26 (6) This section shall take effect upon this act
27 becoming a law.

28 Section 2. Paragraph (g) of subsection (3) of section
29 20.43, Florida Statutes, is amended to read:

30 20.43 Department of Health.--There is created a
31 Department of Health.

1 (3) The following divisions of the Department of
2 Health are established:

3 (g) Division of Medical Quality Assurance, which is
4 responsible for the following boards and professions
5 established within the division:

6 1. The Board of Acupuncture, created under chapter
7 457.

8 2. The Board of Medicine, created under chapter 458.

9 3. The Board of Osteopathic Medicine, created under
10 chapter 459.

11 4. The Board of Chiropractic Medicine, created under
12 chapter 460.

13 5. The Board of Podiatric Medicine, created under
14 chapter 461.

15 6. Naturopathy, as provided under chapter 462.

16 7. The Board of Optometry, created under chapter 463.

17 8. The Board of Nursing, created under part I of
18 chapter 464.

19 9. Nursing assistants, as provided under part II of
20 chapter 464.

21 10. The Board of Pharmacy, created under chapter 465.

22 11. The Board of Dentistry, created under chapter 466.

23 12. Midwifery, as provided under chapter 467.

24 13. The Board of Communication Disorders
25 ~~Speech Language Pathology and Audiology~~, created under part I
26 of chapter 468 and part II of chapter 484.

27 14. The Board of Nursing Home Administrators, created
28 under part II of chapter 468.

29 15. The Board of Occupational Therapy, created under
30 part III of chapter 468.

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- 1 16. Respiratory therapy, as provided under part V of
2 chapter 468.
- 3 17. Dietetics and nutrition practice, as provided
4 under part X of chapter 468.
- 5 18. The Board of Athletic Training, created under part
6 XIII of chapter 468.
- 7 19. The Board of Orthotists and Prosthetists, created
8 under part XIV of chapter 468.
- 9 20. Electrolysis, as provided under chapter 478.
- 10 21. The Board of Massage Therapy, created under
11 chapter 480.
- 12 22. The Board of Clinical Laboratory Personnel,
13 created under part III of chapter 483.
- 14 23. Medical physicists, as provided under part IV of
15 chapter 483.
- 16 24. The Board of Opticianry, created under part I of
17 chapter 484.
- 18 ~~25. The Board of Hearing Aid Specialists, created~~
19 ~~under part II of chapter 484.~~
- 20 25.26. The Board of Physical Therapy Practice, created
21 under chapter 486.
- 22 26.27. The Board of Psychology, created under chapter
23 490.
- 24 27.28. School psychologists, as provided under chapter
25 490.
- 26 28.29. The Board of Clinical Social Work, Marriage and
27 Family Therapy, and Mental Health Counseling, created under
28 chapter 491.
- 29 Section 3. Subsection (2) of section 468.1125, Florida
30 Statutes, is amended to read:
- 31 468.1125 Definitions.--As used in this part, the term:

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

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

5 468.1135 Board of Communication Disorders
6 ~~Speech Language Pathology and Audiology~~.--

7 (1) There is created within the department the Board
8 of Communication Disorders ~~Speech Language Pathology and~~
9 ~~Audiology~~, composed of nine ~~seven~~ members appointed by the
10 Governor and confirmed by the Senate.

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

13 1. Two members shall be practicing speech-language
14 pathologists.

15 2. Two members shall be practicing audiologists.

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

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

22 (c) Two members shall be citizens of the state ~~who are~~
23 ~~communicatively impaired and~~ who are not, and have never been,
24 licensed as a speech-language pathologist or an audiologist
25 and who are in no way connected with the practice of such
26 profession. Neither of the two shall derive economic benefit
27 from the fitting or dispensing of hearing aids. At least one
28 of the two shall be a hearing aid user but may neither be nor
29 have been a hearing aid specialist or a licensee of a closely
30 related profession. At least one of the two shall be

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1 communicatively impaired. At least one of the two shall be 65
2 years of age or older.

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

5 (3) As the terms of the initial members expire, the
6 Governor shall appoint successors who meet the requirements of
7 subsection (2) for terms of 4 years. Members shall serve until
8 their successors are appointed.

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

12 (b) The board shall adopt rules requiring that each
13 prospective purchaser of a hearing aid be notified by the
14 attending audiologist, at the time of the initial examination
15 for fitting and sale of a hearing aid, of telecoil, "t" coil,
16 or "t" switch technology. The rules shall further require that
17 licensed audiologists make available to prospective purchasers
18 information regarding telecoils, "t" coils, or "t" switches.
19 These rules shall be effective on or before October 1, 1994.

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

22 (6) The board shall maintain its official headquarters
23 in Tallahassee.

24 Section 5. Subsection (2) of section 468.1246, Florida
25 Statutes, is amended to read:

26 468.1246 Thirty-day trial period; purchaser's right to
27 cancel; notice; refund; cancellation fee.--

28 (2) The board, ~~in consultation with the Board of~~
29 ~~Hearing Aid Specialists,~~ shall prescribe by rule the terms and
30 conditions to be contained in the money-back guarantee and any
31 exceptions thereto. Such rule shall provide, at a minimum,

1 that the charges for earmolds and service provided to fit the
2 hearing aid may be retained by the licensee. The rules shall
3 also set forth any reasonable charges to be held by the
4 licensee as a cancellation fee. Such rule shall be effective
5 on or before December 1, 1994. Should the board fail to adopt
6 such rule, a licensee may not charge a cancellation fee which
7 exceeds 5 percent of the total charge for a hearing aid alone.
8 The terms and conditions of the guarantee, including the total
9 amount available for refund, shall be provided in writing to
10 the purchaser prior to the signing of the contract.

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

13 468.1315 Saving clauses.--

14 (1) No judicial or administrative proceeding pending
15 pursuant to part I of chapter 468, Florida Statutes, 1989, on
16 October 1, 1990, shall be abated as a result of the repeal of
17 ss. 468.139, 468.140, 468.141, 468.142, 468.1425, 468.143,
18 468.144, 468.145, 468.146, 468.147, 468.148, and 468.149. In
19 any such unabated proceeding, the Board of Communication
20 ~~Disorders Speech Language Pathology and Audiology~~ and the
21 department shall be deemed parties in interest and shall be
22 made parties to the proceeding.

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

25 484.041 Definitions.--As used in this part, the term:

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

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

30 484.0512 Thirty-day trial period; purchaser's right to
31 cancel; notice; refund; cancellation fee; criminal penalty.--

1 (2) The board, ~~in consultation with the Board of~~
2 ~~Speech Language Pathology and Audiology,~~ shall prescribe by
3 rule the terms and conditions to be contained in the
4 money-back guarantee and any exceptions thereto. Such rule
5 shall provide, at a minimum, that the charges for earmolds and
6 service provided to fit the hearing aid may be retained by the
7 licensee. The rules shall also set forth any reasonable
8 charges to be held by the licensee as a cancellation fee. Such
9 rule shall be effective on or before December 1, 1994. Should
10 the board fail to adopt such rule, a licensee may not charge a
11 cancellation fee which exceeds 5 percent of the total charge
12 for a hearing aid alone. The terms and conditions of the
13 guarantee, including the total amount available for refund,
14 shall be provided in writing to the purchaser prior to the
15 signing of the contract.

16 Section 9. Sections 484.042 and 484.043, Florida
17 Statutes, are repealed.

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