

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 747 CS

Health Professionals Treating Speech or Hearing Disorders

SPONSOR(S): Greenstein

TIED BILLS:

IDEN./SIM. BILLS: SB 370

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Health Care Regulation Committee	11 Y, 0 N, w/CS	Hamrick	Mitchell
2) Health Care Appropriations Committee			
3) Health & Families Council			
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 747 CS revises the requirements for Department of Health's Board of Speech-Language Pathology and Audiology to issue licenses and provisional licenses to practice as a speech-language pathologist or audiologist in Florida.

Frequent changes in the academic and clinical requirements for accreditation have led to the need for revisions to Florida's practice act for speech-language pathology and audiology. Speech-language pathology programs require a master's entry-level for clinical practice with expanded knowledge and skills and competency-based assessment as of January 1, 2005. Currently, the programs in Florida that are offering master's degrees in speech-language pathology meet these new expanded standards. By January 1, 2007, the audiology profession in Florida will transition to expanded educational requirements and requirement of a doctoral degree.

The bill provides that applicants requesting a provisional license as a speech-language pathologist or audiologist must meet certain requirements in the areas of academic course work, practicum experience, and supervised clinical experience or professional employment. The bill also revises the licensure requirements for foreign trained or out-of-state applicants.

The bill requires applicants requesting licensure as an audiologist to have a minimum of 11 months of full-time professional employment. Currently, speech-language pathologists and audiologists must have 9 months of full-time professional employment. The bill provides that the board may certify an audiologist for licensure if an applicant has earned a doctoral degree in audiology and passed an examination. Currently, an applicant seeking licensure to practice as a speech-language pathologist or audiologist is required to complete the education and supervised clinical requirements, the professional experience requirement, and pass an examination.

The bill requires a speech-language assistant or audiology assistant to have a plan for on-the-job training and decreases the educational requirements for audiology assistants. An audiologist or speech-language pathologist, who employs an assistant, is responsible for all the services performed by the assistant.

Fiscal Impact: According to the Department of Health, if the board is required to determine equivalency of training for foreign trained applicants the department will incur costs to translate transcripts and to hire education program experts to determine program equivalency which may increase or generate litigation issues.

The bill takes effect July 1, 2006.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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DATE: 3/8/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government-The bill requires the Department of Health to determine the equivalency of education for foreign trained health professionals requesting a license or provisional license to practice as a speech-language pathologist or audiologist in Florida. Determining equivalency may also increase litigation cases for the department.

B. EFFECT OF PROPOSED CHANGES:

The bill revises the requirements for Department of Health's Board of Speech-Language Pathology and Audiology to issue licenses and provisional licenses to practice as a speech-language pathologist and audiologist.

Changes to the Professional Training Requirements for Speech-Language Pathology and Audiology

Frequent changes in the academic and clinical requirements for accreditation have led to the need for revisions to Florida's practice act for speech-language pathology and audiology. In 1997, the profession of Speech Language Pathology and Audiology became regulated. The Educational Testing Service completed national skills validation studies for both professions and concluded that the knowledge and skills of practitioners must be expanded to assure good quality care to the persons both professions serve.

Florida universities were the first in the nation to transition all accredited university training programs to the Doctor of Audiology degree. The University of Florida (UF), University of South Florida (USF), and Nova Southeastern University are the only universities in Florida with audiology programs and each offer the Doctor of Audiology degree.

By January 1, 2007, the audiology profession in Florida will transition to expanded educational requirements and requirement of a doctoral degree.

Speech-language pathology will remain at the master's entry-level for clinical practice, also with expanded knowledge and skills and competency-based assessment as of January 1, 2005. Speech-language pathology master's degree programs in Florida currently meet the expanded standards that became effective on January 1, 2005.

The Bill Makes Changes to the Practice Act for Speech-Language Pathology and Audiology

The bill changes requirements for licensure for speech-language pathologist and audiologist to increase the educational standards so that they are concurrent with the national trends that are and will continue to evolve over the next several years.

The bill replaces the requirements for specified hours of course work and clinical experience with requirements for specific areas of knowledge and skills that are appropriate to completed accredited degree programs. The bill revises the requirements for licensure by endorsement, provisional licenses, provisional licensure for foreign trained professionals, and certification of speech-language pathology assistants and audiology assistants.

The bill increases the educational requirements for licensure in audiology to a doctoral degree in audiology. A transition period is provided to master degree recipients so they may qualify for a provisional license, which is good for 24 months, until they meet the higher educational requirements of

a doctoral degree in audiology. The bill provides that the board may certify an audiologist for licensure if an applicant has obtained a doctoral degree in audiology and passed the required examination.

Effective January 1, 2008, an audiologist who has earned a master's degree in a program with a major emphasis in audiology or earned a doctoral degree in audiology but not passed the license examination is eligible to receive a provisional license.

Until January 1, 2013, the board may waive the education, practicum, and professional employment requirements of foreign trained provisional licensure applicants, if the board is satisfied that an applicant meets the equivalency requirements and passes the examination in speech-language pathology or audiology.

Currently, speech-language pathologists and audiologists must have 9 months of full-time professional employment prior to licensure.¹ The bill requires applicants requesting licensure as an audiologist to have a minimum of 11 months of full-time professional employment.

The bill provides language that broadens the recognition of accredited schools or institutions of higher learning, to include schools that are accredited by the US Department of Education or a successor to the Council for Higher Education Accreditation.

The bill decreases the educational requirements for audiology assistants by removing the 24 semester hours of course work required for certification and specifies that audiology assistants must possess at least a high school diploma or its equivalent.

The bill requires an audiologist or speech-language pathologist to provide their assistants with a work plan approved by the board for on-the-job training. An audiologist or speech-language pathologist, who employs an assistant, is responsible for all the services performed by the assistant.

BACKGROUND INFORMATION

In 1995, approximately 46 million people in the United States of all ages, races and gender, experienced or lived with some type of communication disorder.² According to the American Speech-Language Hearing Association, 28 million individuals have a hearing loss.³

Audiologists, speech-language pathologists, and speech, language, and hearing scientists are professionals who evaluate, treat, and conduct research into human communication and its disorders.

Speech and language disorders are disabilities of individuals to understand and/or appropriately use the speech and language systems of society. Such disorders may range from simple sound repetitions or occasional misarticulations to the complete absence of the ability to use speech and language for communication.

National Certification by the American Speech-Language and Hearing Association

The American Speech-Language Hearing Association provides voluntary certification for speech-language pathologists and audiologists. In 1997, the American Board for Audiology was founded to provide voluntary board certification for audiologists.

¹ See s. 468.1165, F.S.

² American Speech-Language Pathology Association, *Speech-Language Disorders and the Speech-Language Pathologist*, <http://www.asha.org/students/professions/overview/sld.htm>

³ A Decade of Progress Ahead. *1990 Annual Report of the National Deafness and Other Communication Disorders Advisory Board*. <http://www.asha.org/students/professions/overview/hla.htm>

American Speech-Language Hearing Association Requirements for the Certificate of Clinical Competence

Applicants for the American Speech-Language Hearing Association Certificate of Clinical Competence (C.C.C.) must have a master's or a doctoral degree. Candidates for certification must have completed at least 27 semester credit hours in basic science course work; 36 semester credit hours in professional coursework; 375 Clock Hours of Supervised Clinical Observation/Practice; a clinical fellowship that encompasses 36 weeks of full-time professional experience; and successfully pass the national examination.

American Speech-Language Hearing Association Requirements for Certification in Audiology

Demonstration of continued professional development is mandated for maintenance of the Certificate of Clinical Competence in Audiology. This standard took effect on January 1, 2003. The certification is good for three years. The new professional development standard will apply to all certificate holders, regardless of the date of initial certification. Individuals who hold the Certificate of Clinical Competence in Audiology must accumulate 30 contact hours of professional development over the 3-year period in order to meet this standard.⁴

C. SECTION DIRECTORY:

Section 1. Amends s. 468.1155, F.S., to revise the requirements of issuing provisional licenses to speech-language pathologists and audiologists.

Section 2. Amends s. 468.1165, F.S., to increase the time requirement for professional employment experience.

Section 3. Amends s. 468.1185, F.S., to revise requirements to issue a license to an applicant to practice audiology.

Section 4. Amends s. 468.1215, F.S., to revise the on-the-job training requirements by requiring a work plan for speech-language pathology assistants and audiology assistants; removes the college coursework requirements for audiology assistants and requires them to have at least a high school diploma or its equivalent.

Section 5. Provides the bill will take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See "D. Fiscal Comments"

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

⁴ American Speech-Language Pathology Association, *Certification Maintenance Guidelines for Audiology*, http://www.asha.org/about/membership-certification/certification/standard6_aud_guide.htm

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There may be costs associated with the additional education requirement. The practitioners will be better educated to provide the appropriate care.

D. FISCAL COMMENTS:

According to the Department of Health, if the board is required to determine equivalency of training for foreign trained applicants there may be a cost associated with translations of transcripts and the hiring of education program experts to determine program equivalency. These costs can be reduced or eliminated by allowing the board to rely on professional credentials review organizations. There may be an increase in litigation due to the equivalency determination required of the board. Nearly every foreign educated speech–language pathologist or audiologist who is denied a license will litigate with the board over the correctness of the denial.

According to DOH, the department may incur minimal costs relating to rulemaking under the bill. The board will also need to update the licensure application to include the acceptance of the American Board of Audiology certification for applicants seeking licensure by endorsement to practice as an audiologist in Florida.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides the Board of Speech-Language Pathology and Audiology the authority required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Board of Speech-Language Pathology and Audiology created a review panel to look at any needed changes to the current statutory provisions, specifically focusing on educational standards. The intent of the recommendations from this panel and the board as a whole are encompassed in this bill.

According to the board, the intent of the language is to provide the board with authority to increase the educational standards concurrent with the national trends that are and will continue to evolve over the next several years. These changes include requiring more education and clinical experience prior to licensure, but are significantly delayed by Section 1(3)(c) of the bill. This section deals with the provisional licensure for applicants who have earned a master's degree with a major emphasis in audiology and provides a grandfather clause for them until January 2008 or January 2013 for foreign trained applicants.

Litigation Concerns in Determining Foreign Trained Education Equivalency

According to DOH, the bill may increase or generate litigation issues. Nearly every foreign educated speech–language pathologist or audiologist who is denied a license will litigate with the board over the correctness of the denial. Board members will have to become education program experts and will have to hire educational program experts to determine whether the applicant “meets the equivalent” education and practicum requirements. Similarly there will be litigation over when and whether the board should “waive” the education, practicum, and professional employment experience because the applicant obtained “the equivalent” elsewhere. Board members also lack the ability to translate foreign transcripts from all over the world so they will have to have the documentation translated into English.

According to the department, currently, foreign trained applicants must present documentation of the determination of equivalency by the Council for Higher Education in order to qualify for a provisional license.

The board indicated that the determination of equivalency should be made by the credentialing experts who report to the board but are paid for by the applicants as is the case in other professions.

The board states that allowing them to rely on the expert opinions of a professional credential review company that can evaluate the educational background of foreign graduates might discourage or limit some of the litigation.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 8, 2005 the Health Care Regulation Committee adopted two amendments. One was offered by the bill’s sponsor and the other by Representative Proctor. Both amendments were technical and clarified the intent of the bill, specifically, licensure requirements for audiologists. The amendments clarified that an applicant who has received a doctoral degree in audiology meets or satisfies the requirements for education and supervised clinical requirements and the professional experience requirements, but they must still pass the required examination.

The bill, as amended, was reported favorably as a committee substitute.

This analysis is drafted to the committee substitute.