

HB

553

COMMITTEE REPORT


HOUSE

Rules

FURTHER: _____

Date: Jan 9, 1978

Mr. Speaker:

Ret to


The Committee on HESS has had HB 553
"Relating to licensing of speech pathologists and audiologists; e.d."

under consideration and (a majority of the committee) (the committee reports it back as follows)

() recommends it do pass () recommends it do not pass

() recommends it do pass with attached amendment(s)

() recommends it be replaced with CS for HB 553

and HB 553 () new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

() reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

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[Handwritten signature]

[Handwritten note]

Chairman

- ①. Purpose or Intent → To License individual who practice these professions, thus protecting the public and consumer. Upgrading the professions.
- ②. 37 states have such laws.
- ③. Go thru. rigorous training and certification at national level thru. American Speech & Hearing Association.
- ④. H.B. #553 et. Master Degree / min. standard Speech Pathology or Audiology, but has liberal provisions for grandfathering of individuals previously practicing.
- ⑤. Fed. Legislation → such as establishing Professional Standards Review Organization and Health Services Agencies often requests to identify providers.
- ⑥. Ak. approx. 75 people. 60% → Ak. Speech & Hearing Association.

POSITION PAPER
ON
HOUSE BILL NO. 553

"An Act relating to licensing of speech pathologists and audiologists."

The intent of this proposed legislation is to license individuals who practice these professions and thus protect the public against incompetent and unscrupulous practitioners. Licensing in these areas has become the trend nationally and more than 37 other States now have such laws. Legislation is pending in other States. The Alaska Speech and Hearing Association unanimously supports this bill.

The Speech Pathology and Audiology fields have rather rigorous training and certification requirements at the national level through the dictates of the American Speech and Hearing Association. This is a voluntary association, however, which has no legal basis for enforcement at the State level. Unqualified persons who are not members of the American Speech and Hearing Association are free to practice within Alaska and present themselves to the public as Speech Pathologists or Audiologists even though they may have little or no training in these professions and adhere to no formalized code of ethics.

House Bill 553 establishes a masters degree as the minimum standard for practice of Speech Pathology and/or Audiology but has liberal provisions for the "grandfathering" of individuals presently practicing.

Speech Pathologists and Audiologists provide therapeutic health care services, often in medical settings, but are not regulated by licensing laws. This may present a problem in the future since Federal legislation such as that establishing Professional Standards Review Organizations and Health Services Agencies often request States to identify qualified providers by referring to those licensed by the State.

The Department of Health and Social Service supports the bill but would recommend the following changes.

Change is needed in Section 08.74.160 referring to the requirement for aides. Currently there are aides who are working in speech pathology and audiology programs who are not enrolled in degree programs. The stipulation that aides must be enrolled in a degree program would eliminate these people.

DELETE In Section 08.74.160 line 9 and 10 omit the words "pursuing a degree in Speech Pathology or Audiology at an accredited college or University."

Section 08.74.220 line 7

ADD "for the purposes of this subsection the words 'habilitation and rehabilitation' include, but are not limited to hearing aid evaluation, recommendation, and fitting."

While the Department of Health and Social Services supports the bill with the above changes, we cannot recommend programs above the Governor's budget.

Recommended by Robert I. Fraser 2/2/78
Robert I. Fraser, M.D. Date
Director

Approved by Helen D. Beirne 2/6/78
Helen D. Beirne Date
Commissioner

SUMMARY

Because professionals and others throughout the United States are finding:

- 1. A steady increase in untrained or poorly trained individuals who are providing speech and hearing services;
- 2. that professional titles are being used by others who are not qualified in the fields of speech pathology and audiology;
- 3. public confusion about who is qualified to practice speech pathology and audiology; and
- 4. there are no legal means of protecting the public from the violation of ethical conduct or from unscrupulous, unqualified or untrained practitioners,

there appears to be a significant justification for the need of Alaska licensure for speech pathologists and audiologists.

Licensure for speech pathologists and audiologists in Alaska will:

- 1. ASSURE direct accountability of speech pathologists and audiologist for diagnosis and treatment.
- 2. ASSURE uniformity of definition, practice and standards of speech pathology at a high level throughout the state.
- 3. ASSURE objectivity in servicing the speech and hearing handicapped.
- 4. PROTECT the public from unqualified practitioners.
- 5. PROTECT the public from unscrupulous practices by a system of recourse: fines, suspension or revocation of license.
- 6. ALLOW the state to maintain high standards and monitor the

training of professionals.

7. PROVIDE for reciprocal relations and status with licensed speech pathologists and audiologists in other states.
8. PROVIDE for more and better insurance coverage for speech pathologists and audiologists and therefore, more protection for the public.
9. ASSURE that persons engaging in private practice have the highest qualification and are responsible to the state for the regulation of standards.

ALASKA SPEECH AND HEARING ASSOCIATION
LICENSURE COMMITTEE

4B 553

A POSITION PAPER ON LICENSURE FOR
SPEECH PATHOLOGISTS AND AUDIOLOGISTS IN ALASKA

INTRODUCTION

The purpose of this paper is to set forth the reasons for the desirability of Alaska licensure for speech pathologists and audiologists. In addition to this specific information, a general explanation of the field of speech pathology and audiology in Alaska is provided to assist the reader in his understanding of the profession.

Speech pathologists and audiologists are professionals who evaluate and rehabilitate a wide range of communication disorders. Clinical services in speech pathology and audiology in Alaska are provided for infants, preschool, school age, adult, and geriatric individuals, and may include such communication disorders as impaired hearing, deafness, voice, stuttering, delayed or non-existent language, defective articulation, and aphasia. These specific disorders of communication, as well as their combinations, are found in persons diagnosed as deaf or hard of hearing, cerebral palsy, cleft palate and mental retardation. They are frequently associated with various learning disabilities, emotional disturbances, brain damage and other medical, social and educational problems.

In Alaska, there are approximately seventy speech and hearing professionals who are currently working with communicatively handicapped individuals throughout the state. They are working in

the public school systems, community speech and hearing centers, hospitals, state and federal agencies, private rehabilitation centers, and nursing homes.

Approximately sixty percent of the speech pathologists and audiologists employed in the state are voluntary members of the organization known as the Alaska Speech and Hearing Association. The purpose of this organization is to stimulate an awareness and interest in communication disorders, to further the study and treatment of these disorders, and to promote the welfare of the speech and hearing handicapped within the state of Alaska. The Association's standards require that a member must possess at least a master's degree in either speech pathology or audiology; that they have at least three hundred hours of supervised clinical practice; that they practice successively for nine months under the supervision of a certified person; and that they pass a national examination given by the American Speech and Hearing Association. These are the same qualifications which are required for the Certificate of Clinical Competence awarded by the American Speech and Hearing Association. This voluntary certification has served as the basis of reference for quality professional services in federal health care legislation (Medicare and Medicaid) and as a guide to state agencies (Vocational Rehabilitation, Communicative Disorders, Child Development Services, and Handicapped Children's Program), and is the only nationwide program of accreditation. While some protection of the public is afforded through

self-regulatory procedures established by a national professional society, it falls short, however, of its goal, primarily because practitioners are not required to maintain membership and thus to adhere to educational and ethical principles established by the professional society. As a consequence, the evaluation and management of people with communication disorders represents one of the few allied or independent health services which offers the public no protection against incompetency, unethical practices or other abuses because there is an absence of national or state licensure regulations. This occurs despite the fact that disorders of speech, language, and hearing represent one of the most common handicaps existing in our state.

INCIDENCE OF SPEECH AND HEARING DISORDERS IN ALASKA

<u>Birth to 15 years</u>	<u>15 to 65 years</u>	<u>Above 65 years</u>
9% or 10,896 persons	4% or 11,120.6 persons	19.9% or 1,919.35 persons

*This is equal to 23,935 persons or approximately 6% of the total population in the state. These figures were obtained from the Dept. of Labor's projected 1978 statistics and national averages of the incidence of communicative disorders taken from ASHA.

NEEDS FOR LICENSURE

I. Consumer Protection

In the past six years, many states (23) have recognized that there are sufficient needs to protect the public from unqualified, unscrupulous, or inept providers of speech, language and hearing services; and through the adoption of licensure legislation, these

states have acknowledged the necessity to identify those practitioners who are best qualified (in terms of education and experience) to render these services to the communicatively handicapped.

Historically, the professions of Speech Pathology and Audiology have demonstrated concern for the consumer public through the development of a certification program for the individual practitioner. This certification, however, is voluntary, and individuals may practice their profession without regard to the established professional criteria. Realistic consumer protection demands that peer review and self-policing be supported with a basis in law. In health and education, as well as in many other trades, this self-regulation is accomplished through licensure. At the present time in Alaska, there is no restriction which prevents any individual, with or without the necessary training, from providing speech and hearing services to the public.

In any professional service field dealing with health and educational development, it is essential that minimum standards of training and experience be established for the providers of these services. This is especially true for professions about which the consumer is not familiar. For example, Audiology is a relatively young profession of 25 years. While the profession has matured within the medical and educational communities, the public generally, has little awareness of it. Consequently, a person seeking help for a communication disorder may, without realizing the difference, turn to someone without appropriate training. Peer review among

professionals can, to some extent provide protection for the consumer. Without a basis in law, however, anyone wishing to violate peer review standards is completely free to do so.

It has become increasingly urgent for the public throughout the United States to be protected from the unscrupulous and injurious acts performed by individuals who lack training and competence in the field of Speech Pathology and Audiology. Professionals in Speech Pathology and Audiology, education, psychology and medicine have become aware of the increase number of unqualified individuals performing hearing tests, speech and language evaluations, and providing therapeutic services, despite the fact that many of these individuals title themselves Speech Pathologists and Audiologists. In addition, many of these individuals require a fee for service. Generally, these individuals are practicing in their homes, and in some cases publicly advertise services in newspapers and other media. Qualified professionals in these areas have reported that, generally, the patients served by these untrained persons are not being adequately helped. Additionally, the consumers of these services have expressed concerns about minimal results despite significant expenditures and assurances of success.

While abuses in Alaska have not been rampant, it is strongly voiced by speech and hearing professionals that consumer protection should not await the onslaught of multiple abuses experienced in other states. Particularly when one is dealing with the health and social well-being as well as the educational future of the communi-

catively handicapped individual.

Professional experience and research suggests that, like medicine, dentistry and other health professions, specific education and practical experiences are necessary to insure an individual's readiness to participate in detection, diagnosis, prescription and remedial measures for the communicatively handicapped. The communicatively handicapped population in Alaska deserves only the highest level of service. Yet, without licensure of qualified professionals, the type of unethical practice mentioned previously will certainly occur within our state.

Most of the hearing aid dealers based in Alaska are ethical business men and are providing an essential service to the hearing impaired. It is not the purpose of the proposed Speech Pathology and Audiology licensure bill to affect their practice in any way. However, the tremendous confusion created by the inappropriate use of professional titles demands a legal clarification for the benefit of the consumer.

These are but a few examples of the ever increasing need to prevent abuses to the communicatively handicapped. A licensure bill for speech pathologists and audiologists would protect the public from the unscrupulous and unqualified practitioner by a system of recourse: fine, suspension or re-vocation of license.

II. Broadening of the Demand for Speech Pathology and Audiology Services.

With the increasing recognition by the general public of the importance of communication for each individual from childhood to

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to adulthood, and with the available data suggesting educational, emotional and economic impact of communication disorders, it is understandable that the national legislative bodies and nationwide insurance companies are including speech, language and hearing services in legislation and in insurance coverage. In both instances, public funds are ultimately involved. This suggests that the services must be delivered as efficiently and economically as possible. These goals can be achieved by the utilization of qualified professionals to provide services and by the protection of the unwary general public from unqualified individuals seeking to profit from the available funds. Broader coverage health insurance on a national scale will result in more and more people seeking services because insurance will cover their costs. The provider of these services needs to be identified for the consumer, and licensure will effectively accomplish this.

III. Identification of the Provider of Services for the Communicatively Handicapped

At the present time, no uniform standards are applied to persons presenting themselves as specialists in this field, other than certification requirements for persons functioning in the schools and competence standards established by the American Speech and Hearing Association. In fact, no standards exist for anyone practicing in the public sector who is charging fees paid by the recipient of the services.

Certification requirements for speech and hearing professionals

functioning in the Alaska public schools are viewed by the profession as inadequate. At the present time, a person may be employed to provide speech pathology and/or audiology services with little or no training in the field. The proposed licensure bill demands that every practicing speech, language, and hearing specialist in the state of Alaska possess adequate credentials, so that when a handicapped individual presents himself for assistance, he or she can be assured that the assistance will be given expertly and ethically. This protection is not currently available. Only a state system of licensure can insure such a practice.

It is also possible that state licensure will protect the professional who is a citizen of a state with the advent of a national health insurance program. Licensure will help identify the professional and provide for his /her participation in these developing health care programs.

Finally, lack of uniform standards in this state and throughout the United States, imposes considerable limitations on the freedom of choice of occupation by geographical location for professionals. A person who receives his education and training and works for a period of time in Alaska should have the freedom to move to another state with the full expectation of finding employment providing he presents suitable credentials. This is not currently possible since the lack of licensure in our state inhibits reciprocity with 23 other

states who presently have licensure. It is noteworthy, also, that a majority of the remaining 27 states without licensure are presenting licensure bills to upcoming legislatures this year.

IV. The Need for a Minimum Standard

The diversity that characterizes the communicatively impaired requires that all speech pathologists and audiologists (the only professionals who specialize in communication disorders) have at least a common core of training that insures familiarity with all types of hearing, speech and language impairments.

Speech pathologists and audiologist may work in very different work settings: hospitals, rehabilitation centers, nursing services, day care centers, state institutions, and in private practice. The potential employer requires a guarantee that the speech pathologist or audiologist has been trained to a minimum standard that has not neglected the needs of that employer's program.

Speech pathologists and audiologists often times do not work alone, but interact frequently with physicians, psychologists, social workers and teachers. For these professionals to make effective use of the expertise of the speech pathologist and audiologist, it is necessary that they know what training and experience the speech and hearing professional may be expected to have. A well publicized minimal standard would serve this purpose.

The profession of speech pathology and audiology has become aware, perhaps belatedly, of its responsibility to inform the public of the necessity and nature of its services. Many communicatively

handicapped persons fail to get needed assistance because they do not know that it is available or how best to obtain it. Speech pathologists and audiologists are now recognizing their responsibility to increase the public's awareness and to provide information about communicative disorders. Potential consumers of clinical and educational services in speech pathology and audiology need to be assured, however, that persons offering to provide these services have met a minimal standard of training and experience. Furthermore, the consumer is entitled to know precisely what this standard is.

Speech pathology and audiology has traditionally been a helping profession that makes use of relevant scientific developments in the speech and hearing sciences and such related disciplines as medicine, psychology, biology, mathematics and others. The future growth of this profession and its ability to make meaningful use of research data generated by the sciences will depend in large measure on the profession's success in establishing and maintaining a unified professional image. In turn, the unity of professional image rests on commonality of training as well as on high minimum standards.

SUMMARY

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ALASKA SPEECH AND HEARING ASSOCIATION
LICENSURE COMMITTEE

FISCAL NOTE

I. REQUEST
 Bill/Resolution: HB 553
 Title: An Act relating to Licensing of speech pathologists and audiologists, etc.
 Requested by: Agency Date: 1/11/78

II. FISCAL DETAIL
 Agency Affected: Commerce and Economic Development
 Program Category Affected: Public Protection
 Budget Request Unit(s) Affected: Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		0	8.4	8.9	9.4	10.0
200 TRAVEL		0	7.5	4.0	4.2	4.5
300 CONTRACTUAL		0	3.3	2.7	2.9	3.0
400 COMMODITIES		0	.2	.2	2.0	2.0
500 EQUIPMENT		0	1.5	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	20.9	15.8	18.5	19.5

FUNDING (Thousands of Dollars)

GENERAL FUND		0	20.9	15.8	18.5	19.5
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		0				
PART TIME			/	/	/	/
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Administrative support staff services will require six man months @ R-10, general government. FY-79 travel includes funding for four meetings for development of and hearings on regulations; thereafter two meetings per year are estimated with one person making one out-of-state trip per year to national organization and testing service. Equipment is for Licensing Examiner I, permanent, part-time. Inflation is computed @ 6% per year. A detailed analysis of expenditures is attached.

IV. DATE: 1/11/78 PREPARED BY: Sharon Andrew
 AGENCY: Occupational Licensing
 PHONE: 465-2535
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Personal Services

6 months, Occupational Licensing Examiner I, R-10	7416
Benefits, FICA = 449; Health Insurance = 493	<u>942</u>
	8358

Travel

Field/Administrative Travel	
3 Board meetings and examinations	In-State Transportation 495
7 days	In-State Per diem 385
Boards, Commissions and Legislators	
15 trips	In-State Transportation 2475
60 days	In-State Per diem 3300
1 trip	Out-of-State Transportation 550
6 days	Out-of-State Per diem <u>300</u>
	7505

Contractual

Communications; Postage, phones, tolls, ect.	1040
Printing and advertising: Forms and notices	1500
Professional Fees and Services: Examination costs contracted from professional examining service	<u>750</u>
	3290

Commodities

Office and Library Supplies: General office consumables and research information	200
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Equipment

Desk - secretarial with typing extension	362
Chair - secretarial	85
Utility table	95
File cabinet - 5 drawer legal with lock	213
IBM Selectric typewriter	<u>792</u>
	1547

HP 553
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- ② 37 states have such laws.
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- ④ AR#553 Est. Masters Degree/min. standard Speech Pathology and audiology but has liberal provisions for grandfathering of individuals presently practicing.
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- ⑥ AK. Approx 75 people. 60% → AK. Speech & Hearing Association

Needs For Licensure

- ① Consumer Protection
- ② Upgrading the Profession.