

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 575

Health Professionals Treating Speech or Hearing Disorders

SPONSOR(S): Garcia

TIED BILLS:

IDEN./SIM. BILLS: SB 518

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Health Care Regulation Committee		Hamrick	Mitchell
2) PreK-12 Committee			
3) Education Appropriations Committee			
4) Health & Families Council			
5) _____			

SUMMARY ANALYSIS

HB 575 revises the requirements for DOH to issue a provisional license to practice speech-language pathology and audiology, and increases the educational requirements for a licensed audiologist to a doctoral degree, in accordance with national requirements.

The bill provides the Board of Speech-Language Pathology and Audiology authority to adopt rules for academic and clinical educational requirements of speech-language pathologist and audiologist licenses.

Concern has been raised that the bill authorizes the board to establish licensure requirements by rule, it raises the question whether this provides adequate limitations and safeguards so that the Legislature's delegation to the board is not a violation of Section 3, Article II of the Florida Constitution. The bill does not appear to expressly provide a sufficient limitation on the board's authority to establish requirements on who should be granted a license to practice audiology or speech-language pathology.

The bill takes effect July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides limited government-The bill provides the Board of Speech-Language Pathology and Audiology the authority to adopt rules to determine licensure requirements. The bill does not appear to expressly provide limitations on the board's authority to establish requirements on who should be granted a license to practice audiology or speech-language pathology.

B. EFFECT OF PROPOSED CHANGES:

The bill revises the requirements for DOH to issue a provisional license to practice speech-language pathology and increases the educational requirements for a licensed audiologist to a doctoral degree.

Provisional Licensure

The bill provides that an applicant for a provisional license to practice speech-language pathology must receive a master's degree or have completed the academic requirements of an accredited doctoral degree program. An applicant who graduated from or is currently enrolled in a university or college program located outside the United States or Canada must present documentation that the program is equivalent to the standards of an accredited program in order to obtain a provisional license.

Effective January 1, 2007, the requirements for a person to receive a provisional license in audiology are revised to require the applicant to have earned a doctoral degree in audiology or have completed the academic requirement of a doctoral degree program with a major emphasis in audiology from an accredited institution or from an institution that is a member in good standing with the Association of Universities and Colleges of Canada. The bill provides that an applicant for a provisional license in audiology who graduated from or is currently enrolled in a university or college program located outside the United States or Canada must present documentation that the program is equivalent to standards in order to obtain a provisional license.

The bill removes the limitation that a provisional license in speech-language pathology or audiology may not exceed 24 months and provides the board authority to determine by rule the period that a provisional license may not exceed.

Academic, Clinical, Professional Employment Requirements

The bill revises current licensure by endorsement provisions to allow the board to certify as qualified for licensure, a speech-language pathologist or audiologist who holds a valid certificate that meets or exceeds the licensure requirements in Florida as determined by rule of the board, rather than the certificate of clinical competence of the American Speech-Language and Hearing Association.

The bill *removes* the following academic and clinical requirements:

- 60 hours in specific coursework that provides fundamental information for this field, of which 24 semester hours must be in speech-language pathology;
- 6 hours in audiology; and
- 300 supervised clinical clock hours, of which 200 hours must be in the area of speech-language pathology or the number of clock hours must meet the national certification standards.

The bill *removes* the 9 months of full-time professional employment experience requirement. The bill provides that the board can determine appropriate full-time or equivalent part-time professional employment and the board, by rule, will establish standards for verifying required professional employment experience.

Certification requirements for speech-language pathology assistants and audiology assistants

The bill requires applicants for speech-language pathology assistant certification and audiology assistant certification to complete the minimum requirements for education and on-the-job training adopted by rule of the board, instead of the current statutory requirements.

Speech-language pathology assistant applicants must currently earn a bachelor's degree from a college or university accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, which includes at least 24 semester hours of coursework as approved by the board. Audiology assistant applicants must currently complete at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the Council for Higher Education Accreditation.

BACKGROUND

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.¹ According to the American Speech-Language Hearing Association, 28 million individuals have a hearing loss.²

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.

History of the Speech-Language Pathology Practice Act

In 1997 the profession of Speech Language Pathology and Audiology became regulated. Frequent changes in the academic and clinical requirements for accreditation have led to the need for revisions of the speech-language pathology and audiology practice act. 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.

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 effective January 1, 2005.

Currently, the Board Speech-Language Pathology and Audiology accepts the certificate of clinical competence from the American Speech-Language and Hearing Association as meeting the requirements for licensure in Florida. No other certification entities are used for certification.

¹ American Speech-Language Pathology Association, *Speech-Language Disorders and the Speech-Language Pathologist*, <http://www.asha.org/students/professions/overview/sld.htm>

² Source: *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>

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. The American Speech-Language Hearing Association has provided academic accreditation for speech-language pathology and audiology university programs through the Council for Academic Accreditation. The Council is recognized by the Council for Higher Education Accreditation and has received continuous recognition as an accrediting agency from the United States Department of Education since 1967. A relatively new accrediting body, the Accreditation Commission for Audiology Education, is in its third year of development.

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

Applicants for the American Speech-Language Hearing Association Certificate of Clinical Competence must have a master's or doctoral degree. Candidates for certification must have completed the following:

- **At least 27 semester credit hours in basic science course work.**
 - At least six semester credit hours must be in the biological/physical sciences and mathematics.
 - At least six semester credit hours must be in the behavioral and/or social sciences.
 - At least 15 semester credit hours must be in the basic human communication processes, to include course work in each of the following three areas of speech, language and hearing: the anatomic and physiologic bases, the physical and psychophysical bases, the linguistic and psycholinguistic aspects.

- **At least 36 semester credit hours in professional coursework.**
 - At least 30 of the 36 semester credit hours of professional course work must be in the major area of concentration (speech-language pathology or audiology).
 - At least 6 of the 36 semester credit hours of professional course work must be in the minor area of concentration (speech-language pathology or audiology).
 - At least 30 semester hours of professional course work must be completed at the graduate level and at least 21 of the 30 must be in the major area of concentration.

- **375 Clock Hours of Supervised Clinical Observation/Practice.**
 - These requirements consist of supervised clinical observation (25 clock hours) and supervised clinical practicum (350 clock hours), of which 250 must be completed at the graduate level.

- **Clinical Fellowship (CF)**
 - After completion of academic course work and clinical practicum, the applicant then must successfully complete a Clinical Fellowship. The Fellowship consists of at least 36 weeks of full-time professional experience or its part time equivalent. The Fellowship must be completed under the supervision of an individual who holds the CCCs in the area for which certification is sought.
 - During the CF, each clinical fellow is assessed at least three times by the CF supervisor using the Clinical Fellowship Skills Inventory Rating (CFSI) form. This form addresses the fellow's attainment of skills (18 for speech-language pathology or 21 for audiology) necessary for independent practice. Performance appraisals protect the public interest and serve as a clinical teaching and learning tool.

- **National Examination**

- The applicant must pass a national examination administered by the Educational Testing Service (ETS) and independently validated on an on-going basis. The national examination is taken within two years from the date course work and practicum is approved by the ASHA Clinical Certification Board.

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 renewal period will be three years. This 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.³

Provisional Licensure

Part I, Chapter 468, F.S., govern the practice of speech-language pathology and audiology by the Board of Speech-Language Pathology and Audiology at the Department of Health. It provides requirements for provisional licensure and licensure for persons to practice speech-language pathology and audiology in Florida, including education, professional employment experience, practicum, and examination.

A provisional license is required for each applicant who cannot document 9 months of supervised professional employment experience and a passing score on the national examination.

The department must issue a provisional license to practice speech language pathology to an applicant who has received a master's degree or is currently enrolled in a doctoral degree program with a major emphasis in speech-language pathology at an institution of higher learning that is, or at the time the applicant was enrolled and graduated was, accredited by an accrediting agency recognized by the Council for Higher Education Accreditation or from an institution that is a member in good standing with the Association of Universities and Colleges of Canada.

Similarly, an applicant seeking a provisional license in audiology must have received a master's degree or is currently enrolled in a doctoral degree program with a major emphasis in audiology at an institution of higher learning that is, or at the time the applicant was enrolled and graduated was, accredited by an accrediting agency recognized by the Council for Higher Education Accreditation or from an institution that is a member in good standing with the Association of Universities and Colleges of Canada.

Section 468.1155(3), F.S., requires persons seeking provisional licensure and licensure in speech-language pathology or audiology to obtain 60 semester hours of specified coursework and 300 supervised clinical clock hours, which are comparable to the 1993 academic and clinical requirements for the certificate of competence issued by the American Speech-Language Hearing Association.

The board must certify for licensure any applicant who has satisfied the education and supervised clinical clock hour requirements for provisional licensure, completed the 9 months of supervised professional experience, and passed the required licensure examination pertinent to the license being sought. In addition, the board must certify as qualified for licensure by endorsement any applicant who holds a valid license or certificate in another state or territory of the United States if the criteria for issuance of the license were substantially equivalent to or more stringent than those in Florida at the time the license was issued or to any applicant who has received the certificate of clinical competence

³ American Speech-Language Pathology Association, *Certification Maintenance Guidelines for Audiology*, http://www.asha.org/about/membership-certification/certification/standard6_aud_guide.htm

of the American Speech-Language and Hearing Association. The part provides certification requirements for speech-language pathology assistants and audiology assistants.

College Programs

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. The programs at UF and USF were approved by the former Florida Board of Regents, which recommended approval of the Doctor of Audiology degree programs to the State Legislature. Speech-language pathology master's degree programs in Florida meet the new accreditation standards that became effective January 1, 2005.

C. SECTION DIRECTORY:

Section 1. Amends s. 468.1155, F.S., to revise the requirements of issuing provisional licenses and provides a time period of renewal.

Section 2. Amends s. 468.1165, F.S., to remove a specific time period requirement for licensure as a speech-language pathologist or audiologist.

Section 3. Amends s. 468.1185, F.S., to revise requirements for qualification of a license by endorsement.

Section 4. Amends s. 468.1215, F.S., to revise the requirements for certification as a speech-language pathology assistant or audiology assistant.

Section 5. Provides the bill will take effect July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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:

The Department of Health may incur costs relating to rulemaking under the bill. Such costs are expected to be minimal.

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:

The bill requires the Board of Speech-Language Pathology and Audiology by rule to determine academic and clinical requirements for provisional licensure and licensure to practice speech-language or audiology, as applicable. To the extent the bill authorizes the board to establish licensure requirements by rule, it raises the question whether this provides adequate limitations and safeguards so that the Legislature's delegation to the board is not a violation of Section 3, Article II of the Florida Constitution. The bill does not appear to expressly provide a sufficient limitation on the board's authority to establish requirements on who should be granted a license to practice audiology or speech-language pathology.

The Florida Supreme Court struck down a former section of law respecting the power of the Board of Psychological Examiners to grant certificates with the title "psychologist" and to determine the qualifications of applicants as unconstitutional in that it failed sufficiently to fix the standards to be applied and in effect delegated the application of the statute without sufficient limitations on the board's discretion. *Husband v. Cassel*, 130 So.2d 69 (1961).

Section 3, Article II of the Florida Constitution provides that the powers of the state government shall be divided into legislative, executive, and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein. The Florida Supreme Court has acknowledged that "[w]here the Legislature makes the fundamental policy decision and delegates to some other body the task of implementing that policy under adequate safeguards, there is no violation of the [Delegation of Powers] doctrine." *Askew v. Cross Key Waterways*, 372 So.2d 913 at 921. (Fla.1978).

B. RULE-MAKING AUTHORITY:

The bill provides the Board of Speech-Language Pathology and Audiology with rule making authority to establish criteria for the professional employment experience required for licensure and adopt rules that recognize more than one professional certification body.

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 recommendations from this panel and the board as a whole are encompassed in this bill.

According to the Board of Speech-Language Pathology and Audiology, 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.

Additionally, the language would allow the board to develop rules that would enable highly educated and trained international graduates the ability to practice in this state.

The language also provides for the addition of a good moral character clause that would allow the board to make more appropriate decisions regarding licensing individuals that demonstrate

inappropriate character traits. These changes may better enable the board to protect the public from unsafe practitioners.

According to the Department of Health, the effective date of July 1, 2005, may not provide the board with enough time to adopt the rule amendments needed to implement this legislation.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES