

State Board of Examiners for Speech-Language Pathology and Audiology

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Summary

In 1983, the Legislature created the State Committee of Examiners for Speech-Language Pathology and Audiology and administratively attached it to the Texas Department of Health. Ten years later, the Legislature changed the name to the State Board of Examiners for Speech-Language Pathology and Audiology (Board). In 2004, the nine-member Board was administratively attached to the newly created Department of State Health Services (DSHS). The Board protects and promotes public health by designing and enforcing licensure rules and regulations for speech-language pathologists (SLPs) and audiologists in Texas. SLPs evaluate and treat disorders related to communication, language, and swallowing. Audiologists evaluate and treat ailments related to hearing functions, including the fitting and dispensing of hearing instruments, commonly known as hearing aids.

Senate Bill 662 continues the Board of Examiners for Speech-Language Pathology and Audiology for six years, and makes several changes to the Board's administration to enhance the efficiency, fairness, and public protection of its operations. The Legislature adopted all of the Sunset Commission's recommendations, but removed the exemption of certain SLPs from the Board's required fingerprint criminal background check. A discussion of the bill's major provisions follows.

Sunset Provisions

1. Continue the State Board of Examiners for Speech-Language Pathology and Audiology for six years.

Senate Bill 662 continues the Board for six years, administratively attached to DSHS. This shorter Sunset date will allow the Sunset Commission to evaluate the Board together with the seven other licensing programs administered by DSHS' Professional Licensing and Certification Unit scheduled for Sunset review in 2017. In addition, the bill applies the standard Sunset across-the-board requirements to the Board regarding public membership, conflicts of interest, presiding officer designation, grounds for removal, and Board member training.

2. Ensure consistency in the sale of hearing instruments.

Senate Bill 662 requires the Board and the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments (Committee), with DSHS assistance, to jointly adopt rules to establish requirements for each sale of a hearing instrument. The rules must address the information and other provisions required in each written contract; records that must be retained; and guidelines for the 30-day trial period during which a person may cancel the purchase of a hearing instrument.

The bill stipulates the Board and Committee must adopt the joint rules by May 1, 2012. The bill also requires the written contract and 30-day trial period information provided to a purchaser of a hearing instrument be written in plain language designed to be easily understood by the average consumer.

3. Conform key elements of the Board's licensing and regulatory functions to common licensing standards.

Senate Bill 662 includes four provisions that bring the Board in line with standard licensing agency practices, including the following.

- Requires the Board to obtain a fingerprint-based criminal history check on each applicant and license holder. The Legislature modified this Sunset provision by removing the exemption from the fingerprint-based criminal history check for licensed SLPs and SLP assistants employed by a K – 12 school.
- Authorizes the Board to order an audiologist to pay a refund to a consumer who returns a hearing instrument during the required 30-day trial period.
- Prohibits a Board member who participated in the investigation of a complaint or in informal settlement negotiations regarding the complaint from voting on the matter at a Board meeting related to the complaint.
- Authorizes the Board to issue a cease-and-desist order for unlicensed practice of speech-language pathology and audiology; and allows the Board to impose an administrative penalty against an individual who violates a cease-and-desist order.

Fiscal Implication Summary

Senate Bill 662 will have a positive fiscal impact to the State of \$9,269 in the 2012-2013 biennium. The bill requires the Board to obtain a fingerprint-based criminal history check on each SLP and audiologist applicant and license holder, and authorizes the Department of Public Safety (DPS) to administer these checks. Implementing this provision will require performing an estimated 8,680 additional background and criminal history checks in both fiscal year 2012 and fiscal year 2013, and an estimated 1,959 checks for new applicants in each subsequent fiscal year. The fee for performing the check is \$34.25, but a portion of this fee, \$17.25 per check, is returned to the FBI for professional services as required by federal law.

DPS assumes some additional personnel and operating costs will be needed to perform these checks. Although the bill authorizes DPS to recover the costs incurred in conducting the check from each applicant, DPS's operational costs are paid out of State Highway Fund 6, not General Revenue where the fee to recover the cost of the check is deposited. As a result, the Legislature included a contingency rider in the General Appropriations Act (Article IX, Sec. 18.73) appropriating needed amounts to cover these operational costs from State Highway Fund 6 and authorizing the additional employees.

Fiscal Year	Gain to the General Revenue Fund	Cost to the General Revenue Fund	Cost to the State Highway Fund 6	Change in Number of FTEs From FY 2011
2012	\$297,290	\$149,730	\$154,054	+1.8
2013	\$297,290	\$149,730	\$131,797	+1.8
2014	\$67,096	\$33,793	\$131,797	+1.8
2015	\$67,096	\$33,793	\$136,157	+1.8
2016	\$67,096	\$33,793	\$149,292	+1.8

