2017 Regular Session

HOUSE BILL NO. 338

BY REPRESENTATIVE POPE

1 AN ACT 2 To amend and reenact R.S. 37:2654(A)(introductory paragraph), (1)(c), and (2), (B) through 3 (D), and (F) through (H), 2662(A)(introductory paragraph), (2), (3), and (7)(c) and 4 (B), 2663(A), (B), and (D), and 2664, to enact R.S. 37:2654(A)(1)(d) and (e) and (I) 5 through (K), 2656.1, 2660.1, 2661.2, and 2662(C), and to repeal R.S. 37:2655, 6 relative to the practice of speech-language pathology and audiology; to provide for 7 membership on the Louisiana Board of Examiners for Speech-Language Pathology 8 and Audiology; to provide for officers and the domicile of the board; to provide for 9 removal of members; to regulate telepractice; to authorize the conditional issuance 10 or renewal of a license; to provide for disciplinary proceedings and penalties; to 11 prohibit the practice of speech-language pathology and audiology without a license 12 or registration; to prohibit certain actions by licensees and registrants; and to provide 13 for related matters. 14 Be it enacted by the Legislature of Louisiana: 15 Section 1. R.S. 37:2654(A)(introductory paragraph), (1)(c), and (2), (B) through 16 (D), and (F) through (H), 2662(A)(introductory paragraph), (2), (3), and (7)(c) and (B), 17 2663(A), (B), and (D), and 2664 are hereby amended and reenacted and R.S. 18 37:2654(A)(1)(d) and (e) and (I) through (K), 2656.1, 2660.1, 2661.2, and 2662(C) are 19 hereby enacted to read as follows:

ENROLLED

ACT No. 302

Page 1 of 8

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§2654. Board of examiners; creation; membership; appointment; terms; chair; quorum; domicile

3 A. The Louisiana Board of Examiners for Speech-Language Pathology and 4 Audiology is hereby created within the Louisiana Department of Health and is 5 subject to the provisions of R.S. 36:803. The board shall consist of seven persons 6 who are residents of this state, and who, except for the public and physician member, 7 have been engaged in providing service, or in teaching, or research in speech-8 language pathology or audiology for at least five years prior to appointment and who 9 are licensed speech-language pathologists or audiologists under this Chapter. At 10 least two three of the members shall be practicing audiologists, one of whom shall 11 be a dispensing audiologist, at least two three shall be practicing speech-language 12 pathologists, one of whom shall be currently certified by the State Board of 13 Elementary and Secondary Education as a specialist of speech-language pathology 14 and currently employed in a public school setting, one shall be either a practicing 15 speech-language pathologist or a practicing audiologist, one shall be a physician 16 licensed to practice medicine by the Louisiana State Board of Medical Examiners 17 who shall serve in an advisory capacity only and shall not be a voting member of the 18 board, and one shall be a public member.

(1) No public member shall:

20 21 (c) Have a financial interest in the practice or business of speech-language 22 pathology or audiology. 23 (c) (d) Be an elected official. 24 (e) Be a family member or spouse of a licensed speech-language pathologist 25 or audiologist. 26 (2) The public member shall be an individual or a family member/spouse 27 family member or spouse of an individual who is deaf, hard of hearing or speech 28 impaired or a member of an advocacy group committed to the advancement of the 29 well-being of the deaf, hard of hearing or speech impaired. with a communication disorder. 30

Page 2 of 8

1	B. Members of the board shall be appointed by the governor for terms of
2	three years each or until their successors have been appointed, and take office. The
3	public member shall be appointed to the board on or before August 15, 1995.
4	C.(1) Appointment to the board shall be made without regard to race \underline{or}
5	ethnicity, creed, sex, age, religion, or national origin, sex, or disability of the
6	appointee. The Louisiana Speech-Language-Hearing Association, <u>board</u> shall within
7	not less than thirty days prior to the expiration of each term of office, submit to the
8	governor a list of at least three the names of interested and qualified individuals for
9	each respective professional service category of board member, except the physician
10	member and the public member, selected by identified through notice to all licensed
11	speech-language pathologists and audiologists in this state, from which the governor
12	shall make his appointment to fill the office for the next succeeding term.
13	(2) The Louisiana State Medical Society shall, within not less than thirty days
14	prior to the expiration of the term of office of the physician member of the board
15	submit to the governor a list of at least three names of physicians from which the
16	governor shall make the appointment of the physician member of the board for the
17	next succeeding term. The Louisiana Speech-Language-Hearing Association shall,
18	within not less than thirty days prior to the expiration of the term of office of the
19	public member, submit to the governor a list of three names selected by all licensed
20	speech-language pathologists and audiologists in this state from which the governor
21	shall make his appointment to fill the office for the next succeeding term. The three
22	names shall be selected from those nominees submitted by any individual or
23	advocacy group which meets the qualifications and requirements listed under
24	Paragraph (A)(2) of this Section.
25	D. Any vacancy on the board occurring for any cause except the expiration
26	of the term, shall be filled by the governor for the unexpired portion of the term from
27	a list of names of interested and qualified individuals submitted by the board or the

Page 3 of 8

1	Louisiana Medical Society for a physician vacancy on the board or for the public
2	member from names submitted to the board by an individual or advocacy group
3	which meets the qualifications and requirements of Paragraph $(A)(2)$ of this Section.
4	* * *
5	F. There shall be a chair and a vice chair of the board, who shall be elected
6	annually from among the members of the board <u>licensed pursuant to this Chapter</u> . In
7	order to be eligible for these positions, an individual shall have served as a member
8	of the board for a minimum of two years. A chair shall serve no more than three
9	consecutive full years. Four members shall constitute a quorum for the transaction
10	of the business of the board provided that at least one speech-language pathologist
11	and one audiologist are present.
12	G. Regular meetings of the board shall be held at such times and places as
13	is prescribed and special meetings may be held upon the call of the chair, provided
14	that at least one regular meeting be held each year. quarter. Meetings may be
15	conducted in accordance with Robert's Rules of Order. Four members shall
16	constitute a quorum for the transaction of the business of the board provided that at
17	least one speech-language pathologist and one audiologist are present.
18	H. No member of the board shall be paid any compensation for duties
19	performed as a member of the board, but shall be reimbursed for all reasonable and
20	necessary travel expenses in attending any board meeting of the board within this
21	state and may be reimbursed for all other reasonable and necessary expenses incurred
22	in attending <u>board</u> meetings of the board or on necessary business of the board which
23	is authorized by the board.
24	I. No member of the board shall be an officer or hold any leadership position
25	in a state speech-language pathology or audiology professional association for the
26	term of the member's appointment to the board. For the purposes of this Subsection,
27	"leadership position" shall include but not be limited to an elected or appointed
28	position as a member of the state executive board, service on an ethics committee or
29	membership committee, or other similar positions of the state professional
30	association.

Page 4 of 8

1	J. There shall be a secretary-treasurer of the board who shall be elected
2	annually from among the members of the board. The secretary-treasurer shall review
3	financial records and, together with one of the officers of the board, shall co-sign all
4	checks disbursing funds of the board.
5	K. The domicile of the board shall be the parish of East Baton Rouge.
6	* * *
7	§2656.1. Removal of board members
8	A member of the board may be removed by the board upon an affirmative
9	vote of a two-thirds majority of board members upon one or more of the following
10	grounds:
11	(1) Refusal or inability for any reason of a member of the board to perform
12	the duties required of a board member.
13	(2) Failure to attend two consecutive meetings of the board without prior
14	approval of the board chair.
15	(3) Misuse of a board member position to obtain or attempt to obtain any
16	financial or material gain, or any advantage personally or for another, through such
17	position.
18	(4) A final adjudication that there has been a violation of the laws governing
19	the practice of speech-language pathology or audiology by a board member.
20	(5) Conviction of a crime other than a minor traffic offense.
21	(6) Failure to maintain standards of practice.
22	* * *
23	§2660.1. Telehealth
24	The use of telehealth in the delivery of speech-language pathology or
25	audiology services, regardless of where the services are rendered or delivered,
26	constitutes the practice of speech-language pathology or audiology and shall require
27	Louisiana licensure for in-state practitioners and telehealth registration for out-of-
28	state practitioners.
29	* * *

Page 5 of 8

1	§2661.2. Conditional issuance or renewal of a license
2	An individual may have a license issued on a conditional basis. Conditions
3	may include but are not limited to any of the following:
4	(1) Additional requirements for continuing education.
5	(2) Additional supervision requirements.
6	(3) Limitations on practice.
7	(4) Limitations on supervisory responsibility.
8	(5) Monthly monitoring of conditions.
9	§2662. Disciplinary action
10	A. Any individual licensed or registered under pursuant to this Chapter may
11	have his license suspended or revoked or be disciplined by the board upon proof that
12	such individual:
13	* * *
14	(2) Has obtained his license or registration by means of fraud,
15	misrepresentation, or concealment of material facts.
16	(3) Has engaged in abusive <u>negligent</u> or fraudulent billing in connection with
17	services provided.
18	* * *
19	(7) Has provided professional services while:
20	* * *
21	(c) Has used Under the influence of any narcotic or controlled dangerous
22	substance or other drug that is in excess of therapeutic amounts or without valid
23	medical indication.
24	* * *
25	B. When the board is authorized to discipline an individual, the board may:
26	B. It shall be unlawful for any individual to engage in the practice of speech-
27	language pathology or the practice of audiology unless currently licensed or
28	registered to practice pursuant to the provisions of this Chapter. The individual
29	engaging in unlicensed practice shall be subject to a cease and desist order or

Page 6 of 8

1	disciplinary action by the board, as appropriate, and as provided for in Subsection
2	C of this Section.
3	C. When the board is authorized to discipline an individual, the board may
4	impose, separately or in combination, any of the following disciplinary actions:
5	(1) Refuse to issue or renew a license or registration.
6	(2) Issue a public or private letter of reprimand or concern.
7	(3) Require restitution of costs and expenses, not to include attorney's fees,
8	in connection with the enforcement of this Chapter.
9	(4) Impose probationary conditions.
10	(5) Impose a fine for each violation not to exceed one thousand
11	dollars.
12	(6) Suspend or revoke a license or registration.
13	(7) Restrict the license by limiting or reducing the scope of practice.
14	(8) Otherwise discipline a licensee or registrant upon proof of violations of
15	any provisions of this Chapter.
16	(9) Issue a consent agreement and order.
17	§2663. Disciplinary hearing; procedure, appeal
18	A. Any person, against whom a complaint has been filed under pursuant to
19	this Chapter shall be given thirty days notice, in writing by certified mail with return
20	receipt, enumerating the charges and specifying the date, place, and time for public
21	hearing thereon. In connection with any hearing, the board may issue subpoenas,
22	compel the attendance and testimony of witnesses, and administer oaths the same as
23	a district court in the parish where the hearing takes place. A stenographic record of
24	all proceedings before the board shall be made and a transcript kept on file with the
25	board.
26	B. Any licensee or registrant aggrieved by a decision of the board may
27	appeal the decision within thirty days thereof to the district court for the parish in

1	which the board is domiciled. In such case the secretary-treasurer shall transmit to
2	the district court a certified copy of the record. The procedure for the appeal shall
3	be pursuant to the Administrative Procedure Act.
4	* * *
5	D. The state of Louisiana shall be a party to the prosecution of all such
6	actions and hearings before the board pertaining to the suspension and revocation of
7	a certificate, license or registration, and the attorney general, or one of his assistants,
8	is hereby authorized and directed to shall appear on behalf of the state.
9	§2664. Prohibitions
10	No person may <u>shall</u> :
11	(1) Sell, barter, or offer to sell or barter a license or registration.
12	(2) Purchase or procure by barter a license or registration with intent to use
13	it as evidence of the holder's qualifications in the practice of speech-language
14	pathology or audiology.
15	(3) Alter a license <u>or registration</u> materially.
16	(4) Use or attempt to use a license <u>or registration</u> which has been purchased,
17	fraudulently obtained, counterfeited, or materially altered.
18	(5) Willfully make a false, material statement in an application for a license
19	or registration or for renewal of a license or registration.
20	Section 2. R.S. 37:2655 is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

Page 8 of 8