

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:

1 §2654. Board of examiners; creation; membership; appointment; terms; chair;
2 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.

19 (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
30 disorder.

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 or
 5 ethnicity, creed, sex, age, religion, or national origin, sex, or disability of the
 6 appointee. The Louisiana Speech-Language-Hearing Association, board 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~~

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 licensed pursuant to this Chapter. 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 board 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.

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 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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~~ shall:

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 or registration materially.

16 (4) Use or attempt to use a license or registration 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: _____