
To: Economic Affairs Interim Committee

From: Montana Board of Speech-Language Pathologists and Audiologists

Date: June 10, 2013

Subject: HB525 – SLP response to the Economic Affairs Interim Committee questions

1. What is the public health, safety or welfare rationale for licensing and regulating your profession/occupation?

As per the Board of Speech-Language Pathologists and Audiologists mission statement: “in order to safeguard the public health, safety, and welfare and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons and to protect the public from unprofessional conduct by qualified Speech-Language Pathologists and Audiologists and to help ensure the availability of the highest possible quality Speech-Language Pathology and Audiology services to the people of this state with communicative disorders, it is necessary to provide regulatory authority over persons offering Speech-Language Pathology or Audiology services to the public.”

The board believes that the public relies on it to diligently review public complaints filed against licensees and take necessary actions if just cause is given for discipline as a mean to protect and give safe and effective services to Montana’s citizens. The board takes this role seriously by only licensing applicants who have demonstrated the proper credentials and responsible citizenship.

2. If your profession/occupation were not licensed, what public protection would be lost?

Persons with communicative disorders, especially the elderly, the young, and the disabled are particularly vulnerable and protection for these consumers is needed. A consumer who is violated would have very little recourse except through the legal system, which can be very costly and time consuming. Under the current system, the board ensures the public’s protection through qualifications for licensure and discipline of licensees for unprofessional conduct fairly quickly and with little or no cost to the patient.

3. If a license is necessary (for health, safety, or welfare), does the profession/occupation need a board for oversight? If yes, please explain why and describe the purpose of creating a board.

The Montana board was established in 1975 to regulate Speech-Language Pathologists and Audiologists and three levels of Speech Language Pathology and Audiology Aides and Assistants. In the United States 48 states and the District of Columbia regulate Speech-Language Pathologists and Audiologists; Colorado and South Dakota regulate only Audiologists. The purpose for the creation of a board is oversight of health, safety, and welfare of consumers. Who better to oversee these elements than members of the profession and a consumer? As required by law, the Board of Speech-Language Pathologists and Audiologists includes practitioners from various areas of practice. “At least two members of the board shall be Speech-Language Pathologists and at least two shall be Audiologists, with the remaining member to be a public member who is a

consumer of speech-language pathology or audiology services and who is not a licentiate of the board or of any other board within the department. All board members, except the public member, shall at all times be validly licensed in Speech-Language Pathology or Audiology.” The mix of talent on the board is the best method to deal with oversight issues.

The board protects the public from incompetent, unprofessional, and unethical providers of speech services through the licensure and regulation of qualified professionals. The board establishes and monitors education, supervision, and exam requirements for new licensees as well as monitors existing licensees through the complaint review, continuing education and renewal requirements. Without a board, the consumer has no recourse to appeal in the event of unethical practice.

4. Does your board deal with unlicensed practice issues? If yes, what types of issues?

Occasionally the board is faced with the conduct of individuals who often are licensed in another jurisdiction and who wish to practice in Montana. These individuals fail to understand that though they hold a credential in another state they are, by statute and rule, required to hold a license in Montana. At the present time, the board is dealing with a changing licensing environment because of changes in demographics and technology. Telepractice has risen to the forefront of practice issues for the profession and the board. The board has proactively begun the rule writing process on telepractice services to ensure that all Montana consumers continue to receive safe and quality service no matter the method of service delivery.

5. People who are not licensed but are qualified in an occupation or profession may feel that a licensing board is preventing them from earning a living -- what is your response?

The Legislature finds and declares that Speech-Language Pathologists and Audiologists and Aides and Assistants shall meet the qualifications set forth in statute and provided by board rule. Additionally, board statute provides for a variety of exemptions including a provision for a temporary license in the event of an out of state licensee working in Montana for a limited number of days. Individuals who are qualified to be a Speech Language Pathologist or Audiologist would not object to being licensed. Individuals who have an interest in the profession understand early in their career that licensure is required and necessary. Furthermore the cost of securing licensure is minimal. The board does not prevent anyone from earning a living; rather the board prevents unqualified practitioners from earning a living at the expense of consumers. In addition to full licensure, the board permits further competent services for consumers by offering a registration category for Speech-Language Pathology and Audiology Aides and Assistants. Anyone who has interest in the profession but who falls short of the education, supervision or exam requirements for full licensure can enter the field and practice under the close supervision of a licensed professional.

6. How does your board monitor bias among board members toward a particular licensee, an applicant, or a respondent (to unlicensed practice)? How does your board monitor bias toward a particular profession/occupation, if more than one profession or occupation is licensed by the board?

The board regulates two license types, Speech-Language Pathologist and Audiologists and register Aides and Assistants. The board composition includes an equal number of Speech-Language Pathologists and Audiologists even though the number of licensed Speech-Language Pathologists far exceeds the number of Audiologists. In addition, the screening and adjudication panels are balanced among the two license types. The Department of Labor and Industry provides board member training for all appointed members. Board members are advised to recuse themselves from decision-making if an actual conflict or the appearance of a conflict exists. The presiding officer and staff including an attorney also monitor bias on a case-by-case basis to help ensure that the possibility or perception of bias is avoided.

7. Does the profession or occupation have one or more associations that could provide oversight without the need for a licensing board? Why not use the association as the oversight body?

The board concerns itself with protection of consumers where associations concern themselves with practitioners. The mission of the Montana Speech-Language Hearing Association is to provide educational and networking opportunities for members; advocate for those with communication disabilities and the issues related to our professions; and educate the public about communication disorders. The commitment of the American Speech-Language Hearing Association is to ensuring that all people with speech, language, and hearing disorders receive services to help them communicate effectively. The board's mission is to protect the public through the licensure and regulation of Speech-Language Pathologists and Audiologists. The current licensure mechanism is the most practical, efficient, and unbiased approach to meeting this requirement. An association does not have the legal authority to investigate complaints or discipline professionals.

8. Is a licensing board needed in order for the practitioner to bill to receive insurance (for example, health insurance)? If so, is there an alternate method for billing that may be recognized rather than having a license or being regulated by a licensing board?

Service providers must be licensed in order to bill Medicare, Medicaid or insurance companies. The board is not aware of any alternative billing method.

9. What are the benefits of a board being part of the licensing and discipline process instead of the department handling one or both?

It is vital that the nuances of each professional practice be understood. Board members who serve on screening and adjudication panels yield to the expertise of their counterparts to best determine outcomes of reviewed cases.

10. Is there an optimum ratio between licensees, board size, or public representation?

Yes. A working board of less than 5 can have members entrenched in thinking patterns. Further, to satisfy the need for a quorum, members may be absent without the risk of losing a quorum.

11. If a board's purpose includes protecting public welfare, would that consumer protection be handled better by the Attorney General's office than by a board? (In other words, is there a value in a disinterested third party? If yes, why? If not, why not?) Who should be responsible for monitoring fraud within the profession or occupation?

A board of licensees of the profession is very invested in monitoring their own profession and also has expertise in the scope of practice of that profession and specifically the safety issues needing monitoring and boundaries. A disinterested third party would spend significant time and money either learning the profession or hiring consultants in various areas of the profession to address practice and conduct issues.

12. If boards have overlapping scopes of practice, should there be a third-party to determine whether there is intrusion into the other's practices? If so, who should be the judge? If not, why not? Should each be allowed to operate on the other's turf without repercussions?

In the health care system there is overlap from the variety of health care professionals. Each has a defined scope of practice, but the board feels it takes a lot of health care personnel to get the job done and that an inter-professional team approach is necessary for high quality patient care. Yes, there are conflicts and it is the hope of the board that health care licensing boards work together to address these issues in the common goal of providing excellent professionals to deliver the best care possible as issues arise.

13. Should any board have the ability to limit use of certain terminology to only a licensee?

Because of the public trust in the profession as a whole, the use of the terms Speech-Language Pathologist, and Speech-Language Pathology Aide or Assistant, Audiologist, Audiology Aide or Assistant, should be limited to those holding the qualifications.

The board looks forward to meeting with you upon your request at an up and coming meeting.