

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representatives Wren and Flanagan

A Bill

HOUSE BILL 1624

For An Act To Be Entitled

"AN ACT TO AMEND THE ARKANSAS CODE TO AUTHORIZE THE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY TO PROMULGATE REGULATIONS REGARDING THE USE OF SPEECH-LANGUAGE PATHOLOGY SUPPORT PERSONNEL BY PRACTITIONERS OF SPEECH-LANGUAGE PATHOLOGY; AND FOR OTHER PURPOSES."

Subtitle

"TO AUTHORIZE THE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY TO PROMULGATE REGULATIONS REGARDING THE USE OF SPEECH-LANGUAGE PATHOLOGY SUPPORT PERSONNEL BY PRACTITIONERS OF SPEECH-LANGUAGE PATHOLOGY."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 17-97-103 is amended to read as follows:
"17-97-103. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) ASHA means the American Speech-Language-Hearing Association;

(2) Association means the Arkansas Speech-Language-Hearing

Association, Incorporated;

(3) Audiologist means an individual who practices audiology by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, or any similar title or description of services;

(4) Audiology means the application of principles, methods, and procedures of measurement, testing, evaluation, prediction, consultation,

1 counseling, instruction, habilitation, or rehabilitation related to hearing
2 and disorders of hearing for the purpose of evaluating, identifying,
3 preventing, ameliorating, or modifying such disorders and conditions in
4 individuals and groups of individuals. For the purposes of this subdivision,
5 the words habilitation and rehabilitation include, but are not limited
6 to, hearing aid evaluation and recommendations, auditory training, and speech
7 reading;

8 (5) Board means the State Board of Examiners in Speech-Language
9 Pathology and Audiology, established under § 17-97-201;

10 (6) Person means any individual, organization, or corporate body,
11 except that only an individual may be licensed under this chapter;

12 (7) Speech-language pathologist means an individual who practices
13 speech-language pathology by any title or description of services
14 incorporating the words speech-language pathologist, speech therapist,
15 speech correctionist, speech clinician, language pathologist, language
16 therapist, logopedist, communicologist, voice therapist, voice
17 pathologist, or any similar title or description of service;

18 (8) Speech-language pathology means the application of principles,
19 methods, and procedures for the measurement, testing, evaluation, prediction,
20 counseling, instruction, habilitation, or rehabilitation related to the
21 development and disorders of speech, voice, or language for the purpose of
22 evaluating, preventing, ameliorating, or modifying such disorders and
23 conditions in individuals and groups of individuals;

24 (9) Speech-Language Pathology Support Personnel, or any variation,
25 synonym, or coinage of the term means an *individual who holds a Bachelor's*
26 *Degree in Speech Pathology or any other* individual who meets minimum
27 qualifications established by the board, which are less than those
28 established by this chapter as necessary for licensing as a speech-language
29 pathologist and who provides services as prescribed, directed and supervised
30 by a speech-language pathologist licensed under this chapter.

31 (10) *Services provided by Speech-Language Pathology Support Personnel*
32 *which are prescribed, directed and supervised by a speech language*
33 *pathologist licensed under this chapter may be billed to third parties as*
34 *Speech Language Services/Therapies. The billings may be in the name of the*
35 *licensed speech language pathologist or clinic of licensed speech-language*

1 pathologist or a Developmental Disability Day Treatment Clinic Services
2 community provider licensed or certified by the Division of Developmental
3 Disability Services, who employs the speech-language pathology support
4 personnel."

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6 SECTION 2. Arkansas Code 17-97-202(b) is amended to read as follows:

7 "(b) The board shall adopt rules and regulations relating to
8 professional conduct commensurate with the policy of this chapter, including,
9 but not limited to, regulations which establish ethical standards of practice
10 necessary to the enforcement and orderly administration of this chapter and,
11 for other purposes, may amend or repeal the same in accordance with the
12 Arkansas Administrative Procedure Act, as amended, § 25-15-201 et seq. The
13 board shall promulgate regulations regarding the use of speech-language
14 pathology support personnel by practitioners of speech-language pathology by
15 January 1, 1996. All rules and regulations promulgated pursuant to this
16 section shall be reviewed by the Joint Interim Committee on Public Health,
17 Welfare and Labor or an appropriate subcommittee thereof. Following their
18 adoption, the rules and regulations shall govern and control the professional
19 conduct of every person who holds a license to practice speech-language
20 pathology or audiology in this state."

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22 SECTION 3. Arkansas Code 17-94-104 is amended to read as follows:

23 "§ 17-97-104. Exemptions.

24 Nothing in this chapter shall be construed as preventing or
25 restricting:

26 (1) A physician or surgeon from engaging in the practice of medicine
27 in this state;

28 (2) A hearing aid dealer from engaging in the business of fitting and
29 selling hearing aids in this state in accordance with § 17-83-101 et seq.;

30 (3) Any person licensed in this state by any other law from engaging
31 in the profession or occupation for which he is licensed;

32 (4) A person from performing speech-language pathology or audiology
33 services solely within the confines or under the jurisdiction of a public
34 school system if that person holds a valid and current certificate as a
35 speech therapist or speech-language pathologist issued by the Department of

1 *Education.*

2 (A) *However, without obtaining a license under this chapter,*
3 *such person may consult with or disseminate his research findings and other*
4 *specific information to speech-language pathologists and audiologists outside*
5 *the jurisdiction of the school district by which he is employed. Such person*
6 *may also offer lectures to the public for a fee, monetary or other, without*
7 *being licensed under this chapter.*

8 (B) *The person may additionally elect to be subject to this*
9 *chapter;*

10 (5) *The activities and services of persons pursuing a course of study*
11 *leading to a degree in speech-language pathology or audiology at a college or*
12 *university, if the activities and services constitute a part of a supervised*
13 *course of study and if the persons are designated as speech-language*
14 *pathology interns, speech-language pathology trainees, audiology interns,*
15 *audiology trainees, or by other such titles clearly indicating the training*
16 *status appropriate to their level of training;*

17 (6)(A) *The performance of speech-language pathology or audiology*
18 *services in this state by any person not a resident of this state who is not*
19 *licensed under this chapter, if the services are performed for no more than*
20 *five (5) days in any calendar year and in cooperation with a speech-language*
21 *pathologist or audiologist licensed under this chapter and if the person*
22 *meets the qualifications and requirements for application for licensure*
23 *described in § 17-97-302(b).*

24 (B) *The performance of speech-language pathology or audiology*
25 *services in this state by a person not a resident of this state who is not*
26 *licensed under this chapter, but who is licensed under the law of another*
27 *state which has established licensure requirements at least equivalent to*
28 *those established by § 17-97-302(b), or who is the holder of the ASHA*
29 *certificate of clinical competence in speech-language pathology or audiology*
30 *or its equivalent, if such services are performed in the state for no more*
31 *than thirty (30) days in any fiscal year and are performed in cooperation*
32 *with a speech-language pathologist or audiologist licensed under this*
33 *chapter; or*

34 (7)(A) *A person from performing speech-language pathology or audiology*
35 *services solely within the confines of the person's duties as an employee of*

1 the State of Arkansas, provided that the person was an employee of the State
2 of Arkansas on January 1, 1993, and, furthermore, this exemption applies to
3 such state employees who subsequently transfer to another agency of the
4 state. (B) A person from performing speech-language pathology
5 services solely within the confines of the person's duties as an employee of
6 any entity licensed or certified as a Developmental Disability Services
7 community provider by the Division of Developmental Disability Services; if
8 that person holds a minimum of a bachelor's degree in speech-language
9 pathology and is supervised by a licensed speech language pathologist. The
10 supervision of the licensed speech-language pathologist shall be pursuant to
11 the Pilot Project For Use of Speech-Language Assistants In Schools.
12 Bachelor's level personnel shall be limited to performing the scope of
13 responsibilities and shall be subject to the same restrictions set forth in
14 the Pilot Project For Use of Speech-Language Assistants In Schools. These
15 persons shall be required to comply with state regulations as Speech-Language
16 Pathology Support Personnel no later than January 1, 1997."

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18 SECTION 4. All provisions of this act of a general and permanent
19 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
20 Code Revision Commission shall incorporate the same in the Code.

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22 SECTION 5. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 6. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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/s/Rep. Wren, et al

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