

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Bell

A Bill

SENATE BILL 36

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED SECTION 17-97-104
9 TO PROVIDE THAT CERTAIN STATE EMPLOYEES AND EMPLOYEES OF
10 PROGRAMS THAT ARE LICENSED OR CERTIFIED BY THE DIVISION OF
11 DEVELOPMENTAL DISABILITIES SERVICES ARE NOT SUBJECT TO
12 LICENSURE AS A SPEECH LANGUAGE PATHOLOGIST OR AUDIOLOGIST;
13 *TO DECLARE AN EMERGENCY*; AND FOR OTHER PURPOSES."

Subtitle

16 "AMEND 17-97-104 TO PROVIDE THAT CERTAIN
17 PERSONS THAT ARE LICENSED OR CERTIFIED
18 BY THE DIV. OF DEVELOPMENTAL
19 DISABILITIES SERVICES ARE NOT SUBJECT TO
20 LICENSURE AS A SPEECH LANGUAGE
21 PATHOLOGIST OR AUDIOLOGIST."

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code Annotated Section 17-97-104 is hereby amended
26 to read as follows:

27 "§ 17-97-104. Exemptions.

28 Nothing in this chapter shall be construed as preventing or
29 restricting:

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

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

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

1 (4) A person from performing speech-language pathology or audiology
2 services solely within the confines or under the jurisdiction of a public
3 school system if that person holds a valid and current certificate as a
4 speech therapist or speech-language pathologist issued by the Department of
5 Education.

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

12 (B) The person may additionally elect to be subject to this
13 chapter;

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

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

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

1 with a speech-language pathologist or audiologist licensed under this
2 chapter; or

3 (7)(A) *A person from performing speech-language pathology or audiology*
4 *services solely within the confines of the person's duties as an employee of*
5 *the state of Arkansas, provided that the person was an employee of the state*
6 *of Arkansas on January 1, 1993, and furthermore this exemption applies to*
7 *such state employees who subsequently transfer to another agency of the*
8 *state.*

9 (B) *A person from performing speech-language pathology or audiology*
10 *services/therapies solely within the confines of the person_s duties as an*
11 *employee of any entity licensed or certified as a Developmental Disability*
12 *Services community provider by the Division of Developmental Disability*
13 *Services; if that person holds a minimum of a bachelor_s degree in speech-*
14 *language pathology, or a valid and current teaching certificate in speech-*
15 *language pathology issued by the Arkansas Department of Education and is*
16 *supervised by a licensed speech language pathologist or audiologist. These*
17 *persons shall be required to secure licensure as a Speech and Language*
18 *Pathologist under the same time lines as now used for persons employed by*
19 *public school districts, which time lines are being implemented by the*
20 *Arkansas Department of Education, with the final phaseout of this exception*
21 *in the year 2004.*

22 (C) *The Arkansas Department of Education and the Division of*
23 *Developmental Disability Services shall cooperate in the development of*
24 *educational stipends, educational leave and other assistance necessary to*
25 *facilitate the acquisition of the education required by persons covered by*
26 *sections (A) who are employees of the Division of Developmental Disabilities*
27 *Services who are performing Speech Language Pathology Services and (B) herein*
28 *to secure licensure as a Speech and Language Pathologist and persons covered*
29 *by this section. In conjunction with appropriate financial support,*
30 *universities offering degrees in Speech Language Pathology will facilitate*
31 *the provision of educational opportunity for individuals that meet their*
32 *admission criteria.*

33 (8) *A person who does not present himself as a speech-language*
34 *pathologist or audiologist from performing instructional activities designed*
35 *and supervised by a licensed speech-language pathologist or audiologist to*

1 enhance communication skills."

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3 SECTION 2. Arkansas 17-97-103 is amended to read as follows:

4 "17-97-103. Definitions.

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

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

7 (2) Association means the Arkansas Speech-Language-Hearing
8 Association, Incorporated;

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

13 (4) Audiology means the application of principles, methods, and
14 procedures of measurement, testing, evaluation, prediction, consultation,
15 counseling, instruction, habilitation, or rehabilitation related to hearing
16 and disorders of hearing for the purpose of evaluating, identifying,
17 preventing, ameliorating, or modifying such disorders and conditions in
18 individuals and groups of individuals. For the purposes of this subdivision,
19 the words habilitation and rehabilitation include, but are not limited
20 to, hearing aid evaluation and recommendations, auditory training, and speech
21 reading;

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

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

26 (7) Speech-language pathologist means an individual who practices
27 speech-language pathology by any title or description of services
28 incorporating the words speech-language pathologist, speech therapist,
29 speech correctionist, speech clinician, language pathologist, language
30 therapist, logopedist, communicologist, voice therapist, voice
31 pathologist, or any similar title or description of service;

32 (8) Speech-language pathology means the application of principles,
33 methods, and procedures for the measurement, testing, evaluation, prediction,
34 counseling, instruction, habilitation, or rehabilitation related to the
35 development and disorders of speech, voice, or language for the purpose of

1 evaluating, preventing, ameliorating, or modifying such disorders and
2 conditions in individuals and groups of individuals;

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

10 (10) *Service provided by Speech-Language Pathology Support Personnel*
11 *which are prescribed, directed and supervised by a speech language*
12 *pathologist licensed under this chapter may be billed to third parties as*
13 *Speech Language Services/Therapies. The billings may be in the name of the*
14 *licensed speech language pathologist or clinic of licensed speech-language*
15 *pathologist or a Developmental Disability Day Treatment Clinic Services*
16 *community provider licensed or certified by the Division of Developmental*
17 *Disability Services, who employs the speech-language pathology support*
18 *personnel."*

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20 SECTION 3. *Arkansas Code 17-97-202(b) is amended to read as follows:*

21 "*(b) The board shall adopt rules and regulations relating to*
22 *professional conduct commensurate with the policy of this chapter, including,*
23 *but not limited to, regulations which establish ethical standards of practice*
24 *necessary to the enforcement and orderly administration of this chapter and,*
25 *for other purposes, may amend or repeal the same in accordance with the*
26 *Arkansas Administrative Procedure Act, as amended, § 25-15-201 et seq. The*
27 *board shall promulgate regulations regarding the use of speech-language*
28 *pathology support personnel by practitioners of speech-language pathology by*
29 *January 1, 1996. Following their adoption, the rules and regulations shall*
30 *govern and control the professional conduct of every person who holds a*
31 *license to practice speech-language pathology or audiology in this state."*

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33 SECTION 4. *All provisions of this act of a general and permanent*
34 *nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas*
35 *Code Revision Commission shall incorporate the same in the Code.*

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

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

SECTION 7. Emergency. It is hereby found and determined by the Eightieth General Assembly of the State of Arkansas that there has been conflict between various agencies of state government over the licensing authority for certain state employees and their need for licensure; that conflicts between state agencies create an irreparable harm to the credibility and the operations of state government in Arkansas; and this act is necessary to relieve those conflicts and to restore a proper balance between the various agencies of state government in Arkansas. Therefore, in order to correct the licensing conflict, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

/s/Bell

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