~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 1, 2018

**H. 4815**

Introduced by Reps. Arrington and Knight

S. Printed 5/1/18--S.

Read the first time April 9, 2018.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 4815) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑67‑75 so as to provide speech‑language pathologists and speech‑language pathology, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 2, by striking line 22 and inserting:

/ “Section 40‑67‑75. A speech‑language pathology assistant may /

Amend the bill further, as and if amended, by striking SECTION 4 in its entirety.

Renumber sections to conform.

Amend title to conform.

THOMAS C. ALEXANDER for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by the House of Representatives on April 5, 2018**

**State Expenditure**

This bill requires speech-language pathology assistants and supervising pathologists to adhere to the guidelines of the American Speech-Language-Hearing Association. This bill also modifies the definition of speech-language pathologist and the continuing education requirements for licensure. This bill does not apply to educators certified by the State Board of Education who do not hold a certificate in speech-language pathology from the American Speech-Language-Hearing Association.

**Department of Labor, Licensing and Regulation.** This bill requires speech-language pathologists and audiologists employed by a state or federal agency after September 1, 2019, to be licensed by LLR’s Board of Examiners in Speech-Language Pathology and Audiology. Currently, such employees are exempt from licensure requirements. As a result, this bill will increase the number of licenses issued after September 1, 2019. However, because this bill will not affect state or federal speech-language pathologists employed prior to this date, LLR does not anticipate a significant increase in the number of licenses issued. Therefore, this bill will have no expenditure impact on the general fund, federal funds, or other funds for LLR.

**Department of Health and Human Services.** This bill would require speech-language pathologists and audiologists employed by a political subdivision of the state after September 1, 2019, to obtain a license. Currently, such employees are exempt from licensure requirements and include speech-language pathologists and speech-language pathology therapists employed by local school districts. The Department of Education (SCDE) reports that speech-language pathologists hired by local school districts bill Medicaid for services performed in a school setting. The services may be provided by speech-language pathology assistants, interns, or therapists, but must be supervised by a speech-language pathologist.

Speech-language pathologists and pathology therapists hired after September 1, 2019, would be required to obtain a license. SCDE indicates that, as a result of this bill, it may be difficult to obtain a sufficient number of licensed pathologists and pathology therapists to provide the current volume of services. Therefore, this may reduce the amount of services billed to Medicaid, which would in turn reduce Medicaid reimbursement expenditures of the Department of Health and Human Services (DHHS). However, because the effect on current school personnel is unknown, the expenditure impact to federal funds is undetermined.

**State Revenue**

**Department of Labor, Licensing and Regulation.** This bill would require speech-language pathologists and audiologists hired by a state or federal agency after September 1, 2019, to obtain a license. Currently, such employees are exempt from licensure requirements. As a result, this bill will increase the number of licenses issued after September 1, 2019. This bill will not affect state or federal speech-language pathologists employed prior to this date, as they will remain exempt from licensure requirement. While the agency does not anticipate the increase to be significant, LLR is unable to determine the additional number of licensure requests due to this requirement. Therefore, the increase to other funds revenue is undetermined.

**Local Revenue**

This bill would require speech-language pathologists and audiologists hired by a political subdivision of the state after September 1, 2019, to obtain a license. Currently, such employees are exempt from licensure requirements and include speech-language pathologists and speech-language pathology therapists employed by local school districts. The Department of Education (SCDE) reports that speech-language pathologists employed by local school districts bill Medicaid for services performed in a school setting. The services may be provided by speech-language pathology assistants, interns, or therapists, but must be supervised by a speech-language pathologist.

Speech-language pathologists and pathology therapists hired after September 1, 2019, would be required to obtain a license. SCDE indicates that, as a result of this bill, it may be difficult to obtain a sufficient number of licensed pathologists and pathology therapists to provide the current volume of services. Therefore, this may reduce the amount of services billed to Medicaid, which would in turn reduce Medicaid reimbursement to local school districts. However, because the effect on current school personnel is unknown, the local revenue impact is undetermined.

**Introduced on January 31, 2018**

**State Expenditure**

This bill requires speech-language pathology assistants and supervising pathologists to adhere to the guidelines of the American Speech-Language-Hearing Association. This bill also modifies the definition of speech-language pathologist and the continuing education requirements for licensure.

**Department of Labor, Licensing and Regulation.** This bill requires the Board of Examiners in Speech-Language Pathology and Audiology of LLR, to increase the number of licenses issued after January 1, 2019. These additional activities do not alter the oversight or regulatory responsibilities of the board. Therefore, this bill will have no expenditure impact on the general fund, federal funds, or other funds for LLR.

**Department of Health and Human Services.** This bill would require speech-language pathologists and audiologists employed by a political subdivision of the state after January 1, 2019, to obtain a license. Currently, such employees are exempt from licensure requirements and include speech-language pathologists and speech-language pathology therapists employed by local school districts. The Department of Education (SCDE) reports that speech-language pathologists hired by local school districts bill Medicaid for services performed in a school setting. The services may be provided by speech-language pathology assistants, interns, or therapists, but must be supervised by a speech-language pathologist.

Speech-language pathologists and pathology therapists hired after January 1, 2019, would be required to obtain a license. SCDE indicates that, as a result of this bill, it may be difficult to obtain a sufficient number of licensed pathologists and pathology therapists to provide the current volume of services. Therefore, this may reduce the amount of services billed to Medicaid, which would in turn reduce Medicaid reimbursement expenditures of the Department of Health and Human Services (DHHS). However, because the effect on current school personnel is unknown, the expenditure impact to federal funds is undetermined.

**State Revenue**

**Department of Labor, Licensing and Regulation.** This bill would require speech-language pathologists and audiologists hired by a state or federal agency after January 1, 2019, to obtain a license. Currently, such employees are exempt from licensure requirements. As a result, this bill will increase the number of licenses issued after January 1, 2019. This bill will not affect state or federal speech-language pathologists employed prior to this date, as they will remain exempt from licensure requirement. While the agency does not anticipate the increase to be significant, LLR is unable to determine the additional number of licensure requests due to this requirement. Therefore, the increase to other funds revenue is undetermined.

This bill requires any person licensed in a profession that overlaps with the scope of speech-language pathology or audiology to obtain a license under this chapter. Previously, these persons were exempt if they were licensed under Title 40 or another provision and did not hold themselves out to the public as a practitioner of speech-language pathology or audiology. While the agency does not anticipate the increase to be significant, LLR is unable to determine the additional number of licensure requests due to this requirement. Therefore, the increase to other funds revenue is undetermined.

**Local Revenue**

This bill would require speech-language pathologists and audiologists hired by a political subdivision of the state after January 1, 2019, to obtain a license. Currently, such employees are exempt from licensure requirements and include speech-language pathologists and speech-language pathology therapists employed by local school districts. The Department of Education (SCDE) reports that speech-language pathologists employed by local school districts bill Medicaid for services performed in a school setting. The services may be provided by speech-language pathology assistants, interns, or therapists, but must be supervised by a speech-language pathologist.

Speech-language pathologists and pathology therapists hired after January 1, 2019, would be required to obtain a license. SCDE indicates that, as a result of this bill, it may be difficult to obtain a sufficient number of licensed pathologists and pathology therapists to provide the current volume of services. Therefore, this may reduce the amount of services billed to Medicaid, which would in turn reduce Medicaid reimbursement to local school districts. However, because the effect on current school personnel is unknown, the local revenue impact is undetermined.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑67‑75 SO AS TO PROVIDE SPEECH‑LANGUAGE PATHOLOGISTS AND SPEECH‑LANGUAGE PATHOLOGY ASSISTANTS UNDER THEIR SUPERVISION SHALL ADHERE TO CERTAIN GUIDELINES; TO AMEND SECTION 40‑67‑20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS, SO AS TO REVISE THE DEFINITION OF SPEECH‑LANGUAGE PATHOLOGISTS; TO AMEND SECTION 40‑67‑30, RELATING TO THE SUPERVISION OF SPEECH‑LANGUAGE PATHOLOGY INTERNS AND ASSISTANTS, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 40‑67‑110, RELATING TO DISCIPLINARY MATTERS, SO AS TO PROVIDE THAT THE FAILURE TO ADHERE TO CERTAIN SUPERVISORY GUIDELINES AMONG THE FORMS OF CONDUCT ARE SUBJECT TO DISCIPLINE; TO AMEND SECTION 40‑67‑260, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR LICENSE RENEWAL, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40‑67‑280, RELATING TO THE COMPLETION OF CERTAIN CONTINUING EDUCATION HOURS FOR INACTIVE LICENSE REACTIVIATIONS, SO AS TO ALLOW FOR THE COMPLETION OF CONTINUING EDUCATION UNITS AS AN ALTERNATIVE; TO AMEND SECTION 40‑67‑300, RELATING TO THE APPLICABILITY OF THE CHAPTER, SO AS TO LIMIT THE EXEMPTION FOR SPEECH‑PATHOLOGISTS AND AUDIOLOGISTS EMPLOYED BY THE FEDERAL GOVERNMENT OR THE STATE TO THOSE SO EMPLOYED BEFORE JANUARY 1, 2019, AND TO REMOVE AN EXEMPTION FOR PERSONS LICENSED UNDER TITLE 40 OR ANOTHER PROVISION OF LAW WHOSE SCOPE OF PRACTICE OVERLAPS WITH THE PRACTICE OF SPEECH PATHOLOGY OR AUDIOLOGY; TO REDESIGNATE CHAPTER 67, TITLE 40 AS “SPEECH‑LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS”; AND TO REPEAL ACT 124 OF 2015 RELATING TO THE TEMPORARY EXEMPTION OF CERTAIN APPLICANTS FOR LICENSURE AS SPEECH‑LANGUAGE PATHOLOGIST ASSISTANTS FROM THE REQUIREMENT OF HAVING A BACHELOR’S DEGREE FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 67, Title 40 of the 1976 Code is amended by adding:

“Section 40‑67‑75. A speech‑language pathology assistant shall adhere to the responsibilities within the scope for speech‑language pathology assistants set forth by the American Speech‑Language‑Hearing Association. A speech‑language pathologist supervising a speech‑language pathology assistant shall adhere to the guidelines for supervision of a speech‑language pathology assistant set forth by the American Speech‑Language‑Hearing Association.”

SECTION 2. Section 40‑67‑20(13) of the 1976 Code, as last amended by Act 167 of 2014, is further amended to read:

“(13) ‘Speech‑language pathologist’ means an individual who practices speech‑language pathology.

A person represents himself to be a speech‑language pathologist when he holds himself out to the public by any title or description of services incorporating the words ‘speech pathologist’, ‘speech pathology’, ‘speech therapy’, ‘speech correction’, ‘speech correctionist’, ‘speech therapist’, ‘speech clinic’, ‘speech clinician’, ‘language pathology’, ‘language pathologist’, ‘logopedics’, ‘logopedist’, ‘communicology’, ‘communicologist’, ‘aphasiologist’, ‘voice therapy’, ‘voice therapist’, ‘voice pathologist’, ‘voice pathology’, ‘voxologist’, ‘language therapist’, ‘phoniatrist’, ‘cognitive communication therapist clinician’, ‘communication specialist’, or any similar variation of these terms or ~~any~~ a derivative term, to describe a function or service he performs. ‘Similar variations’ include the use of words such as ‘speech’, ‘voice’, ‘language’, or ‘stuttering’ in combination with other words which imply a title or service relating to the practice of speech‑language pathology.”

SECTION 3. Section 40‑67‑30 of the 1976 Code is amended to read:

“Section 40‑67‑30. No person may practice speech‑language pathology or audiology without a license issued in accordance with this chapter. A speech‑language pathology intern ~~or~~ and a speech‑language pathology assistant ~~may~~ only may practice under the direct supervision of a speech‑language pathologist, and an audiology intern ~~may~~ only may practice under the direct supervision of an audiologist as specified by the board.”

SECTION 4. Section 40‑67‑110(7) of the 1976 Code is amended to read:

“(7) commits an act of dishonest, immoral, or unprofessional conduct while engaging in the practice of speech‑language pathology or audiology including, but not limited to:

(a) engaging in illegal, incompetent, or negligent practice of speech‑language pathology or audiology;

(b) providing professional services while mentally incompetent or under the influence of alcohol or drugs;

(c) providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from the services, devices, appliances, or products;

(d) diagnosing or treating individuals for speech or hearing disorders by mail or telephone unless the individual had been previously examined by the licensee and the diagnosis or treatment is related to the examination; or

(e) failing to comply with the provisions of Section 40‑67‑75;”

SECTION 5. Section 40‑67‑260 of the 1976 Code, as last amended by Act 167 of 2014, is further amended to read:

“Section 40‑67‑260. (A) As a condition of license renewal, a speech‑language pathologist or audiologist ~~must~~ shall satisfactorily complete sixteen hours ~~per license~~ of approved continuing education ~~per~~ or 1.6 continuing education units (CEUs) during each license period.

(B) As a condition of an intern license renewal, a speech‑language pathologist or audiologist ~~must~~ shall satisfactorily complete eight hours ~~per license~~ of approved continuing education ~~per~~ or 0.8 CEUs during each license period.

(C) As a condition of an assistant license renewal, a speech‑language pathology assistant ~~must~~ shall satisfactorily complete eight hours of approved continuing education ~~per~~ or 0.8 CEUs during each license period.

(D) Continuing education must be reported on forms and in the time and manner specified by the board in regulation.

(E) ~~Each~~ A licensee ~~must~~ shall maintain records of continuing education hours or CEUs earned for a period of four years, and these records must be made available to the director or ~~the director’s~~ his designee upon request for ~~audits~~ an audit that the board biennially may conduct ~~biennially~~.”

SECTION 6. Section 40‑67‑280 of the 1976 Code, as last amended by Act 167 of 2014, is further amended to read:

“Section 40‑67‑280. To activate an inactive license, an individual ~~must~~ shall submit a form approved by the board and evidence attesting to his satisfactory completion of sixteen hours of approved continuing education or 1.6 CEUs for each two years of inactive licensure.”

SECTION 7. Section 40‑67‑300 of the 1976 Code is amended to read:

“Section 40‑67‑300. This chapter does not apply to:

(1) A speech‑language pathologist or audiologist employed by a state or federal agency or a political subdivision of the State before September 1, 2019, while engaged in the discharge of official duties; however, federal and state or political subdivision employees or employees of a political subdivision of the State who are licensed by this board are subject to the provisions of this chapter.

(2) ~~Students~~ A student of speech‑language pathology or audiology enrolled in a course of study at an accredited ~~university or college~~ institution of higher learning whose activities constitute a part of the course of study.

(3) A hearing aid ~~specialists~~ specialist licensed to fit and sell hearing aids pursuant to Chapter 25~~.~~; provided, nothing in this chapter is in lieu of ~~or shall~~, may conflict with, or supersede Chapter 25 and the rights of those licensed under Chapter 25.

(4) A registered ~~nurses and~~ nurse, licensed practical ~~nurses~~ nurse, or other certified ~~technicians~~ technician trained to perform audiometric screening tests in industrial operations and whose work is under the supervision of a company physician, otological consultant, or licensed audiologist.

(5) ~~A person licensed by the State under this title or any other provision of law whose scope of practice overlaps with the practice of speech‑language pathology or audiology is not also required to be licensed under this chapter unless the person holds himself out to be a practitioner of speech‑language pathology or audiology~~ An educator certified by the State Board of Education, including an educator certified as a speech-language therapist who is not licensed as a speech‑language pathologist and does not hold a certificate of clinical competence in speech‑language pathology (CCC‑SLP) credential from the American Speech‑Language‑Hearing Association (ASHA).”

SECTION 8. Chapter 67, Tile 40 is redesignated “Speech‑Language Pathologists and Audiologists”.

SECTION 9. Act 124 of 2015 is repealed.

SECTION 10. This act takes effect upon approval by the Governor.

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