

CAPITOL WATCH is the TSHA Legislative Team's vehicle for keeping members informed of activity at the state capitol and in other state regulatory meetings. If you have questions regarding this or other CAPITOL WATCH postings, please contact Larry Higdon, Dir. of Governmental Relations at lwhtsha@gmail.com.

August 31, 2011

CHANGES TO LICENSURE ACT MADE BY 82ND LEGISLATURE

Changes to the Speech-Language Pathology and Audiology Licensure Act are effective **September 1, 2011**. Some sections within the law require compliance by other dates, e.g. the new fingerprinting and background check requirement. A more detailed discussion of the changes will be published in the October *COMMUNICOLOGIST*. The new Licensure Act may be reviewed by going to the Texas State Board of Examiners for Speech-Language Pathology and Audiology website (<http://www.dshs.state.tx.us/speech>) where you may read the new Licensure Act in its entirety shortly after September 1, 2011.

LICENSURE LAW CHANGES DIRECTLY AFFECTING LICENSEES:

- **Criminal History Record Information Requirement for License Issuance and Renewal: (Effective 3/01/2012)** Rules and Forms are currently being developed by the Licensure Board for implementation. The Board hopes to have Rules developed and posted for comment later this year and adopted prior to the March initiation date. The TSHA Legislative Team will keep members advised as to the Licensure Board's progress in developing Rules via **CAPITOL WATCH**.

The TSHA Legislative Team worked with Senate Bill [\(SB\) 662](#) author, **Senator Robert Nichols**, and sponsor, **Representative Rafael Anchia**, as well as the Sunset Commission staff to exempt licensees employed in the public schools from having to submit to another criminal history check via fingerprinting. Because of privacy laws the law enforcement entities may not share this information with separate agencies – thus **all licensees whether fingerprinted for their school, hospital or other current employer, will have to submit separate fingerprints for licensure in a manner determined by this ACT and the Rules of the Board.**

- **Doctoral Degree Required for Audiology:** [SB 613](#) authored by **Senator Jose Rodriquez**, and sponsored by **Representative Carol Alvarado** requires audiologists to possess at least a doctoral degree in audiology or a related hearing science from a program accredited by a national accrediting organization that is approved by the board and recognized by the United States Secretary of Education. A person who holds a license as an audiologist issued before the effective date of this Act (September 1, 2011) may continue to renew that license without complying with the change in law made by this Act.
- **Board Membership:** Persons may not be a member of the Licensure Board if they or their spouse is an officer, employee, or paid consultant of a Texas trade association in the field of health care. This definition includes professional associations e.g. TSHA.
- **Cease and Desist Order for Non-Licensees:** If it appears to the Board that a person who is not licensed under this Act is violating this Chapter, or a Rule under this Chapter, or another state statute or rule relating to the practice of speech-language pathology or

audiology, the Board, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from engaging in the activity.

Ed. Note: Our previous Act did not allow the Board to issue such a cease and desist order.

NEW LICENSURE LANGUAGE THAT RELATES TO BOARD OPERATIONS AND REQUIREMENTS:

- **Joint Rules for Hearing Instruments:** The Board and the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments will be required to jointly adopt rules to establish requirements for each sale of a hearing instrument. This will include guidelines for the 30-day trial period during which a person may cancel the purchase of a hearing instrument. The language must be “plain language” designed to be easily understood by the average consumer.
- **Presiding Officer:** The Presiding Officer of the Board will be appointed by the Governor. Currently the Board elects the Presiding Officer.
- **Recusal of a Board Member:** A Board member who participated in the investigation of a complaint or in informal settlement negotiations regarding the complaint may not vote on the matter at a board meeting related to the complaint.

The information presented above is intended to be a **synopsis** of the changes in our Licensure Act. Each member/licensee should go to the Website of the State Board of Examiners for Speech-Language Pathology and Audiology and read the new law that governs our practice in Texas. We want to assist TSHA members are fully cognizant of the new requirements of the Act. When Rules are published be sure to review the Rules carefully to again ensure compliance, so our Texas publics are well protected. Remember our Licensure Act is a “PUBLIC” PROTECTION ACT, not a “professionals” protection Act.

OTHER TSHA LEGISLATIVE TEAM ACTIVITIES

- **Thank You Letters to Legislators:** Thank You letters from TSHA, signed by **President April Smith** and **Past President Denise Barringer**, were sent to **Governor Rick Perry**, **Lt. Governor David Dewhurst**, **Senator Robert Nichols**, and **Representative Rafael Anchia**, for their support of our licensure efforts during the 82nd Legislative Session. Letters were also sent to all senators and representatives who voted in favor of the Sunset Bill ([SB 662](#)) to extend our license.
- **Proposed Rate Reduction (October 1, 2011) For Speech Therapy Services:** The Health & Human Services Commission (HHSC) held a hearing August 16, 2011 regarding proposed 20% rate cuts for general rehab therapy providers (private practice). **Downie Mathis**, Chair TSHA Private Practice Task Force (PPTF) testified in opposition to the proposed cuts. Members of the PPTF have written HHSC in opposition to the cuts. These proposed cuts are in addition to the 5% rate cut taking effect 9/1/2011.

President April Smith and members of the TSHA Legislative Team have consulted with the ASHA Health Care staff regarding this issue. TSHA plans to join with the Texas Physical Therapy Association and Texas Occupational Therapy Association in a joint effort to mediate these reductions with HHSC.

- **Attorney General Opinion RQ-0956-GA:** Former Representative Fred Brown requested an Attorney General opinion on March 21, 2011 regarding the constitutionality of residency requirements for applicants for a license to fit and dispense hearing instruments under section 402.209, Occupations Code.

TSHA provided a written brief on the issue, and thus became a stakeholder in the decision.

Decision: Because the requestor is no longer authorized to request an opinion under section 402.042 of the Texas Government Code, the Office of the Attorney General is no longer authorized to issue and opinion.

- **National Council of State Legislators (NCSL):** The NCSL held its annual meeting in San Antonio August 9-11. ASHA is an exhibitor each year, and **Eileen Crowe**, ASHA Director of State Association Relations invited TSHA to participate in the activities sponsored in the booth. Members of the TSHA Legislative Team helped staff the booth and distribute materials relative to professional activities of ASHA and TSHA. Many members of the Texas Legislature and Texas regulatory agencies stopped by the booth to visit and discuss issues of importance to Texas and the professions.
- **Texas Register:** The TSHA Legislative Team monitors the postings in the Texas Register weekly.
- **Legislator Receptions:** Members of the TSHA Legislative Team have participated in Legislator Receptions (fund raisers) for the following members of the Legislature this month:
Representative Wayne Christian
Representative Bill Callegari
Representative Sid Miller
Senator Leticia Van de Putte
- **Texas Society for Allied Health Professions (TSAHP):** VP **Bobbie Kay Turkett** and **Jan Lougeay** will represent TSHA at their annual conference "Uniting Allied Health for Advocacy, Health and Practice" in Dallas September 15 & 16, 2011. TSAHP is one of our new coalition partners. Of special interest is how we can join together to solve professional personnel shortage issues.
- **Legislative Team:** Vice President **Bobbie Kay Turkett** has been meeting with the Legislative Team developing plans for the coming year while the Legislature is not in session, and coordinating activities with the TSHA PAC. She will be working with her committees and task forces to implement the plans and share them with the membership after the September Executive Board/Executive Council meeting in Dallas.

The future monthly Capitol Watch, including the September Capitol Watch, may be found on the website, www.txsha.org, under "Advocacy" and "Legislative Update."