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COMMITTEE REPORT

May 1, 2019

**S. 277**

Introduced by Senator Senn

S. Printed 5/1/19--H.

Read the first time March 7, 2019.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 277) 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:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by the Senate on March 5, 2019**

**State Expenditure**

This bill requires speech-language pathology assistants and supervising pathologists to adhere to the guidelines of the American Speech-Language-Hearing Association. A Speech-language pathology assistant only may practice under the direct supervision of a speech-language pathologist. In addition, this bill exempts educators certified by the State Board of Education from the licensure requirements of Chapter 67, Title 40. Also exempted from the licensure requirements of this Chapter are speech-language pathologists or audiologists employed by a state or federal agency or political subdivision of the State before September 1, 2020.

**Department of Labor, Licensing, and Regulation.** This bill requires speech-language pathologists and audiologists employed by a state or federal agency or political subdivision of the State after September 1, 2020, 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 by LLR beginning in FY 2020-21. This bill will not require licensure for educators certified by the Board of Education, including educators certified as speech-language therapists.

LLR currently licenses 283 audiologists, 2,776 speech-language pathologists, and a total of 232 speech-language pathology assistants and interns. Because the bill will not affect certified educators or speech-language pathologists or audiologists employed by a state or federal agency, or a political subdivision of the State, prior to September 1, 2020, LLR does not anticipate a significant increase in the number of licenses issued in future years. Therefore, this bill will have no expenditure impact on LLR.

**Department of Health and Human Services.** DHHS indicates that the bill will not materially alter the responsibilities or oversight of the department.

However, any reduction in the amount of services provided by these professionals to Medicaid recipients from the provisions of this bill could result in a decrease in Medicaid provider payments. This situation would reduce general fund and federal fund expenditures in proportion to the reduction in Medicaid claims filed. Revenue and Fiscal Affairs does not anticipate that situation will occur. This bill does not affect private sector speech-language pathologists, assistants, interns, and audiologists and audiologist interns since they are currently licensed. Certified educators, including speech-language therapists are exempt from the proposed licensure requirements. Speech-language pathologists or audiologists employed by a state or federal agency or a political subdivision will not require licensure unless they are hired after September 1, 2020. When these agencies and governments are required to replace these grandfathered speech-language pathologists or audiologists, we expect that the replacement professionals will have attained the educational and experience requirements necessary for licensure. Therefore, we do not expect any reduction in the number of speech-language pathologists or audiologists or any reduction in Medicaid provider billings.

**State Revenue**

This bill requires speech-language pathologists and audiologists employed by a state or federal agency or political subdivision of the State after September 1, 2020, to be licensed by LLR’s Board of Examiners in Speech-Language Pathology and Audiology. Currently, such employees are exempt from licensure requirements. This bill will not affect state or federal speech-language pathologists employed prior to this date, as they will remain exempt from licensure requirements. In addition, this bill exempts certified educators, including speech-language therapists, employed by a school district from the licensure requirements. As a result of this bill, LLR will experience some increase in the number of licenses issued in future years. LLR does not anticipate this increase to be significant. However, the agency is unable to determine the additional number of licensure requests that will be generated by this bill. Therefore, the increase to other funds revenue from the additional license fees is undetermined.

**Local Revenue**

This bill requires speech-language pathologists and audiologists hired by a political subdivision of the State after September 1, 2020, to obtain a license. Currently, these employees are exempt from licensure requirements. Speech-language pathologists and audiologists currently employed are exempted from the licensure requirements of this bill. Additionally, speech-language therapists employed by local school districts with a teaching certificate are also exempted from the licensure requirements of the bill regardless of their hire date.

The State Department of Education (SDE) indicates that speech-language professionals 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. SDE reports there are approximately 900 certified teachers employed by school districts that provide these services to the students.

While speech-language pathologists and pathology therapists hired after September 1, 2020, will be required to obtain a license, we expect that when the school districts are required to replace these grandfathered speech-language pathologists or audiologists in future years the replacement professionals will have attained the educational and experience requirements necessary for licensure. Therefore, we do not expect any reduction in the number of speech-language pathologists or audiologists utilized by school districts or any reduction in Medicaid provider billings and reimbursements to local school districts.

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 40‑67‑260, 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 REACTIVATIONS, 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, 2020, 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 may 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 may adhere to the guidelines for supervision of a speech‑language pathology assistant set forth by the American Speech‑Language‑Hearing Association.”

SECTION 2. Section 40‑67‑30 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 3. 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 4. 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 5. 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, 2020, 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.

(6) 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 credential from the American Speech‑Language‑Hearing Association.”

SECTION 6. Chapter 67, Title 40 is redesignated “Speech‑Language Pathologists and Audiologists”.

SECTION 7. Act 124 of 2015 is repealed.

SECTION 8. This act takes effect upon approval by the Governor.

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