

2013 HOUSE HUMAN SERVICES

HB 1092

2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

HB 1092

January 14, 2013
17154

Conference Committee

Jocelyn Gallagher

Explanation or reason for introduction of bill/resolution:

Relates to licensing of audiologists and composition of Board of Examiners on audiology and speech language pathology and provide an effective date.

Minutes:

Attached Testimony #1

Chairman Weisz: Opened the hearing on HB 1092.

Dr. Doug Schauer: Chairman of the ND State Board of Examiners on Audiology and Speech-Language Pathology Testified in support of the bill. (See Testimony #1)

Chairman Weisz: Currently, how many have masters and doctorates practicing in ND?

Dr. Doug Schauer: 8 master's degree people still practicing and the rest, 40 some, would be doctorates. The intent is not to prevent any current master's degree people from practicing.

Chairman Weisz: That's how it's spelled out in the bill, that would be by the rule of the board, right?

Dr. Doug Schauer: If you are currently licensed and renewing it would not be affected. This only applies for those who are not licensed looking for a first time license in ND.

Chairman Weisz: There are no 4 year masters programs left?

Dr. Doug Schauer: No there is not. The profession of audiology is all doctor programs.

Rep. Porter: There are masters of audiology programs in the US?

Dr. Doug Schauer: There are no master's degree programs.

Rep. Porter: How many states limit now the practitioners to a doctorate level?

Dr. Doug Schauer: More limits them than don't limit them right now.

Rep. Porter: Could you get that for us?

Dr. Doug Schauer: I sure could.

Rep. Porter: Under eligibility for licensure on line 22 you add a sentence except as provided by the board by rule. I was wondering the reason for that addition and what is it going to do in relationship to subsection 4 for licensure?

Dr. Doug Schauer: The reason that was added was so we could make a rule that would allow someone from another state with some experience equivalent to a graduating doctorate degree person.

Rep. Porter: When I read this whole portion of this bill it is redundant in my mind. Why does this extra sentence need to be in there? If an individual from another state with a master's degree and 30 years' experience and wants to come to ND, the board gets to pick and choose whether or not that person can be licensed?

Dr. Doug Schauer: The intention is we would make rules to closer define that after, we don't make a rule before the law I guess, so we felt like we put that statement in and then we would more closely define what the rule is.

Rep. Laning: If you already have an exam why do you need to exclude master's degree?

Dr. Doug Schauer: Our exam is the university standards. They have to pass the university degrees and take a national exam

Rep. Laning: You already have the ability to screen someone based on their ability to pass that exam.

Dr. Doug Schauer: I think the exam they are talking about is the national doctorate exam.

Rep. Fehr: If you took out the word "except" could that change the meaning?

Dr. Doug Schauer: This may be better off putting it in front of the sentence.

Rep. Fehr: When you use the word except it seems to throw it in a whole different direction and if you just want to say the board can clarify it a little further that seems a lot cleaner.

Dr. Doug Schauer: That certainly is what we wanted to do.

Rep. Laning: Do you have any data that shows cost of services? Is there a difference between a master's degree, audiologist?

Dr. Doug Schauer: No difference in reimbursement.

Chairman Weisz: You indicated that the hearing aid specialists had no problem being taken off the board?

Dr. Doug Schauer: We contacted ND academy of audiology and sent them the bill. They said they would support the change as described. Contacted the ND Hearing Aid society and they were in support of it.

Chairman Weisz: They don't want to be on it?

Dr. Doug Schauer: They did not want to be on there.

Rep. Mooney: ND does not have a school of audiology here?

Dr. Doug Schauer: ND does not.

Rep. Mooney: On a national basis it's the doctorate program that has been accepted as opposed to the masters?

Dr. Doug Schauer: Right

Rep. Fehr: If someone comes into the state seeking licensure under reciprocity, the only thing that is waived is the national exam?

Dr. Doug Schauer: If they are currently a licensed audiologist, a masters or doctorate, then they have passed the national exam. Most all states have required the national exam to be licensed.

Rep. Fehr: Doesn't number four say that, the board may waive the exam? If there is reciprocity basically this is it?

Dr. Doug Schauer: This would be it.

Rep. Fehr: Under the change, the only thing reciprocity would do is they may not have to take the national exam if that is waived?

Dr. Doug Schauer: Exactly. Are you saying with this paragraph that we don't need a need for as provided by rule?

Rep. Fehr: It sounds like the only thing that could be waived is the national exam.

Dr. Doug Schauer: If they didn't have the national exam 30 years ago this would waive that.

Rep. Fehr: That is what this number 4 allows is to waive that national exam if they are licensed.

Dr. Doug Schauer: If the right things were in place.

Rep. Fehr: Other than that they have to have a doctorate and everything?

Dr. Doug Schauer: They're going to accept and that is why we wanted to put in that as provide by board by rule that we would have a safety net in order to grant possibly a master's degree or out of state person with a master's degree to come in with x amount years' experience that show equivalency. That hasn't been written.

Rep. Fehr: I don't think they can do that cause of 2B saying they have to have doctorate you can't come down and waive the doctorate, only the exam.

Dr. Doug Schauer: The lawyer wrote this up after we brought this to him with our intentions.

Rep. Fehr: I think you should talk to your attorney because I don't think you are allowed that.

Chairman Weisz: Rep Fehr, that is the reason for the word except, the word except really does make a change. Dr. Schauer, the national examination has it changed in the last five years?

Dr. Doug Schauer: The exam has changed. What is not known is what each university would decide whether they would grant their master's degree people to take the exam. That would be left to the university to grant them. The master's degree is not trained as much as the master's degree originally coming out of school.

Chairman Weisz: I assume the national exams reflects more what the doctors programs are, so if that two years masters passes the national exam which you have to do to be licensed in ND. Why would you not be qualified to practice in the state if he's able to pass that exam which I assume is more difficult today than ten years ago?

Dr. Doug Schauer: That is a good point.

Rep. Mooney: We are taking the master degree out of the equations?

Dr. Doug Schauer: Taking it out to stop universities from granting masters degrees to their doctorate degree students after two years so they can practice in ND.

Rep. Mooney: If you have someone with experience and master's degree you could accept them?

Dr. Doug Schauer: That is correct.

Rep. Oversen: Do you know if there is a different exam for those graduating with masters or doctorate degree or is it the same, just a licenser exam?

Dr. Doug Schauer: Left up to each individual granting university.

Rep. Muscha: You said it was a national examination, same for everyone, but now you just said it could vary between universities?

Dr. Doug Schauer: In the past, a national Exam was required by each University to get a master's degree. Now universities are on a case by case basis and may or may not make you take that national exam.

Rep. Porter: Could a person who has a new master's degree would they be able to pass the national exam in your opinion?

Dr. Doug Schauer: Probably not, in my opinion but possibly.

Rep. Porter: Would it make sense from standpoint of the law, to change it to say that if you are coming with a master's degree you have to have passed the national exam. In your estimation that would solve the problem also?

Dr. Doug Schauer: The current national exam would probably solve the problem.

Chairman Weisz: Further questions from the committee? Seeing none, anyone else in support?

Tom Tupa: Consumer representative on the board. If you look at the bill line 16, it deletes the word masters and leaves the word doctorate in there. There are no masters programs for the most part. in the country. All college and universities have shifted to doctoral program. Sub paragraph 4 dealing only with the examination requirement, there is a lot of confusion about examination. There are only a couple of organizations offering the examinations. The board would like the ability to deal with that in the rule and regulation process. When bill passes those changes will be incorporated in the rules and regulations and hopefully no more confusion. In state, out of state, reciprocity or otherwise. Ask for a do pass on HB 1092.

Chairman Weisz: Line 19 on current law makes it clear the board has the power to determine which exam is acceptable. Doesn't this solve the problem?

Tom Tupa: We hope that the proposed rules and regulations changes will accommodate any sort of questions that may surface.

Rep. Fehr: Is there intent to amend this language under B, where it takes out masters?

Tom Tupa: The board will allow masters to come in under reciprocity because of current law. Still have to meet standards of North Dakota. Once the law passed they have to have a doctorate.

Rep. Fehr: After the law is changed, you are saying that is not the case?

Tom Tupa: That is my understanding.

Dr. Doug Schauer: It is my understanding that in the bill currently practiced master's degree people will be able to practice and that when he added the phrase with the exception by rule.

Chairman Weisz: Committee we will have LC research the language. Exactly what it does say and imply in the interest of time. Your intent is to allow some exceptions?

Dr. Doug Schauer: Yes.

Chairman Weisz: The language is somewhat unclear. Will have discussion as long as we know where the intent is and what the committee wants to do.

Ned Schauer: President of ND Hearing Society. Talked with David Ross, dispenser on board and sees no reason to be on board. All agree a waste of our time to be on the board

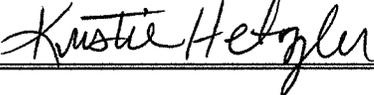
Chairman Weisz: Opposition to 1092? Seeing none, close HB 1092.

2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee Fort Union Room, State Capitol

HB 1092
January 23, 2013
Job 17641

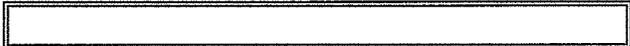
Conference Committee



Explanation or reason for introduction of bill/resolution:

Relates to licensing of Audiologists and composition of Board of Examiners on audiology and speech language pathology and provide an effective date.

Minutes:



Chairman Weisz: Called the meeting to order on HB 1092. Clarifies line 22

Rep. Fehr: I like this language better. The question I have is on 2b, does this open the door beyond Master or Doctorate to somebody that would not even a Masters?

Chairman Weisz: Technically yes.

Rep. Fehr: I'm assuming if the board rule on education is there any requirements for them to write rules to define it further?

Chairman Weisz: Anything they want to clarify has to go to administrative rule, they would set the requirement.

Rep. Fehr: There will be problems is they let an individual practice and then turn around and deny another. Shouldn't there be a set standard. Section 2?

Chairman Weisz: This puts in place the flexibility that the Board was asking for.

Motion to adapt amendment 01.001 on HB 1092

Rep. Mooney: Second.

Voice Vote: 13 yah, 0 nah

Rep. Fehr: Do Pass.

Rep. Hofstad: Second.

Carried by: Rep. Laning

1/23/13
TD

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1092

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-37 of the North Dakota Century Code, relating to licensing out-of-state audiologists and speech-language pathologists; to"

Page 1, line 19, overstrike "The board"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "board"

Page 1, line 22, remove ", except as provided by the board by rule"

Page 1, line 22, overstrike the period

Page 1, after line 23, insert:

"SECTION 2. A new section to chapter 43-37 of the North Dakota Century Code is created and enacted as follows:

Licensing of out-of-state practitioners.

1. The board may adopt rules establishing licensure requirements for applicants who hold a current license in good standing to practice as an audiologist or speech-language pathologist in a state or jurisdiction other than this state and who are not the subject of a pending disciplinary action in any state or jurisdiction.
2. Notwithstanding section 43-37-04, as it relates to the licensure eligibility of an out-of-state audiologist or speech-language pathologist, the board's rules may allow for:
 - a. Waiver of the examination requirement if the applicant meets the requirements established by the board.
 - b. Consideration of education and experience in order to meet the education requirements."

Page 2, line 11, replace "2" with "3"

Renumber accordingly

Date: 1-23-13
 Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1092

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Laning Seconded By Rep. Mooney

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ			REP. MOONEY		
VICE-CHAIRMAN HOFSTAD			REP. MUSCHA		
REP. ANDERSON			REP. OVERSEN		
REP. DAMSCHEN					
REP. FEHR					
REP. KIEFERT					
REP. LANING					
REP. LOOYSEN					
REP. PORTER					
REP. SILBERNAGEL					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

voice vote
motion on amendment
.00001
motion carried

Date: 1-23-13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1092**

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Fehr Seconded By Rep. Hofstad

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ			REP. MOONEY		
VICE-CHAIRMAN HOFSTAD			REP. MUSCHA		
REP. ANDERSON			REP. OVERSEN		
REP. DAMSCHEN					
REP. FEHR					
REP. KIEFERT					
REP. LANING					
REP. LOOYSEN					
REP. PORTER					
REP. SILBERNAGEL					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep. Laning
 If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1092: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1092 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-37 of the North Dakota Century Code, relating to licensing out-of-state audiologists and speech-language pathologists; to"

Page 1, line 19, overstrike "The board"

Page 1, overstrike lines 20 and 21

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 - b. Consideration of education and experience in order to meet the education requirements.

Page 2, line 11, replace "2" with "3"

Renumber accordingly

2013 SENATE HUMAN SERVICES

HB 1092

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

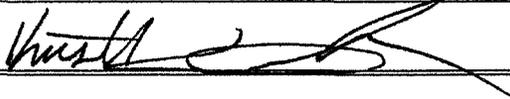
HB 1092

2/18/13

Recording Job Number:
19110

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to licensing out-of-state audiologists and speech-language pathologists; composition of the board of examiners on audiology and speech-language pathology.

Minutes:

Vice Chairman Larsen opens the hearing on HB 1092.

There is no testimony.

Hearing is closed.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

HB 1092

2/18/13

Recording Job Number:
19131

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to licensing out-of-state audiologists and speech-language pathologists; composition of the board of examiners on audiology and speech-language pathology.

Minutes:

Chairman Lee re-opens the hearing on HB 1092.

Tom Tupa, Consumer Representative on the Board, apologies to the committee for not being here this morning and reviews the engrossed bill with the committee. Ends at 0:07:53

Chairman J. Lee (meter 7: 54) asks if **Mr. Tupa** if he would like more time to speak with other board members. He welcomes the extra time and will get back to the committee no later than Wednesday.

Senator Dever (meter 8:47) Educational requirements for hearing aid specialists? Grandparent Master's level programs in? There is a discussion about the Master's level programs and new applicants and grand

Senator Axness (meter 10:04) Asks what clarification about clean and moral character. Discussion between the committee and **Mr. Tupa** on what determines good moral character.

Chairman J. Lee. Closes the testimony.

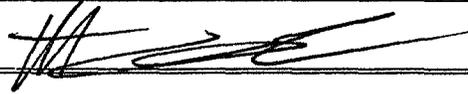
2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

HB 1092
2/19/2013
19202

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to licensing out-of-state audiologists and speech-language pathologists; composition of the board of examiners on audiology and speech-language pathology.

Minutes:

Chariman J. Lee Re-opens the hearing on HB 1092

Intern 2 Bethany Myles: states that Tom Tupa had called to let the committee know that the board was ok with how the bill stands and to go forward. (Ends at 1:25)

Senator Anderson moves Do Pass

Senator Larsen seconds

Roll call vote: 5-0-0 motion passes.

Senator Larsen is the carrier.

Date: 2-19-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1092

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By SEN ANDERSON Seconded By SEN LARSEN

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	✓		Senator Tyler Axness	✓	
Vice Chairman Oley Larsen	✓				
Senator Dick Dever	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1092, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1092 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1092

#1

**North Dakota State Board of Examiners on Audiology
and Speech-Language Pathology**

HB 1092

Dr. Doug Schauer, Audiologist

Chair: North Dakota State Board of Examiners on Audiology and Speech-Language Pathology

On behalf of the North Dakota State Board of Examiners on Audiology and Speech-Language Pathology, I support House Bill 1092.

There are two major changes to the original Law.

1. That it would require a Doctorate degree in audiology to obtain a new audiology license in North Dakota. This would not affect any presently practicing Master Degree audiologists if they keep their license current.

Reason for change: The American Academy of Audiology (AAA) and the American Speech Language Hearing Association ASHA support the Doctorate level degree as an entry level degree for audiologists. Since 2008 all Master Degree Audiology Programs either closed or changed to a Doctor of Audiology Degree. Presently, some universities have been giving their audiology Students Masters Degrees half way through their program to allow them to work while they finish their Doctorate degrees. The Law is being changed to keep under trained individuals from practicing audiology in ND.

2. That the composition of the Board would increase the number of speech pathologists from 3 members to four. The bill would eliminate the need for a hearing aid specialist on the board.

Reason for change: A hearing aid Specialist has no background in Speech Pathology and Audiology to be able to participate in day to day board discussions. This board position would better be served if the member was a Speech Pathologist. There are currently 51 licensed Audiologists and 518 licensed Speech Pathologists in the state of North Dakota.

NDLA, Intern 09 - Wallace, Carrie

From: Schauer <schauer@daktel.com>
Sent: Monday, January 14, 2013 6:09 PM
To: Weisz, Robin L.; NDLA, Intern 09 - Wallace, Carrie
Cc: Weisz, Robin L.
Subject: HB1092
Attachments: StateLicensureTrends.pdf

Mr. Chairman,

Regarding the information requested at this mornings testimony on HB1092 January 14, 2013 at 10:15.

There are 27 states that require a Doctoral Degree in Audiology to be licensed, 18 states allowing a Master's Degree or a Doctorate Degree to be licensed, and 6 requiring a Master's Degree.

It is the intent of NDSLHA Board with HB1092, to not affect masters level audiologists currently licensed in ND. This will only affect new applicants for license. The Board was advised by our attorney that the amendment of NDCC 43-37-04(4) will allow the Board to create an administrative rule allowing masters level audiologists licensed in another state with a certain amount of experience to be licensed by reciprocity.

The request to add terminogy to HB1092 which would allow Masters level audiologists outside the state of ND to have some form a reciprocity , was added at the request of the North Dakota Academy of Audiology.

I'm attaching a chart I found at the following website:

<http://www.asha.org/uploadedFiles/StateLicensureTrends.pdf>

Respectfully submitted
Doug Schauer NDBSLH Chair

State Licensure Trends for SLPs and Audiologists

State/Trends	1. States Regulating Audiology & Speech-Language Pathology	2. States Requiring a Doctoral Degree for Audiology	3. States Allowing a Master's or a Doctorate for Audiology	4. States Still Requiring a Master's Degree for Audiology	5. States Permitting Endoscopy/Swallowing	6. States Without CF Licensure Status	7. Continuing Ed Requirements (hours/years)	8. States with Telepractice Provisions
Alabama	X	X			X	Registration	12/yr	X
Alaska	X		X		X			
Arizona	X	X					10/yr	
Arkansas	X		X		X		10/yr	
California	X	X			X		24/2	X
Colorado	X	X			X			
Connecticut	X	X			X	X	20/2	
DC	X		X		X	X		
Delaware	X	X					30/2	X
Florida	X		X				30/2	
Georgia	X	X			X		20/2	X
Hawaii	X			X		X		
Idaho	X		X				10/yr	
Illinois	X	X			X		20/2	
Indiana	X	X			X		36/2	
Iowa	X	X					30/2	X
Kansas	X	X					20/2	
Kentucky	X		X				15/yr	X
Louisiana	X		X				10/yr	X
Maine	X		X		X		25/2	X
Maryland	X	X			X		30/2	X
Massachusetts	X	X				X	20/2	
Michigan	X		X		X		20/2 Aud	
Minnesota	X	X					30/2	
Mississippi	X			X			20/2	
Missouri	X		X		X		30/2	
Montana	X	X			X		40/2	
Nebraska	X	X					20/2	
Nevada	X			X		X	15/yr	
New Hampshire	X			X	X		aud 20/2, slp 30/2	
New Jersey	X	X			X		20/2	
New Mexico	X	X					10/yr	
New York	X		X		X	X	30/3	
North Carolina	X	X					30/3	X

State Licensure Trends for SLPs and Audiologists

State/Trends	1. States Regulating Audiology & Speech-Language Pathology	2. States Requiring a Doctoral Degree for Audiology	3. States Allowing a Master's or a Doctorate for Audiology	4. States Still Requiring a Master's Degree for Audiology	5. States Permitting Endoscopy/Swallowing	6. States Without CF Licensure Status	7. Continuing Ed Requirements (hours/years)	8. States with Telepractice Provisions
North Dakota	X		X			X	10/yr	
Ohio	X	X					20/2	X
Oklahoma	X	X					20/2	X
Oregon	X		X				30/2	
Pennsylvania	X			X		X	20/2	
Rhode Island	X	X			X		20/2	
South Carolina	X		X				18/yr	
South Dakota	X		X		X		12/yr aud	X
Tennessee	X	X			X	Registration	10/yr	
Texas	X	X					20/2	X
Utah	X		X				20/2	
Vermont	X		X				30/3	
Virginia	X	X			X	Aud Only	30/2	
Washington	X		X				30/3	
West Virginia	X			X			20/2	
Wisconsin	X	X					20/2	
Wyoming	X	X					12/yr	X
TOTAL	51	27	18	6	22	11	47	15