

HOUSE BILL No. 2659

By Committee on Health and Human Services

2-7

1 AN ACT concerning public health; relating to speech-language
2 pathologists and audiologists; amending K.S.A. 65-6501, 65-6502, 65-
3 6503, 65-6506, 65-6507, 65-6508 and 65-6512 and K.S.A. 2011 Supp.
4 65-6505 and 65-6509 and repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-6501 is hereby amended to read as follows: 65-
8 6501. As used in this act, the following words and phrases shall have the
9 meanings respectively ascribed to them in this section:

10 (a) ~~"Secretary" means the secretary of health and environment.~~
11 *"Board" means the state board of healing arts.*

12 (b) "Speech-language pathology" means the application of principles,
13 methods and procedures related to the development and disorders of
14 human communication. Disorders include any and all conditions, whether
15 of organic or nonorganic origin, that impede the normal process of human
16 communication including disorders and related disorders of speech,
17 articulation, fluency, voice, verbal and written language, auditory
18 comprehension, cognition/communication, and oral pharyngeal or
19 laryngeal sensorimotor competencies, or both. Speech-language pathology
20 does not mean diagnosis or treatment of medical conditions as defined by
21 K.S.A. 65-2869, and amendments thereto.

22 (c) "Practice of speech-language pathology" means:

23 (1) Rendering or offering to render to individuals or groups of
24 individuals who have or are suspected of having disorders of
25 communication, any service in speech-language pathology including
26 prevention, identification, evaluation, consultation, habilitation and
27 rehabilitation;

28 (2) determining the need for personal augmentative communication
29 systems, recommending such systems and providing training in utilization
30 of such systems; and

31 (3) planning, directing, conducting or supervising such services.

32 (d) "Speech-language pathologist" means a person who engages in
33 the practice of speech-language pathology and who meets the
34 qualifications set forth in this act.

35 (e) "Audiology" means the application of principles, methods and
36 procedures related to hearing and the disorders of hearing and to related

1 language and speech disorders. Disorders include any and all conditions,
2 whether of organic or nonorganic origin, peripheral or central, that impede
3 the normal process of human communication including, but not limited to,
4 disorders of auditory sensitivity, acuity, function or processing. Audiology
5 does not mean diagnosis or treatment of medical conditions as defined by
6 K.S.A. 65-2869, and amendments thereto.

7 (f) "Practice of audiology" means:

8 (1) Rendering or offering to render to individuals or groups of
9 individuals who have or are suspected of having disorders of hearing, any
10 service in audiology, including prevention, identification, evaluation,
11 consultation and habilitation or rehabilitation, (other than hearing aid or
12 other assistive listening device dispensing);

13 (2) participating in hearing conservation;

14 (3) providing auditory training and speech reading;

15 (4) conducting tests of vestibular function;

16 (5) evaluating tinnitus; and

17 (6) planning, directing, conducting or supervising services.

18 (g) "Audiologist" means any person who engages in the practice of
19 audiology and who meets the qualifications set forth in this act.

20 (h) "Speech-language pathology assistant" means an individual who
21 meets minimum qualifications established by the ~~secretary~~ board which
22 are less than those established by this act as necessary for licensing as a
23 speech-language pathologist; does not act independently; and works under
24 the direction and supervision of a speech-language pathologist licensed
25 under this act.

26 (i) "Audiology assistant" means an individual who meets minimum
27 qualifications established by the ~~secretary~~ board, which are less than those
28 established by this act as necessary for licensing as an audiologist; does
29 not act independently; and works under the direction and supervision of an
30 audiologist licensed under this act.

31 (j) "Sponsor" means entities approved by the ~~secretary of health and~~
32 ~~environment~~ board to provide continuing education programs or courses
33 on an ongoing basis under this act and in accordance with any rules and
34 regulations promulgated by the ~~secretary~~ board in accordance with this act.

35 (k) "Council" means the speech-language pathology and audiology
36 council established under K.S.A. 65-6502, and amendments thereto.

37 Sec. 2. K.S.A. 65-6502 is hereby amended to read as follows: 65-
38 6502. ~~(a) There is hereby established a speech-language pathology and~~
39 ~~audiology board. Such board shall be advisory to the secretary of health~~
40 ~~and environment in all matters concerning standards, rules and regulations~~
41 ~~and all matters relating to this act.~~

42 ~~(b) The board shall be composed of five persons appointed by the~~
43 ~~secretary who have been residents of this state for at least two years. Two~~

1 members shall be licensed, or initially eligible for licensure, as speech-
2 language pathologists; one member shall be licensed, or initially eligible
3 for licensure, as an audiologist; one member shall be a person licensed to
4 practice medicine and surgery; and one member shall be a member of the
5 general public who is not a health care provider. The secretary may make
6 appointments from a list submitted by professional organizations
7 representing speech pathologists and audiologists.

8 (a) *There is established the speech-language pathology and*
9 *audiology council to assist the board in carrying out the provisions of*
10 *K.S.A. 65-6501 et seq., and amendments thereto. The council shall consist*
11 *of five members, all citizens and residents of the state of Kansas appointed*
12 *as follows: One member shall be a person licensed to practice medicine*
13 *and surgery appointed by the board; one member shall be the president of*
14 *the board or a person designated by the president; two members shall be*
15 *licensed speech-language pathologists appointed by the governor; and*
16 *one member shall be a licensed audiologist appointed by the governor.*
17 *On and after the effective date of this act, if a vacancy occurs on the*
18 *council, the appointing authority of the position which has become vacant*
19 *shall appoint a person of like qualifications to fill the vacant position for*
20 *the unexpired term, if any. The professional organizations representing*
21 *speech-language pathologists and audiologists in this state shall*
22 *recommend the names of licensed speech-language pathologists and*
23 *licensed audiologists to the governor in a number equal to at least twice*
24 *the positions or vacancies to be filled, and the governor may appoint*
25 *members to fill the positions or vacancies from the submitted list.*

26 (b) *Members of the council appointed by the governor on and after*
27 *the effective date of this act shall be appointed for terms of two years. The*
28 *member appointed by the board shall serve at the pleasure of the board. A*
29 *member designated by the president of the board shall serve at the*
30 *pleasure of the president.*

31 (c) ~~Members of the board~~ *council* attending meetings of ~~such board~~
32 *the council*, or attending a subcommittee meeting thereof authorized by
33 ~~such board~~ *the council* shall be paid amounts provided in subsection (e) of
34 K.S.A. 75-3223, and amendments thereto.

35 (d) ~~Board members shall be appointed for a term of two years and~~
36 ~~until their successors are appointed and qualified, except that of the initial~~
37 ~~appointments, which shall be made within 60 days after the effective date~~
38 ~~of this act, two members first appointed, as specified by the secretary, shall~~
39 ~~serve on the board for terms of one year and thereafter, upon expiration of~~
40 ~~such one-year terms, successors shall be appointed in the same manner as~~
41 ~~the original appointments. The chairperson of the board shall be elected~~
42 ~~annually from among the members of the board. Whenever a vacancy~~
43 ~~occurs on the board by reason other than the expiration of a term of office,~~

1 ~~the secretary shall appoint a successor of like qualifications for the~~
2 ~~remainder of the unexpired term. No person shall be appointed to serve~~
3 ~~more than two successive two-year terms.~~

4 ~~(e) Appointments to fill vacancies shall be made in the same manner~~
5 ~~as original appointments for the unexpired portion of the term. The~~
6 ~~secretary may terminate the appointment of any member for cause which~~
7 ~~in the opinion of the secretary reasonably justifies such termination.~~

8 Sec. 3. K.S.A. 65-6503 is hereby amended to read as follows: 65-
9 6503. The ~~secretary~~ *board* shall:

10 (a) Issue to each person who has met the education and training
11 requirements listed in K.S.A. 65-6505, and amendments thereto, and such
12 other reasonable qualifications as may be established by rules and
13 regulations promulgated by the ~~secretary~~ *board*, the appropriate license as
14 a speech-language pathologist or audiologist;

15 (b) establish by rules and regulations the methods and procedures for
16 examination of candidates for licensure;

17 (c) appoint employees necessary to administer this act and fix their
18 compensation within the limits of appropriations made for that purpose;

19 (d) keep a record of the ~~board's council's~~ proceedings and a register
20 of all applicants for and recipients of licenses; and

21 (e) make all such reasonable rules and regulations as deemed
22 necessary to carry out and enforce the provisions of this act.

23 *(f) All rules and regulations, orders and directives of the department*
24 *of health and environment concerning speech-language pathologists and*
25 *audiologists in existence on the effective date of this section shall continue*
26 *to be effective and shall be deemed to be duly adopted rules and*
27 *regulations, orders and directives of the state board of healing arts until*
28 *revised, amended, revoked or nullified pursuant to law.*

29 *(g) All records of the department of health and environment*
30 *concerning speech-language pathologists and audiologists in existence on*
31 *the effective date of this section are hereby transferred to the state board*
32 *of healing arts.*

33 *(h) Whenever a reference or designation is made to the department of*
34 *health and environment concerning speech-language pathologists or*
35 *audiologists by a contract or other document, such reference or*
36 *designation shall be deemed to apply to the state board of healing arts.*

37 Sec. 4. K.S.A. 2011 Supp. 65-6505 is hereby amended to read as
38 follows: 65-6505. (a) Speech-language pathologists or audiologists shall
39 meet the following qualifications for licensure under this act:

40 (1) Except as otherwise provided in subsection (b), possession of at
41 least a master's degree or equivalent in speech-language pathology or
42 audiology from an educational institution with standards consistent with
43 those of the state universities of Kansas approved by the ~~secretary~~ *board*

1 pursuant to rules and regulations;

2 (2) completion of supervised clinical practicum experiences from an
3 educational institution or its cooperating programs the content of which
4 shall be consistent with the standards of the state universities of Kansas
5 and delineated in the rules and regulations;

6 (3) except as otherwise provided in subsection (c), completion of a
7 postgraduate professional experience pursuant to rules and regulations;
8 and

9 (4) passage of an examination in speech-language pathology or
10 audiology pursuant to rules and regulations.

11 (b) Any individual seeking licensure as an audiologist on or after
12 January 1, 2012, shall possess at least a doctorate degree or equivalent in
13 audiology from an educational institution with standards consistent with
14 those of the state universities of Kansas approved by the ~~secretary~~ board
15 pursuant to rules and regulations. Any individual who possesses at least a
16 master's degree or equivalent in audiology prior to January 1, 2012, shall
17 be deemed to have met the educational requirement of subsection (a)(1)
18 for licensure as an audiologist.

19 (c) Any applicant who possesses an audiology clinical doctoral
20 degree shall be exempt from the requirements in subsection (a)(3).

21 Sec. 5. K.S.A. 65-6506 is hereby amended to read as follows: 65-

22 6506. (a) Any applicant for licensure shall submit an application to the
23 ~~secretary~~ board upon the forms prescribed and furnished by the ~~secretary~~
24 board and shall pay appropriate fees as established by the ~~secretary~~ board,
25 including examination fees if required. All licenses shall expire after two
26 years and may be renewed by submitting an application, showing proof of
27 completing required continuing education and paying a renewal fee to be
28 established by rule and regulation and collected by the ~~secretary~~ board.
29 The ~~secretary~~ board may issue a license for a period of less than two years
30 for the purpose of administratively adjusting renewals. In such case, the
31 licensee shall be charged a prorated renewal fee based upon current
32 renewal fee structure.

33 (b) At least 30 days before the expiration of the license, the ~~secretary~~
34 board shall notify the licensee of the expiration by mail addressed to the
35 licensee's last place of residence as noted upon the office records. If the
36 licensee fails to submit an application and fee by the date of expiration of
37 the license, the licensee shall be given a second notice that the license has
38 expired and the license may only be renewed if the application, renewal
39 fee, and late renewal fee are received by the ~~secretary~~ board with the 30-
40 day period following the date of expiration and, if both fees are not
41 received within the 30-day period, the license shall be considered to have
42 lapsed for failure to renew and shall be reissued only after the applicant
43 has been reinstated under subsection (c). Temporary licenses may be

1 renewed for one consecutive 12-month period upon payment of renewal
2 fee and documentation of failure to complete requirements for which the
3 temporary license was originally issued.

4 (c) A licensee who fails to renew as herein provided may be
5 reinstated upon payment of the renewal fee and the reinstatement fee, and
6 upon submitting evidence of satisfactory completion of any applicable
7 continuing education requirements established by the *secretary board*. The
8 *secretary board* shall adopt rules and regulations establishing appropriate
9 continuing education requirements for reinstatement of persons whose
10 licenses have lapsed for failure to renew.

11 (d) The *secretary board* may issue a license to a person holding a
12 valid license in another state if:

13 (1) The *secretary board* receives from the issuing state or states
14 documentation that the licensee is currently in good standing with no
15 violations or sanctions pending or in effect;

16 (2) the applicant, pursuant to rules and regulations: (A) Meets current
17 educational, clinical practicum, postgraduate professional experience and
18 examination requirements; or (B) has received a masters degree awarded
19 prior to January 1, 1993, with a major course of study in speech-language
20 pathology or audiology, or both, and a supervised clinical practicum
21 experience and has completed postgraduate professional experience and
22 passed an examination in speech-language pathology or audiology, or
23 both; and

24 (3) the applicant pays an endorsement and application fee pursuant to
25 rules and regulations.

26 (e) The *secretary board* may issue a temporary speech-language
27 pathology or audiology license for a period of 12 months pursuant to rules
28 and regulations.

29 Sec. 6. K.S.A. 65-6507 is hereby amended to read as follows: 65-
30 6507. The *secretary board* may contract with investigative agencies,
31 commissions or consultants to assist the *secretary board* in obtaining
32 information about courses of study and supervised clinical practicum
33 experiences to be approved by the *secretary board* under K.S.A. 65-6505,
34 and amendments thereto.

35 Sec. 7. K.S.A. 65-6508 is hereby amended to read as follows: 65-
36 6508. The *secretary board* shall deny, revoke, suspend or limit the license
37 provided for in this act for any of the following reasons:

38 (a) Making a false statement on an application for a license, or any
39 other document required by the *secretary board*;

40 (b) engaging or attempting to engage, or representing oneself as so
41 entitled, to perform procedures not authorized in the license;

42 (c) demonstrating incompetence or making consistent negligent errors
43 in tests or procedures;

1 (d) engaging in dishonorable, unethical or unprofessional conduct, as
2 defined by rules and regulations;

3 (e) providing professional services while mentally incompetent, under
4 the influence of alcohol or narcotic or controlled substance that is in
5 excess of therapeutic amounts or without valid medical indication;

6 (f) violating or aiding and abetting in a violation of any provisions of
7 this act or any of the rules or regulations adopted under this act; or

8 (g) having been convicted of a crime found by the ~~secretary~~ board to
9 have a direct bearing on whether one should be entrusted to serve the
10 public in the capacity of a speech-language pathologist or audiologist.

11 Sec. 8. K.S.A. 2011 Supp. 65-6509 is hereby amended to read as
12 follows: 65-6509. Proceedings under this act shall be conducted in
13 accordance with the Kansas administrative procedure act. Judicial review
14 and civil enforcement of ~~agency~~ board actions under this act shall be in
15 accordance with the Kansas judicial review act.

16 Sec. 9. K.S.A. 65-6512 is hereby amended to read as follows: 65-
17 6512. The ~~secretary~~ board shall fix by rules and regulations the licensure
18 fee, sponsorship fee, temporary licensure fee, renewal fee, late renewal
19 fee, reinstatement fee, and examination fee, if necessary, under this act.
20 Such fees shall be fixed in an amount to cover the costs of administering
21 the provisions of the act. No fee shall be more than \$200. The ~~secretary~~
22 board shall remit all moneys received *by or for it under this act* from fees,
23 charges or penalties ~~under this act~~ to the state treasurer in accordance with
24 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
25 of each such remittance, the state treasurer shall deposit the entire amount
26 in the state treasury ~~to the credit of the state general fund~~. *Ten percent of*
27 *each such deposit shall be credited to the state general fund and the*
28 *balance shall be credited to the healing arts fee fund. All expenditures*
29 *from the healing arts fee fund shall be made in accordance with*
30 *appropriation acts upon warrants of the director of accounts and reports*
31 *issued pursuant to vouchers approved by the president of the board or by a*
32 *person or persons designated by the president.*

33 Sec. 10. K.S.A. 65-6501, 65-6502, 65-6503, 65-6506, 65-6507, 65-
34 6508 and 65-6512 and K.S.A. 2011 Supp. 65-6505 and 65-6509 are hereby
35 repealed.

36 Sec. 11. This act shall take effect and be in force from and after its
37 publication in the statute book.

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