



AMERICAN
SPEECH-LANGUAGE-
HEARING
ASSOCIATION

November 20, 2018

The Honorable Michelle Lujan-Grisham
Office of the Governor
490 Santa Fe Trail, Suite 400
Santa Fe, NM 87501

RE: Executive Order 2018-48

Dear Governor Lujan-Grisham:

On behalf of the American Speech-Language-Hearing Association, I write to express strong opposition to Governor Martinez's Executive Order 2018-48 regarding occupational licensure reform.¹ While the intent of this executive order is to remedy licensure requirements that create barriers for service providers and restrict access to services, the assumptions on which the order are based are unfounded.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 198,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students. Over 1,400 of our members reside in New Mexico.

ASHA supports accepting occupational licenses for individuals in good standing in other states or jurisdictions with a licensure equivalent to New Mexico, and waiving fees for National Guardsmen and members of the Armed Forces who are required to have an occupational license to carry out their official National Guard or military duties. However, ASHA does not support consumer choice provisions (section c i-iii), arbitrary reduction of fees and elimination of jurisprudence exams (section 2 a, c), or reduction in education and experience requirements for providers (section 2 b). The unintended consequences of the "consumer choice" option will inevitably restrict consumer access to appropriate audiology and speech-language pathology services by reducing the number of licensed professionals practicing in New Mexico. Reducing education and training requirements may impact consumer safety.

Licensure and Medicaid

Audiologists and speech-language pathologists (SLPs) are required to meet minimum standards to obtain their state license. Only licensed professionals are able to bill Medicaid in New Mexico. Medicaid funds support a wide range of Medicaid related initiatives, such as funding support for educational services and programs, and health related service needs for Medicaid beneficiaries. Without licensed audiology and speech-language pathology practitioners, New Mexico will experience significant Medicaid funding losses.

Executive Order 2018-48.4 states that none of the directives shall be implemented by a board if doing so puts a licensure scheme in conflict with state statute. Statutory requirements in the New

Mexico Administrative Code (NMAC 16.26.2.8) states, “no person shall practice or hold him or herself out as being able to practice speech-language pathology, audiology, hearing aid dispensing in the state of New Mexico unless he or she is licensed in accordance with the provisions of this act.” This statement conflicts with the “consumer choice” provisions of this Executive Order, which allows the practice of an occupation without an occupational license. In addition, New Mexico law, Article 14B, 61-14B-7, also conflicts with this order stating, “Unless licensed to practice speech-language pathology, audiology or hearing aid dispensing under the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, no person shall:

- (1) practice as a speech-language pathologist, audiologist or hearing aid dispenser;
- (2) use the title or make any representation as being a licensed speech-language pathologist, audiologist or hearing aid dispenser or use any other title, abbreviation, letters, figures, signs or devices that indicate the person is licensed to practice as a speech-language pathologist, audiologist or hearing aid dispenser; or
- (3) advertise, hold out to the public or represent in any manner that one is authorized to practice speech-language pathology, audiology or hearing aid dispensing.”²

Audiology Professional Qualifications and Services

Audiologists earn a clinical doctoral degree and complete over 1,800 hours of clinical training. Audiologists are highly qualified to conduct comprehensive assessments that determine hearing loss, auditory function, balance and related systems, and evaluate, select, and dispense hearing aids. Audiologists also assess the candidacy of individuals with hearing loss for cochlear implants and work with medical teams to provide fitting, mapping, and audiologic rehabilitation to optimize the use of these devices. To maintain their certification, ASHA’s Certificate of Clinical Competence (CCC-A), audiologists must complete 30 hours of professional development activities every three years.

Speech-Language Pathology Professional Qualifications and Services

SLPs are highly skilled professionals with a minimum of a master’s degree in communication disorders from accredited programs recognized by the U.S. Department of Education. SLPs complete an education and training program, a supervised clinical fellowship, and must pass a nationally standardized examination. To maintain their certification, ASHA’s Certificate of Clinical Competence (CCC-SLP), SLPs must complete 30 continuing education hours every three years.

SLPs assess, treat, and help prevent a variety of communication disorders involving speech, language, fluency (e.g., stuttering), voice and resonance problems, cognitive communication disorders such as memory, attention and problem-solving disorders, and swallowing and associated feeding disorders. SLPs provide services in a number of different practice settings ranging from schools to institutions such as hospitals and rehabilitation centers, early intervention programs, and private practice.

Autonomous Practice

Audiologists and SLPs are autonomous professionals that work directly with clients/patients/students making independent judgments regarding the assessment and treatment of an individual's communication disorder. Graduate education provides audiologists and SLPs with the knowledge, skills, and competencies to practice independently. The independent practice of the professions is fully supported and regulated by state licensing entities in all 50 states and the District of Columbia. All licensing boards recognize and value the autonomous practice of audiologists and SLPs.

Purpose of Licensure

Licensure is designed to protect consumers from harm by:

- helping consumers identify the differences between audiologists, SLPs, and other persons providing services (e.g., paraprofessionals, teachers, hearing aid dispensers);
- ensuring that only those with the appropriate qualifications and training can provide audiology and speech-language pathology services;
- deterring hiring or substitution of others who do not meet the identified criteria for professional practice;
- deterring unethical behavior from professionals and employers such as over/under utilization, misrepresentation, and fraud;
- increasing accessibility to and reimbursement from third party insurers;
- providing the necessary authority to intervene in cases of provider misconduct; and
- providing a venue for consumers and professionals to seek redress, including censure of individuals who have committed fraud or engaged in otherwise unethical behavior.

Licensure and ASHA Certification

Both licensure and ASHA certification help ensure the quality provision of audiology and speech-language pathology services. State licensure provides consumer protection and recourse against incompetent practitioners and/or those acting in an unethical manner so that they may be removed from practice. ASHA certification is the fundamental standard among major health professions and the most widely recognized symbol of competency for audiologists (CCC-A) and SLPs (CCC-SLP). Individuals holding the CCCs are expected to abide by ASHA's Code of Ethics. While licensure is important to legally perform our work, certification is important for internal professional recognition and external accountability.

Regulatory Oversight Is Needed for Consumer Protection

Regulatory oversight legislated through licensure is the accepted practice for consumer protection. Regulatory boards, including speech-language pathology boards in all 50 states and the District of Columbia, consist of a majority of practitioners from the profession being regulated and a substantial minority of consumers of the services provided by the regulated profession. The practitioners ensure that board decisions are soundly based on the technical and scientific knowledge required to practice, as applied to individual patient care situations. The public can rely on the expertise and wisdom of practicing professionals to ensure that those in practice are held to the high standards of the profession.

November 20, 2018

Page 4

Thank you for the opportunity to provide comments on Executive Order 2018-48. If you or your staff have any questions, please contact Eileen Crowe, ASHA's director of state association relations, at ecrowe@asha.org

Sincerely,

A handwritten signature in black ink that reads "Elise Davis-McFarland". The signature is written in a cursive, flowing style.

Elise Davis-McFarland, PhD, CCC-SLP
2018 ASHA President

¹ State of New Mexico Governor's office. (2018). *Directing State Boards and Commissions to Take Appropriate Action on Occupational Regulation*. Retrieved from http://www.governor.state.nm.us/uploads/FileLinks/5634a3c59b924b1ba8ca6072b986dc45/Executive_Order_2018_048.pdf.

² New Mexico State Legislature. (2017). *New Mexico Statutes Chapter 61 - Professional and Occupational Licenses Article 14B-Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Section 61-14B-7 - License Required. (Repealed effective July 1, 2022)*. Retrieved from <https://law.justia.com/codes/new-mexico/2017/chapter-61/article-14b/section-61-14b-7/>.