



Sent via email: [Eric.Burlison@senate.mo.gov](mailto:Eric.Burlison@senate.mo.gov)

April 9, 2019

The Honorable Eric Burlison  
Professional Registration and Licensing Committee  
Missouri Senate  
201 West Capitol Avenue  
Room 219  
Jefferson City, MO 65101

RE: Senate Bill 500

Dear Chairman Burlison:

On behalf of the American Speech-Language-Hearing Association, I write to express strong opposition to Senate Bill 500, which would permit an unlicensed person to provide a service that currently requires an occupational license. While the intent of this legislation is to remove barriers created by licensure requirements for service providers and improve access to services, the assumptions on which this legislation is based are unfounded.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 204,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students. Audiologists specialize in preventing and assessing hearing and balance disorders as well as providing audiologic treatment, including hearing aids. Speech-language pathologists identify, assess, and treat speech and language problems, including swallowing disorders. Over 4,100 ASHA members reside in Missouri.

ASHA opposes consumer choice provisions (section 3 (1) – 10) of SB 500. 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 the state. In addition, the bill allows an unlicensed individual to provide services without meeting education or training requirements. Reducing or eliminating these requirements may impact consumer safety.

In section 3 (1)-8 disclosure mechanisms for informing consumers are merely suggested, not required. A notice on a website is not enough to inform consumers and maintain safety standards. SB 500 also:

- permits an employer or contractor to hire or contract with an unlicensed person and may offer such unlicensed person's services to a consumer provided the employer or contractor makes a non-licensed disclosure;
- prohibits an unlicensed person from being denied any privilege granted under state law to a person holding an occupational license, provided such unlicensed person, or such unlicensed person's employer or contractor provides a non-licensed disclosure;
- requires state authorities to disclose on their internet website, and on all written or digital and online application forms for occupational licenses, that a person may work in the state without an occupational license otherwise required;

- provides that production of a non-licensed disclosure shall act as a defense against any administrative, civil or criminal action brought by a state authority for the purpose of enforcing the personal qualifications necessary to obtain and maintain an occupational license; and
- applies to all licensed occupations in the state except for certain health care professionals including physicians, athletic trainers, chiropractors, dentists, optometrists, physical therapists, podiatrists, psychologists and registered nurses. Audiologists and speech-language pathologists are fully licensed autonomous professionals, yet they are not exempted. The decision to exempt some but not all health care providers seems arbitrary and not based on scientific evidence or historical standards.

The only recourse for consumers injured by an unlicensed provider is to bring suit in court, a difficult and costly process.

Providing health care services to vulnerable populations without minimum provider education and training standards is irresponsible and potentially harmful. It is the responsibility of the state licensing agency to ensure that minimum health, safety, and welfare standards are maintained; however, SB 500 would eliminate consumer protection standards and remove the state's ability to provide such oversight.

### **Regulatory Oversight Is Needed for Consumer Protection**

Regulatory oversight legislated through licensure is the accepted practice for consumer protection. Regulatory boards, including audiology and speech-language pathology boards in all 50 states and the District of Columbia, consist of many 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.

### **Autonomous Practice**

Audiologists and speech-language pathologists (SLPs) are autonomous professionals that work directly with clients, patients, and students making independent judgments regarding the assessment and treatment of an individual's communication disorder. Audiologists earn a clinical doctoral degree, complete over 1,800 hours of clinical training and must pass a national exam. SLPs are highly skilled professionals with a minimum of a master's degree in communication disorders, completion of a supervised clinical fellowship, and passage of a nationally standardized examination.

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. 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.

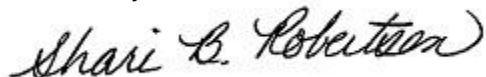
### **Licensure and ASHA Certification**

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. Only licensed professionals can bill Medicaid in Missouri. Medicaid funds support a wide range of Medicaid related initiatives, including medically necessary educational services and health related service needs for Medicaid beneficiaries. Without licensed audiology and speech-language pathology practitioners, Missouri will experience significant Medicaid funding losses.

ASHA's Certificate of Clinical Competence (CCC) 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.

Thank you for your consideration of ASHA's position on SB 500. If you or your staff have any questions, please contact Janet Deppe, ASHA's director of state affairs, at [jdeppe@asha.org](mailto:jdeppe@asha.org).

Sincerely,



Shari B. Robertson, PhD, CCC-SLP  
2019 ASHA President