

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2659**

As Amended by Senate Committee on Public
Health and Welfare

Brief*

Sub. for HB 2659, as amended, would move the licensing and regulation of speech-language pathologists and audiologists from the Kansas Department of Health and Environment (KDHE) to the Kansas Department on Aging and would extend the number of successive terms a Speech-Language Pathology and Audiology Board member would be allowed to serve. The existing Speech-Language Pathology and Audiology Board (Board) would serve in an advisory role to the Secretary of Aging.

The Department on Aging would have the authority to promulgate rules and regulations to carry out its licensing and regulation responsibilities. Rules, regulations, orders, and directives of the Secretary of Health and Environment concerning speech-language pathologists and audiologists existing on the effective date of this act would be those of the Secretary of Aging until revised, amended, revoked or nullified.

All KDHE records concerning speech-language pathologists and audiologists in existence on the effective date of this act would be transferred to the Secretary of Aging.

The bill also would allow Board members to serve three successive two-year terms, instead of the two successive two-year terms allowed under current law.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

A representative from Kansas Department of Health and Environment (KDHE) appeared as a proponent to the bill before the House Committee on Health and Human Services. KDHE cited Executive Reorganization Order (ERO) No. 41 as the reason this move was necessary. According to KDHE's updated testimony, the agency found that moving speech-language pathologists and audiologists to the Department on Aging would be a better administrative fit for those programs. There was no neutral testimony. The Speech-Language Pathology/Audiology Advisory Board and the Kansas Speech-Language-Hearing Association appeared as opponents to the original bill. Both the Speech-Language Pathology/Audiology Advisory Board and the Kansas Speech-Language-Hearing Association opposed moving the licensure and regulation to the Board of Healing Arts, citing a lack of representation in the healing arts community, as well as a potential better fit in the Department on Aging in the event that other disability waivers are moved to that department, consistent with ERO No. 41. The Kansas Speech-Language-Hearing Association also opposed the bill on the grounds that it has not been able to assess the potential impact of the change on its profession.

As originally drafted, the bill would have moved the regulation and licensing of speech-language pathologists and audiologists from KDHE to the Kansas Board of Healing Arts. The original bill also would have replace the five-member Speech-Language Pathology and Audiology Board appointed by the Secretary of KDHE with the five-member Speech-language Pathology and Audiology Council (one member to be appointed by the Board of Healing Arts, one by the Board of Healing Arts, and the remaining three members appointed by the Governor). The original bill also would have deposited moneys received from fees, charges, or penalties in the state treasury, with ten percent of the deposit credited to the State General Fund and the balance to the Healing Arts Fund.

The House Committee on Health and Human Services

adopted a substitute bill, changing all references to Board of Healing Arts to Department on Aging, effectively moving the licensure and regulation responsibilities from the Kansas Board of Healing Arts to the Department on Aging, and replacing all language related to the Speech-Language and Audiology Council with the existing Speech-Language Pathology and Audiology Board.

Proponents of the substitute bill appearing before the Senate Committee on Public Health and Welfare included the Deputy Secretary of the Department of KDHE and representatives of the Kansas Speech-Language-Hearing Association (KSHA) and the Speech-Language Pathology and Audiology Advisory Board (Board). The Deputy Secretary indicated moving the licensing and regulation of the speech-language pathologists and audiologists to the Department on Aging would allow for a better regulatory alignment between these professions and the state. Representatives of KSHA and the Board stated the transition would provide appropriate licensure oversight for the profession. A representative of the Kansas Speech-Language-Hearing Association requested the bill be amended to extend the successive terms a Board member may serve to provide more continuity.

The Senate Committee on Public Health and Welfare amended the bill to allow Board members to serve three successive two-year terms. Technical amendments also were made.

According to the fiscal note provided by the Division of the Budget on the original bill, moving licensure would result in an increase in fees to the Board of Healing Arts in the amount of \$13,064 in FY 2013 State General Funds and \$130,644 FY 2013 All Funds. Total costs would be \$5,300 All Funds. Any fiscal effect associated with the original bill is not reflected in *The FY 2013 Governor's Budget Report*.