



SELF-EVALUATION REPORT

State Board of Examiners for
Speech-Language Pathology and Audiology
Texas Department of State Health Services

**PRESENTED TO THE
SUNSET ADVISORY COMMISSION
SEPTEMBER 2009**

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*STATE BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY*

Self-Evaluation Report

I. Agency Contact Information

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 1: Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
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Presiding Officer	Kerry Ormson, AuD	5501 West 9 th Avenue Amarillo TX 79106-4130	(806) 468-4343 (806) 468-4619 fax	kormson@ netjava.com
Agency's Sunset Liaison	Stephen Mills	PO Box 149347 Mail Code 1982 Austin TX 78714-9347	(512) 834-4526 (512) 834-6677 fax	stephen.mills@ dshs.state.tx.us

II. Key Functions and Performance

A. Provide an overview of your agency's mission, objectives, and key functions.

The State Board of Examiners for Speech-Language Pathology and Audiology (board) is the licensing and regulatory authority for speech-language pathologists and audiologists in Texas. The board's primary mission is to enforce licensure rules and standards for speech-language pathologists and audiologists as a means to protect and promote public health and welfare. The board accomplishes its mission within the parameters established by Texas Occupations Code, Chapter 401.

The board is administratively attached to the Texas Department of State Health Services (DSHS), Professional Licensing and Certification Unit, and does not function as an independent state agency.

The board's mission is to regulate speech-language pathologists and audiologists in Texas in order to improve and maintain standards for the profession, and to protect the public. The board accomplishes its mission by establishing and administering qualifications for licensure and license renewal and enforcing standards for the profession.

Key functions, powers, and duties of the State Board of Examiners for Speech-Language Pathology and Audiology are to:

- Administer, coordinate, and enforce Occupations Code, Chapter 401 (Occupations Code § 401.201(1));
- Issue licenses to qualified applicants (Occupations Code § 401.302);
- Provide for the examination of license applicants (Occupations Code § 401.201(3));
- Receive and investigate complaints filed by consumers regarding license or permit holders (Occupations Code §§ 401.201(6) and 401.203);
- Adopt rules for the continuing education of a license holder (Occupations Code § 401.355);
- Establish fees in amounts reasonable and necessary to cover costs of administration (Occupations Code § 401.204);
- Establish guidelines for a 30-day trial period during which a person may cancel the purchase of a hearing instrument (Occupations Code § 401.403(b)(5));
- Impose disciplinary action and/or assess an administrative penalty against a license holder found to be in violation of the law or rules (Occupations Code § 401.451); and
- Temporarily suspend the license of a license holder whose continued practice constitutes an ongoing and imminent threat to the public welfare (Occupations Code § 401.460).

B. Do each of your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

Yes. Public health, safety, and welfare considerations lead to the conclusion that persons who provide speech-language pathology and audiology services and products should be regulated. This includes the establishment of minimum training requirements, as well as the enforcement of professional standards in

the delivery of services. Speech-language pathologists and audiologists should be required to further develop and maintain their knowledge and skill levels through continuing education.

Since each jurisdictional complaint is potentially a situation in which the consumer's well being is compromised, each complaint should be evaluated thoroughly. When evidence indicates that a violation has occurred, it is in the interest of public safety to initiate disciplinary proceedings against the license holder. Depending on the situation, a range of disciplinary actions may be imposed, up to and including revocation of the person's right to practice in this state.

Public information, provided through the DSHS website, is necessary to inform license holders and the citizens of Texas of the standards for competent and acceptable practice and of the board's complaint procedures.

If these functions were no longer performed, the lack of regulation of speech-language pathology and audiology could result in Texas consumers receiving products and services from individuals who lack appropriate training. This could result in potential harm to those consumers. A lack of regulation could also harm hearing impaired consumers financially, as Occupations Code, Chapter 401 sets out important consumer protection mechanisms relating to the sale of hearing instruments by audiologists.

C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

The program's workload statistics demonstrate overall effectiveness and efficiency. This includes annual totals of:

- persons licensed as speech-language pathologists and audiologists, interns, and assistants;
- complaints received;
- jurisdictional complaints resolved; and
- disciplinary actions taken.

Additionally, once the appropriate application materials are on file, licenses are approved, processed, and issued within seven working days.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

In general, the enabling law continues to correctly reflect the mission, objectives, and approach to performing the regulatory functions of the board. The board has not recommended changes to the Legislature to improve operations.

E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

No. There is no other state or federal agency that licenses and regulates Texas speech-language pathologists and audiologists. Fitters and dispensers of hearing instruments, who in addition to audiologists, are also authorized to fit and dispense hearing instruments in Texas, are licensed and regulated through the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments. Physicians, who may also fit and dispense hearing instruments in Texas, are licensed and regulated through the Texas Medical Board.

F. In general, how do other states carry out similar functions?

Other states carry out the functions in a manner similar to Texas. Fifty states regulate audiologists and 48 states regulate speech-language pathologists. Of the states that regulate both occupations, the regulation is through either a combined state board or umbrella agency structure.

Of the 50 states that regulate audiologists, 17 states administratively combine the regulation of audiologists (and speech-language pathologists, if applicable) with the regulation of fitters and dispensers of hearing instruments, either under an umbrella board structure or an umbrella agency structure.

G. What key obstacles impair your agency's ability to achieve its objectives?

There are no significant obstacles identified at this time that impair the board's ability to achieve its objectives. The mission of public protection would, however, be better served if additional investigative personnel and resources were allocated to the DSHS Professional Licensing and Certification Unit, to initiate and complete non-immediate jeopardy investigations more timely. Currently, four investigators are shared among the 23 licensing programs of the Unit, and they completed 448 investigations in fiscal year 2008. In the 81st Legislature, 2009, an exceptional item was approved for additional regulatory capacity at DSHS, but no additional resources were allocated to the Health Care Professionals strategy. (Refer to Question J for more information regarding the Health Care Professionals strategy.)

H. Discuss any changes that could impact your agency's key functions in the future (e.g., changes in federal law or outstanding court cases).

There are no changes anticipated from federal law or court cases that could impact the board's key functions in the future.

I. What are your agency's biggest opportunities for improvement in the future?

The board's biggest opportunities for improvement are in three areas: (1) use of automated applications and online delivery mechanisms for licensing services; (2) education of new and existing license holders

through a jurisprudence examination or training course; and (3) enhanced coordination with the Office of the Attorney General to ensure compliance with Texas law regarding child support.

Implementation of new online license application and renewal functionality that directly communicates with the board's licensing database (a shared system within the DSHS Division for Regulatory Services) is anticipated over the next 18 months. This self-service online system will have enhanced customization designed to specifically address the needs of the board's customers while using the Texas ePay platform for e-commerce transactions. While some services have been available for the last four years through the Texas Online portal, those services are shared with other licensing programs, and the current system does not communicate directly with the licensing database. The new system will also provide other self-service features, such as change of address.

The board supports the development of a jurisprudence examination or training course to be required of new license holders, as a means to educate licensees regarding the requirements of the licensure law and rules. Work has already begun on the development of the content, and the board plans to implement an exam or training course using the model established by other licensing boards and programs within the DSHS Professional Licensing and Certification Unit.

In the near future, the board expects to approve an interagency agreement with the Office of the Attorney General to identify and exchange information regarding license holders for the purpose of enforcing provisions of the Family Code relating to consequences of failure to pay child support.

J. In the following chart, provide information regarding your agency's key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures.

The State Board of Examiners for Speech-Language Pathology and Audiology is administratively attached to the DSHS Professional Licensing and Certification Unit, and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board's mission and functions. This unique arrangement has implications for much of the information requested in this Self-Evaluation Report.

The board is funded through the appropriation to DSHS for Strategy D.1.4 (Health Care Professionals). This appropriation funds 25 programs within DSHS. The legislative appropriation is made to DSHS, not to the board. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board; in fact, the GAA does not mention the board. Consequently, there are no specific legislative performance measures associated with the board. There are performance measures associated with the legislative appropriation to DSHS for the Health Care Professionals strategy; however, that information is not included in this report since it reflects measures and activity for 25 DSHS programs.

State Board of Examiners for Speech-Language Pathology and Audiology
Exhibit 2: Key Performance Measures – Fiscal Year 2008

Key Performance Measures	FY 2008 Target	FY 2008 Actual Performance	FY 2008 % of Annual Target
N/A (see above)			

III. History and Major Events

1983

S. B. 813, 68th Legislature, which became effective September 1, 1983, created the State Committee of Examiners for Speech-Language Pathology and Audiology to regulate individuals providing speech-language pathology and audiology services in Texas. The bill was codified as Vernon's Annotated Civil Statutes, Article 4512j. The board was administratively attached to the Texas Department of Health (TDH).

1993

The board was reviewed by the Sunset Advisory Commission. S. B. 1077, 73rd Legislature, was enacted to implement Sunset recommendations for improvements to Vernon's Annotated Civil Statutes, Article 4512j. Key provisions of the legislation included the following:

- The name was changed to State Board of Examiners for Speech-Language Pathology and Audiology.
- Licensure of interns was established.

1999

The board's enabling statute was re-codified as Occupations Code, Chapter 401.

2003

H. B. 2292, 78th Legislature was enacted, which reorganized the Health and Human Services enterprise, including reorganization and consolidation activities at TDH. The bill required that all licenses issued by TDH, or any entity attached to TDH, be issued for a term of two years. The board's program and staff, along with the other regulatory programs housed within TDH's Professional Licensing and Certification Division, were reorganized along functional lines, instead of the programmatic arrangement that had been in place since the division's inception in 1985. The reorganization became effective September 1, 2003.

2004

DSHS was created as a new agency, a product of the consolidation of TDH, Texas Commission on Alcohol and Drug Abuse, and the mental health programs and services of the Texas Department of Mental Health and Mental Retardation. The board was organizationally placed within the Division for Regulatory Services, Health Care Quality Section, Professional Licensing and Certification Unit.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 3: Policymaking Body			
Member Name	Members Appointed by Governor for Six Year Terms	Qualification	City
Patricia Brannon	Term expires 8/31/2011	Speech-Language Pathologist	San Antonio
Richard Caldwell	Term expires 8/31/2009	Public	Houston
Tammy Camp	Term expires 8/31/2013	Physician	Lubbock
Kimberly Carlisle	Term expires 8/31/2009	Public	Dallas
Vickie Dionne	Term expires 8/31/2011	Audiologist	Nederland
Kerry Ormson	Term expires 8/31/2009	Audiologist	Amarillo
Leila Salmons	Term expires 8/31/2013	Speech-Language Pathologist	Bellaire
Sonya Salinas	Term expires 8/31/2011	Speech-Language Pathologist	Mission
Philip Wilson	Term expires 8/31/2013	Audiologist	Dallas

B. Describe the primary role and responsibilities of your policymaking body.

Powers and duties of the board are set out in Occupations Code §§ 401.201 – 401.204. The board's primary role is to adopt and enforce rules relating to the licensure and regulation of speech-language pathologists and audiologists, including review of consumer complaints and discipline of license holders found to be in violation of the law or rules.

C. How is the chair selected?

Occupations Code § 401.107 (Officers) requires the board to elect a presiding officer, who must hold a license issued under Chapter 401.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

There are no special circumstances or unique features that distinguish the board from the other regulatory boards that are administratively attached to the DSHS Professional Licensing and Certification Unit.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2008? In FY 2009?

Occupations Code § 401.108(a) requires the board to hold at least two regular meetings annually. The board met three times in fiscal year 2008 and three times in fiscal year 2009.

F. What type of training do members of your agency's policymaking body receive?

Occupations Code § 101.101 requires the Health Professions Council (HPC) to establish a training program for the governing bodies of state agencies that regulate health professions. A new member must complete the program prior to assuming the member's duties. The training curriculum created by HPC was adapted for use with the regulatory boards administratively attached to the DSHS Professional Licensing and Certification Unit.

The training program includes information regarding the enabling legislation; the functions of the licensing program; the role of the program and the board; the rules of the board with an emphasis on the rules that relate to disciplinary and investigatory authority; the current costs and revenue for the board; the requirements of the open meetings law, Chapter 551, Government Code; the requirements of the open records law, Chapter 552, Government Code; the requirements of the administrative procedure law, Chapter 2001, Government Code; the requirements of the conflict of interest laws and other laws relating to public officials; and any applicable ethics policies adopted by the Texas Ethics Commission. Additionally, board members receive information concerning the board's unique placement within DSHS and the staffing, structure, and mission of the DSHS Division for Regulatory Services.

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

Yes. A copy of the policy is attached.

H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?

At each regular meeting of the board, the Executive Director presents information regarding the number and categories of license holders. The Professional Licensing and Certification Unit Manager provides information regarding the board's annual costs and revenue, legislation impacting the program or the Unit,

management initiatives or projects within the Unit or DSHS Regulatory Services, DSHS legislative performance measures, staffing updates, and other information relative to the operation of the Unit and DSHS.

I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

The State Board of Examiners for Speech-Language Pathology and Audiology uses a variety of mechanisms to obtain and incorporate public input. The board considers obtaining and using public input to be of critical importance in carrying out its duty to protect and promote public health and safety by regulating the practice of speech-language pathologists and audiologists.

Each board or committee meeting agenda has a public comment item. Agendas are posted in the *Texas Register* in compliance with the Texas Open Meetings Act. Meeting agendas are provided to stakeholder groups prior to the meeting dates. The board's stakeholders regularly avail themselves of the opportunity to address the board and provide input.

The board's membership structure lends itself to considerable input from the public. Two board members represent the public, one member is a physician, and six members are licensed speech-pathologists and audiologists.

In the area of rulemaking, the board notifies stakeholders of rule issues early in the development phase. Stakeholders are encouraged to participate in board and committee meetings in which rules are drafted, discussed, or approved. The rules are posted in the *Texas Register* for review and comment. Public hearings may also be held during the rule comment period. The board fully considers all written comments received during the statutory public comment period, as well as oral comments received at a public hearing. Rule proposals and adoptions are posted on the board's website and regularly updated. In particularly difficult matters of rule development, the board will consider development of a taskforce to ensure all interested parties are involved in the rule making process.

As funds allow, the board's staff attend statewide conferences relating to speech-language pathologists and audiologists to receive direct input from the regulated community, to provide information, and to answer questions regarding the board and its functions.

J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart.

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How Are Members Appointed?	Purpose/Duties	Legal Basis for Committee
Complaints Committee	Four board members appointed by the presiding officer, including one audiologist member, one speech-language pathologist member, one public member, and one physician member.	To consider matters relating to complaints filed against licensees and permit holders and may propose disciplinary action if a violation of the law or the rules is substantiated. The committee may also dismiss matters for no violation, for lack of substantiation of a violation, or for lack of jurisdiction.	Occupations Code § 401.201(b) 22 Texas Administrative Code § 741.12(a)
Rules Committee	Four board members appointed by the presiding officer, including one audiologist member, one speech-language pathologist member, and two public members.	To consider matters relating to the board's rules, including proposals for rulemaking and management of the rule review process.	Occupations Code § 401.201(b) 22 Texas Administrative Code § 741.12(a)
Speech-Language Pathology Scope of Practice Committee	Four board members appointed by the presiding officer, including three speech-language pathologist members, and one physician member.	To consider matters relating to the licensure and scope of practice of speech-language pathologists.	Occupations Code § 401.201(b) 22 Texas Administrative Code § 741.12(a)
Audiology Scope of Practice Committee	Four board members appointed by the presiding officer, including three audiologist members, and one public member.	To consider matters relating to the licensure and scope of practice of audiologists.	Occupations Code § 401.201(b) 22 Texas Administrative Code § 741.12(a)

V. Funding

A. Provide a brief description of your agency's funding.

The State Board of Examiners for Speech-Language Pathology and Audiology is administratively attached to the DSHS Professional Licensing and Certification Unit, and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board's mission and functions. This unique arrangement has implications for much of the information requested in this Self-Evaluation Report.

The board is funded through the appropriation to DSHS for Strategy D.1.4 (Health Care Professionals). This appropriation funds 25 programs within DSHS. The legislative appropriation is made to DSHS, not to the board. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board, in fact, the GAA does not mention the board. All revenue and expenditures are processed, accounted for, tracked, and audited through the DSHS budget, fiscal, and audit structures.

It is important to note that the board's fee revenue exceeds the direct and indirect costs of operating the speech-language pathologist and audiologist regulatory program.

Due to the absence of a legislative appropriation, the board is unable to hire staff or expend funds in its own name. Much of the information requested in this Self-Evaluation Report is not available for individual licensing programs. The information is available regarding DSHS in an agency-wide format. Some information requested in Sections V (Funding) and VI (Organization) is available in a format that is specific to the board, with some necessary modifications, and the modified information is submitted in this report.

B. List all riders that significantly impact your agency's budget.

N/A (see above).

C. Show your agency's expenditures by strategy.

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 5: Expenditures by Strategy — Fiscal Year 2008 (Actual)		
Goal/Strategy	Total Amount	Contract Expenditures Included in Total Amount
Licensing and regulation of speech-language pathologists and audiologists	\$377,479	N/A
GRAND TOTAL:	\$377,479	N/A

D. Show your agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2009-2010.

N/A

E. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 6: Sources of Revenue — Fiscal Year 2008 (Actual)	
Source	Amount
Licensing fees deposited into General Revenue Fund No. 0001, Revenue Code 356205	\$807,537
TOTAL	\$807,537

F. If you receive funds from multiple federal programs, show the types of federal funding sources.

N/A

G. If applicable, provide detailed information on fees collected by your agency.

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 7: Fee Revenue — Fiscal Year 2008				
Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Application and Initial License Fee Occ. Code § 401.204	\$150	1129	\$169,350	General Revenue Fund No. 0001, Revenue Code 356205
Application and Initial License Fee (Interns) Occ. Code § 401.204	\$75	625	\$46,875	General Revenue Fund No. 0001, Revenue Code 356205
Temporary Certificate of Registration Fee Occ. Code § 401.204	\$55	5	\$275	General Revenue Fund No. 0001, Revenue Code 356205
Licensure Renewal Fee Occ. Code § 401.204	\$100	4545	\$454,500	General Revenue Fund No. 0001, Revenue Code 356205
Licensure Renewal Late Fee (up to two years) Occ. Code § 401.204	\$215	389	\$83,635	General Revenue Fund No. 0001, Revenue Code 356205
Duplicate License Fee Occ. Code § 401.204	\$10	96	\$960	General Revenue Fund No. 0001, Revenue Code 356205
License Verification Fee Occ. Code § 401.204	\$10	49	\$490	General Revenue Fund No. 0001, Revenue Code 356205
Inactive Status Fee Occ. Code § 401.204	\$45	44	\$1980	General Revenue Fund No. 0001, Revenue Code 356205
Office of Patient Protection Fee Occ. Code § 101.307	\$2-\$5	6688	\$18,700	General Revenue Fund No. 0001, Revenue Code 356205
Texas Online Fee Govt. Code § 2054.252(g)	\$3-\$8	6688	\$30,767	General Revenue Fund No. 0001, Revenue Code 356205

VI. Organization

The State Board of Examiners for Speech-Language Pathology and Audiology is administratively attached to the DSHS Professional Licensing and Certification Unit, and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board's mission and functions. This unique arrangement has implications for much of the information requested in this Self-Evaluation Report.

The board is funded through the appropriation to DSHS for Strategy D.1.4 (Health Care Professionals). This appropriation funds 25 programs within DSHS. The legislative appropriation is made to DSHS, not to the board. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board; in fact, the GAA does not mention the board. All revenue and expenditures are processed, accounted for, tracked, and audited through the DSHS budget, fiscal, and audit structures.

Due to the absence of a legislative appropriation, the board is unable to hire staff or expend funds in its own name. Much of the information requested in this Self-Evaluation Report is not available for licensing programs. The information is available regarding DSHS in an agency-wide format. Some information requested in Sections V (Funding) and VI (Organization) is available in a format that is specific to the board, with some necessary modifications, and the modified information is submitted in this report.

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division.

The organizational chart of the DSHS Professional Licensing and Certification Unit is attached. The Unit is organized into groups with specific functions.

Policy, Standards, and Board Support Functions: Staff members who serve as Executive Directors for the Unit's licensing programs are organized within the Regulation and Standards Group. Other staff in this group provide administrative support for board and committee meetings, and carry out examination-related functions. The board's Executive Director also serves as the Executive Director for the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments.

Licensing and Customer Service Functions: Staff who process licensing applications and renewals, and provide customer service by telephone and e-mail, are organized within one of the Unit's three licensing groups. One of these groups, Licensing Group A, serves seven licensing programs, including the State Board of Examiners for Speech-Language Pathology and Audiology. Other programs served by Licensing Group A include the fitter/dispenser of hearing instruments, orthotist/prosthetist, massage therapist, athletic trainer, dietitian, and perfusionist licensing programs.

Complaint and Investigation Functions: Staff who receive, process, and investigate consumer complaints are organized within the Investigations and Quality Assurance Group, which provides complaint and investigation services for the 23 licensing programs of the Professional Licensing and Certification Unit.

B. If applicable, fill in the chart below listing field or regional offices.

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 8: FTEs by Location – Fiscal Year 2008			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2008	Number of Actual FTEs as of August 31, 2008
Headquarters	8407 Wall Street Austin	5.73	5.73
TOTAL		5.73	5.73

C. What are your agency's FTE caps for fiscal years 2008-2011?

N/A

D. How many temporary or contract employees did your agency have as of August 31, 2008?

N/A

E. List each of your agency's key programs or functions, along with expenditures and FTEs by program.

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 9: List of Program FTEs and Expenditures – Fiscal Year 2008		
Program	FTEs as of August 31, 2008	Actual Expenditures
Licensing and regulation of speech-language pathologists and audiologists	5.73	\$377,479
TOTAL	5.73	\$377,479

VII. Guide to Agency Programs

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Licensing and regulation of speech-language pathologists and audiologists
Location/Division	DSHS Professional Licensing and Certification Unit/Austin
Contact Name	Joyce Parsons, Executive Director
Actual Expenditures, FY 2008	\$377,479
Number of FTEs as of August 31, 2008	5.73

B. What is the objective of this program or function? Describe the major activities performed under this program.

The board is the licensing and regulatory authority for speech-language pathologists and audiologists in Texas. The board's primary mission is to enforce licensure rules and standards for speech-language pathologists and audiologists as a means to protect and promote public health and welfare. The board accomplishes its mission within the parameters established by Texas Occupations Code, Chapter 401.

The board's mission is to regulate speech-language pathologists and audiologists in Texas in order to improve and maintain standards for the profession and to protect the public. The board accomplishes these goals by establishing and administering qualifications for licensure and license renewal and enforcing standards for the profession.

Major activities include the:

- Issuance of new and renewal licenses to qualified speech-language pathologists and audiologists, interns, and assistants;
- Processing, evaluation, and approval of applications to become licensed speech-language pathologists and audiologists, interns, and assistants;
- Processing of consumer complaints against license holders;
- Adoption of rules to administer and enforce Occupations Code, Chapter 401;
- Investigation and presentation of complaints to the Complaints Committee, and the imposition of enforcement sanctions against license holders found to be in violation of the law or rules; and
- Provision of public information through the DSHS website concerning the regulation of speech-language pathologists and audiologists.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

The program's workload statistics demonstrate overall effectiveness and efficiency. This includes annual totals of:

- persons licensed as speech-language pathologists and audiologists, interns, and assistants;
- complaints received;
- jurisdictional complaints resolved; and
- disciplinary actions taken.

Additionally, once the appropriate application materials are on file, licenses are routinely approved, processed, and issued within seven working days.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

Refer to Section III – History and Major Events.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The functions directly affect Texas consumers of speech-language pathology and audiology services and products and persons regulated by the board. There are approximately 12,350 licensed speech-language pathologists, audiologists, interns, and assistants in Texas. The board does not collect data on how many clients those license holders serve.

Qualifications to become a speech-language pathologist, audiologist, intern, or assistant are set out in Occupations Code § 402, Subchapter G and 22 Texas Administrative Code § 741, Subchapters E, F, and G.

- Assistant License: Baccalaureate degree with an emphasis in Speech-Language Pathology or Audiology; 25 hours of clinical observation; 25 hours of clinical assisting experience; 24 semester hours in speech-language pathology and audiology with at least 18 in the area in which the applicant is applying.
- Intern License: Masters degree from an accredited institution in one of the areas of communicative science or disorders; coursework in specific areas; 375 clock hours of clinical experience.
- Temporary Certificate of Registration: Completion of 36 weeks of full-time supervised professional experience (internship) and currently registered to take the examination.

- Speech-Language Pathology or Audiology License: Qualify for intern license and completion of internship; successful completion of the examination; waiver is granted to applicants who hold the American Speech-Language-Hearing Association's certificate of clinical competence.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Rulemaking processes are carried out in accordance with the Administrative Procedure Act, Occupations Code, Chapter 401, and the policies and procedures of DSHS. The application for licensure and the complaint processing/enforcement processes are detailed in the attached flowcharts.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Licensing fees are deposited into the general revenue fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

There is no other state or federal agency that licenses and regulates Texas speech-language pathologists and audiologists. Licensed fitters and dispensers of hearing instruments, who are also authorized to fit and dispense hearing instruments in Texas, are regulated through the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments. Physicians, who may also fit and dispense hearing instruments in Texas, are licensed and regulated through the Texas Medical Board. There are a number of state agencies that license and regulate various occupations and professions, but they are not engaged in the regulation of speech-language pathologists and audiologists.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The board's licensure activities are distinct from the other programs listed in Question H and there is no duplication or conflict. There are no MOUs, interagency agreements, or interagency contracts in effect.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

N/A

K. If contracted expenditures are made through this program please provide:

- the amount of those expenditures in fiscal year 2008;
- the number of contracts accounting for those expenditures;
- a short summary of the general purpose of those contracts overall;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. What statutory changes could be made to assist this program in performing its functions? Explain.

Please see Section IX – Policy Issues.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

None

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

The regulation of speech-language pathologists and audiologists is necessary as a means to protect and promote public health, safety, and welfare. The regulation is intended to ensure that persons seeking speech-language pathology and audiology services and products are availing themselves of the services of a qualified practitioner.

Occupations Code, Chapter 401 does not provide authority for routine inspections or compliance audits of the worksite of speech-language pathologists and audiologists. When a jurisdictional consumer complaint is filed, the matter is investigated, either through a desk investigation (requesting records from the license holder and/or complainant) or an onsite investigation, if warranted. Complaint files are presented to the Complaints Committee for review, determination of whether a violation has occurred, and the imposition of disciplinary action, if appropriate.

Additionally, the board audits a percentage of licensees regarding continuing education compliance.

When non-compliance is identified, a number of follow-up actions may be taken. In a complaint matter, the license holder could be required to complete additional continuing education in addition to enforcement sanctions. Program staff monitor enforcement orders and report non-compliance to the Complaints Committee for additional action. If another complaint is received or if there is reason to believe the problem has not been resolved, the matter is re-investigated or submitted to Complaints Committee for further action.

The board is authorized to impose a broad range of enforcement sanctions to ensure compliance with the law and rules. These sanctions include application or renewal application denial, administrative penalties, emergency suspension, reprimand, suspension, probation, and revocation. Procedures for handling consumer complaints are illustrated in the attached flowchart.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 10: Information on Complaints Against Regulated Persons or Entities Fiscal Years 2007 and 2008		
	FY 2007	FY 2008
Total number of regulated persons	11,900	12,359
Total number of regulated entities	N/A	N/A
Total number of entities inspected	N/A	N/A
Total number of complaints received from the public	33	31
Total number of complaints initiated by agency	1	8
Number of complaints pending from prior years	24	26
Number of complaints found to be non-jurisdictional	2	2
Number of jurisdictional complaints found to be without merit	18	15
Number of jurisdictional complaints resolved	25	32
Average number of days for complaint resolution	175 days	305 days
Complaints resulting in disciplinary action:	6	15
administrative penalty	0	6
probation	0	1
other – non-disciplinary warning letter	6	7
other – cease and desist letter	0	1

VIII. Statutory Authority and Recent Legislation

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 11: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency
Occupations Code, Chapter 401 Speech-Language Pathologists and Audiologists	Creates the State Board of Examiners for Speech-Language Pathology and Audiology and provides authority to license and regulate speech-language pathologists and audiologists.
Occupations Code, Chapter 101 Health Professions Council	Creates the Health Professions Council and defines membership to include the licensing boards and programs of the Professional Licensing and Certification Unit, Texas Department of State Health Services (including the State Board of Examiners for Speech-Language Pathology and Audiology).
Occupations Code, Chapter 53 Consequences of Criminal Conviction	Provides authority to revoke, deny, or suspend a license based on criminal convictions in certain circumstances.
Education Code § 57.419 Loan Default Ground for Non-renewal of Professional or Occupational License	Prohibits the board from renewing the license of a licensee whose name is on a default list provided by the Texas Guaranteed Student Loan Corporation.
Family Code, Chapter 232 Suspension of License	Requires the board to suspend a license upon receipt of a court order or Attorney General's order suspending the license for failure to comply with the terms of a child custody order or for failure to pay child support.
Title IV, Public Law 99-660, Health Care Quality Improvement Act of 1986 and 45 CFR Part 60	Established the National Practitioner Databank and requires the board to report certain disciplinary actions to the databank.
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
None	

**State Board of Examiners for Speech-Language Pathology and Audiology
Exhibit 12: 81st Legislative Session Chart**

Legislation Enacted – 81st Legislative Session

Bill Number	Author	Summary of Key Provisions
N/A		

Legislation Not Passed – 81st Legislative Session

Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
N/A		

IX. Policy Issues

A. Brief Description of Issue

Should the regulation of audiologists and the regulation of fitters and dispensers of hearing instruments be combined under the authority of one state board?

B. Discussion

Currently, the regulation of audiologists is the statutory responsibility of the State Board of Examiners for Speech-Language Pathology and Audiology. The regulation of fitters and dispensers of hearing instruments is the statutory responsibility of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments.

Both occupations are authorized to fit, dispense, and sell hearing instruments to the public. There are significant differences between the occupations, in terms of educational requirements (a minimum of a master's degree is required to become licensed as an audiologist, whereas a fitter and dispenser of hearing instruments is required to hold a high school diploma) and in terms of scope of practice (both occupations may test hearing and fit, dispense, and sell hearing instruments, whereas audiologists have a broader scope of practice relating to habilitation and rehabilitation of disorders of the auditory and vestibular systems and modifying communicative disorders).

In the arena of fitting, dispensing, and sales of hearing instruments, both occupations serve hearing-impaired populations and both regulatory bodies receive and resolve complaints regarding these services. Some consumers have difficulty distinguishing between the occupations.

All states regulate audiologists; 45 states regulate fitters and dispensers of hearing instruments. Of those 45 states, 17 states administratively combine the regulation of fitters/dispensers with the regulation of audiologists, either under an umbrella board structure or an umbrella agency structure. In the remaining 28 states, the regulation of fitters/dispensers and audiologists is administered separately.

C. Possible Solutions and Impact

Consideration should be given as to whether the public might be more effectively served if the regulation of fitters and dispensers of hearing instruments and audiologists were combined under one regulatory board. A regulatory consolidation would ensure ongoing consistency in the statutory and rule provisions governing the fitting, dispensing, and sale of hearing instruments. The elimination of a regulatory board would result in relatively minor cost savings, mainly travel costs.

Some license holders might oppose a regulatory consolidation, due to the long-term history of separate regulatory structures in Texas and the occupation-specific identification those structures have encouraged over the years.

A. Brief Description of Issue

Does the 30-day trial period for hearing instruments effectively protect consumers?

B. Discussion

Occupations Code § 401.403(b)(5) (Practice by Audiologists), provides that, “A person who meets the requirements of this chapter for licensing as an audiologist or audiologist intern and who fits and dispenses hearing instruments must follow the guidelines adopted by board rule for a 30-day trial period on every hearing instrument purchased.” The board’s guidelines are found in the rules at Title 22, Texas Administrative Code § 741.102. The guidelines establish requirements and procedures for the trial period, including contract requirements, “agreed-upon” charges and fees that are not refundable, and the refund procedure.

Many of the board’s audiology-related consumer complaints involve requests by consumers for refunds after the 30-day trial period has elapsed. Some of these consumers assert that they did not receive information about, or did not understand the requirements of, the 30-day trial period; that the audiologist assured them that a refund would still be available after the end of the 30-day trial period if they were unhappy with their purchase; or that they did not know their hearing aids were unacceptable until after the end of the 30-day trial period.

In many of these cases, the Complaints Committee is unable to prove a violation of the rules and the matter does not result in disciplinary action. In any case, the board has no authority to require that a license holder provide a refund to a consumer.

C. Possible Solutions and Impact

Consideration could be given as to whether hearing instrument consumers are adequately protected by the 30-day trial period. License holders could perceive that extending the trial period would have a negative impact on their businesses. More extensive research, including research on manufacturer’s return policies and best practices in other states, would be necessary to determine whether hearing instrument consumers are adequately protected by the 30-day trial period.

X. Other Contacts

A. Fill in the following chart with updated information on people with an interest in your agency, and be sure to include the most recent e-mail address.

State Board of Examiners for Speech-Language Pathology and Audiology Exhibit 13: Contacts			
INTEREST GROUPS (groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
Texas Speech-Language and Hearing Association/ Don Canada, Executive Director	918 Congress Avenue, Ste 200 Austin TX 78701	(512) 494-1127	don.canada@txsha.org
Texas Academy of Audiology/ Matthew Lyon, President	P. O. Box 93331 Lubbock TX 79493	(915) 532-6935	Mlyon1@elp.rr.com
INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS (that serve as an information clearinghouse or regularly interact with your agency)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
American Speech-Language-Hearing Association	2200 Research Boulevard Rockville MD 20850-3289	301-296-5700	actioncenter@asha.org
National Council of State Boards of Examiners for Speech-Language Pathology and Audiology	P. O. Box 326 Wellsburg WV 26070	Not available	http://www.ncsb.info/
American Academy of Audiology	11730 Plaza America Drive, Suite 300 Reston VA 20190	800-AAA-2336	infoaud@audiology.org
LIAISONS AT OTHER STATE AGENCIES (with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)			
Agency Name/Relationship/ Contact Person	Address	Telephone	E-mail Address
N/A			

XI. Additional Information

The State Board of Examiners for Speech-Language Pathology and Audiology is administratively attached to the DSHS Professional Licensing and Certification Unit, and does not function as an independent state agency. DSHS provides staff, facilities, and infrastructure necessary to accomplish the board's mission and functions. This unique arrangement has implications for much of the information requested in this Self-Evaluation Report.

The board is funded through the appropriation to DSHS for Strategy D.1.4 (Health Care Professionals). This appropriation funds 25 programs within DSHS. The legislative appropriation is made to DSHS, not to the board. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board, in fact, the GAA does not mention the board. All revenue and expenditures are processed, accounted for, tracked, and audited through the DSHS budget, fiscal, and audit structures. Due to the absence of a legislative appropriation, the board is unable to hire staff or expend funds in its own name.

The information regarding complaints against the agency, historically underutilized businesses, and equal opportunity employment requested in Section XI is not available for individual licensing programs, including the board. The information is available regarding DSHS in an agency-wide format and can be provided upon request.

State Board of Examiners for Speech-Language Pathology and Audiology

List of Attachments

Self-Evaluation Report

1. Enabling law
2. Rules
3. Committee member biographies/resumes
4. Organizational chart – DSHS Professional Licensing and Certification Unit
5. Complaint Process Flowchart
6. Licensing/Certification Application Process Flowchart
7. Board Policy on Responsibilities of Board, Board Members, and Board Staff