

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

**Call to Order:** By **CHAIRMAN STEVE BENEDICT**, on January 20, 1993,  
at 9:00 A.M.

#### **ROLL CALL**

##### **Members Present:**

Rep. Steve Benedict, Chair (R)  
Rep. Sonny Hanson, Vice Chair (R)  
Rep. Bob Bachini (D)  
Rep. Joe Barnett (R)  
Rep. Ray Brandewie (R)  
Rep. Vicki Cocchiarella (D)  
Rep. Fritz Daily (D)  
Rep. Tim Dowell (D)  
Rep. Alvin Ellis (R)  
Rep. Stella Jean Hansen (D)  
Rep. Jack Herron (R)  
Rep. Dick Knox (R)  
Rep. Don Larson (D)  
Rep. Norm Mills (R)  
Rep. Bob Pavlovich (D)  
Rep. Bruce Simon (R)  
Rep. Carley Tuss (D)  
Rep. Doug Wagner (R)

**Members Excused:** All Present

**Members Absent:** None

**Staff Present:** Paul Verdon, Legislative Council  
Claudia Johnson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing: HB 147, HB 148 AND HB 175  
Executive Action: HB 147, HB 148 AND HB 175

#### **HEARING ON HB 147**

##### **Opening Statement by Sponsor:**

**REP. ALVIN ELLIS**, House District 84, Red Lodge, said this simple bill will establish the chiropractic annual assessment late charge fee at set at \$25.

Proponents' Testimony:

Dwayne Borgstrand, D.C., President of the Board of Chiropractors, Red Lodge, said this bill involves an amendment to the Chiropractic Legal Panel Law. The present law states there must be a late fee assessed for past due payment of a chiropractor's annual legal panel fee which is \$95. The present law says the late fee "be equal to the judgement rate of interest". This amounts to approximately .79¢ a month, and the administrative assistant at the Bureau of Licensing has to send a bill to every doctor who doesn't pay the fee on time. It is expensive and bothersome.

Bonnie Tippy, Representing Chiropractic Association, said the Board of Directors have carefully studied this legislation and are in favor in the passage of HB 147.

Opponents' Testimony:

None

Informational Testimony:

None

Questions From Committee Members and Responses:

Rep. Brandewie asked Mary Lou Garrett, Administrative Assistant of the Chiropractic Board, how many late fees are there? She said only about 9 or 10 are late. Rep. Brandewie said that amounts to \$250 a year, and it will cost \$2000 to place this into law. If another zero is added behind the \$250, maybe the doctors would pay attention then the board could pay the state back for the cost of enforcement. Dr. Borgstrand thought they had to charge for the cost of what their expenses are. He asked Ms. Garrett if that is correct? Ms. Garrett said it isn't under the legal panel, but is set by the director.

Closing by Sponsor:

Rep. Ellis closed.

HEARING ON HB 148Opening Statement by Sponsor:

REP. ALVIN ELLIS, House District 84, Red Lodge, said he would let Dr. Borgstrand explain the bill.

Proponents' Testimony:

Dwayne Borgstrand, D.C., President of Chiropractic Association, Red Lodge, said this bill places amendments into the Chiropractic Practice Act, and a few housekeeping chores that have needed to

be done for some time. It cleans up some of the language by using more suitable legal terms, i.e., "must" instead of "shall", which was recommended by their legal council. It also changes the pronoun "him" to "gender" to make it neutral, and allows interns in their last year to practice under the supervision of a licensed doctor. After examining the law, the association felt they may not have the legal authority to do this. By adding this amendment it will allow them to continue this practice. On page 3, subsection 3, line 24, it strikes the word "written", which refers to the test administered by the National Board of Chiropractic Examiners. Currently, the board is allowed to only give the written test of the National Board of Examiners. The board is developing practical tests that will be in place in one to two years, and they would like would like to use these tests when they become available. By striking the word "written", will allow the board to administer the practical tests.

**Bonnie Tippy, representing Montana Chiropractic Association, said this is a very simple housekeeping bill. She said the association would like to be on record in favor of HB 148.**

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions From Committee Members and Responses:**

**Rep. Knox** asked **Dr. Bergstrand** to explain what the practical test would be? **Dr. Bergstrand** said it would be a hands-on test. The applicant taking the test would go to several stations and demonstrate hands-on skills to the examiners in the stations. He said when the board gives their licensing test here in Montana, they would like the ability to use the practical test, instead of using their own practical test. **Rep. Knox** asked if they have a Board of Examiners in place at this time? **Dr. Bergstrand** said they do. He is the president of the board, and they tests the applicants two times a year.

**Rep. Simon** asked **Dr. Borgstrand** how many interns are there in Montana? **Dr. Borgstrand** said three or four. **Bonnie Tippy** interjected, stating there are three new interns who have registered for the first of January, and five more are on the list. **Rep. Simon** asked how many years has the intern program been in place? **Bonnie Tippy** said before she started, and that has been nineteen years. **Rep. Simon** asked if the committee takes the immediate effective date off, would it change anything? **Dr. Borgstrand** said they would have to decide what the legality of it would be.

**Rep. Mills** asked to have "preceptor" defined? **Dr. Borgstrand**

said it is a person that works under the supervision of a licensed doctor, i.e., an intern. In the fourth year of chiropractic college the intern serves in one of the public clinics associated with one of the colleges. He said there are certain requirements needed to complete the education; i.e., examinations; so many treatments; and many other things. In the later part of the intern year, the students can come to Montana or other states to work under the supervision of a licensed doctor. **Rep. Mills** asked **Dr. Borgstrand** if it sounds like their request for a hands-on examination appears to be only for those who come from another state with a license to practice in Montana. **Dr. Borgstrand** said it is not their intent, nor is it the intent of the bill, it is for everyone who wants to practice in Montana. **Rep. Mills** said he can only find where it alludes to that in subsection 3, before the new section 3. **Paul Verdon, Legal Council**, said the confusion is probably from page 3, subsection 2, line 14, which states examinations must be made in "writing". On page 3, subsection 2, line 24, the word "written" has been crossed out. **Dr. Borgstrand** said he agreed that the word "writing" on line 14, should be stricken.

**Rep. Bachini** asked **Mary Lou Garrett**, why the immediate effective date? **Ms. Garrett** said because of the practical hands-on tests that is being developed and will be offered for the first time in March 1993. She said there are a number of new inquiries that would like to take the test.

**Closing by Sponsor:**

**Rep. Ellis** closed stating that he had talked with the council about combining the two bills so it wouldn't cost so much money to make them into law. The council had already worked on the bills one at the time, and they felt it wouldn't make any difference if the bills were left in two units or made into one.

**EXECUTIVE ACTION ON HB 147**

**Motion:** **REP. ELLIS MOVED HB 147 DO PASS.**

**Discussion:** **Rep. Brandewie** proposed an amendment to take care of the late fee problem. He wanted an amendment to let the board place language in the bill to set the late charge fee.

**Chairman Steve Benedict** asked **Paul Verdon, Legal Council** if this language could be placed in the bill. **Mr. Verdon** said if that is done the statutory parameters would have to be placed on it. **Rep. Brandewie** withdrew his motion.

**Motion/Vote:** **Rep. Cocchiarella** called the question. Voice vote was taken. Motion **CARRIED** unanimously.

**Vote:** **HB 147 DO PASS. Motion CARRIED 18 - 0.**

EXECUTIVE ACTION ON HB 148

Motion: REP. STELLA JEAN HANSEN MOVED HB 148 DO PASS.

Discussion: Rep. Ellis proposed an amendment to strike "in writing" on page 3, line 14.

Paul Verdon, Legislative Council said the word "made" before "in writing" should also be struck. The amendment would be to strike "made in writing" on page 3, line 14.

Rep. Tuss said on lines 18, 19 and 20, it specifically states what is an acceptable pass rate on the written examination, but nothing about what is acceptable for the hands-on practical test. She said the whole section should be re-worked to be acceptable.

Rep. Sonny Hanson said he didn't see any problem with it. When "made in writing" is taken out, the acceptable pass rate would refer to both examinations.

Rep. Cocchiarella said there is a problem on lines 18 and 19. It states "applicants who correctly answer 75% of all questions asked", and there aren't any questions to answer when doing a hands-on practical test. She felt that Rep. Tuss was correct in her assumption. She asked Paul Verdon if language could be added to take care of this.

Paul Verdon said the question raised by Rep. Cocchiarella is a good one. He said some language should be in there in the effect to apply towards both tests.

Chairman Steve Benedict said the committee would wait to do action on the bill until the language can be worked out. He asked Rep. Stella Jean Hanson if she would withdraw her motion.

Motion/Vote: Rep. Stella Jean Hanson withdrew her motion.

Vote: None

HEARING ON HB 175Opening Statement by Sponsor:

REP. JOHN JOHNSON, House District 23, Glendive, said HB 175 will increase the membership of the Board of Speech-Language Pathologists and Audiologists from five members to seven members. It proposes to place one member who is certified in Montana and is a practicing school administrator to be appointed by the superintendent of Public Instructions. The other member would be a school trustee currently serving a Montana school district who would be appointed by the President of the Montana School Board Association. The schools from which the administrator and trustee come from would pay the cost of these two people serving

on the board. He said there should be a fiscal note on this, but it was not available for the committee members at this time. He said the fiscal note states the school districts from which the two members will come from will incur the increased cost which is estimated to be about \$81 per year per school district.

**Proponents' Testimony:**

**Loran Frazier, School Administrators in Montana**, said this bill did not come through the School Administrators in Montana. There are several administrators throughout Montana who have some concerns about the services they are receiving. He said all schools want is an expansion of the board that would better understand the services and people that are licensed. The schools are the largest users of this service, and felt it would be somewhat fair that the expansion of the board include an administrator.

**Bruce Moerer, representing School Board Association**, said with the schools being the largest users of this service, it would be appropriate for the schools to have more input into the process. He said they support the concept, and asked for a do pass recommendation.

**Rep. Bachini, House District 14, Havre**, wanted to be on record in support of HB 175.

**Opponents' Testimony:**

**Beverly Roy, member of the Board of Speech-Language Pathologists and Audiologists**, said they are opposed to HB 175. She said the board feels this bill would place them in a position where considering school district issues would replace considering consumer issues. Ms. Roy presented written testimony. SEE EXHIBIT 1

**Shirley DeVoe, Assistant Director of Student Services for the Helena School District**, said she had the opportunity to work with **Rep. Bardanoue** in 1975 when the Montana Legislature passed the original bill to establish the Board of Speech Pathology and Audiology. When **Rep. Bardanoue** worked with the committee, he indicated he would sponsor the bill, but only if it was a consumer protection law. The state at that time had numerous "practitioners" working in the Montana schools who claimed to be speech therapists after taking only one or two courses in speech. She said the committee and **Rep. Bardanoue** worked hard to promote the concept of consumer protection which included a consumer member on the licensure board. A modified grandfather clause gave clinicians in the state six years to meet the standards as outlined in the bill, and an inclusion of a continuing education guideline for the members. She said Montana has been a leader in the nation with these added components to the law. While serving as chairperson of the first speech-pathology board, they reviewed the sunset law set by the Legislature, again re-affirming the law

and need for consumer protection. She presented written testimony. **EXHIBIT 2**

**REP. CAROLYN SQUIRES, House District 58, Missoula,** said she was contacted by Kathy Love, director of the speech pathology department in the Missoula Community Hospital, to enter into the record a comment that is signed by all of the SLP staff. The department of the eight speech-language pathologists opposes this bill, but strongly support the licensure Board of Speech-Language Pathology as it currently stands. She states that the hospital setting frequently works directly with school-based speech-pathologist, and believe it is crucial that current licensure standards remain in order to equally and fully serve all communicatively impaired individuals across Montana regardless of age or setting in which they seek services. **Rep. Squires** informed the committee she is a licensed practical nurse, and understands the weighing of wards and how this would effect them. She asked the committee that if they were to replace or add any person to this board it should be placed with a consumer rather than a person who would be a recipient of the services. **Rep. Squires** encouraged the committee to not pass HB 175. **EXHIBIT 3**

**Merle DeVoe, Office of Public Instruction,** said he travels to the public schools throughout the state of Montana. He said since the passage of this bill, some superintendents of schools have had problems in recruiting fully credential speech pathologists. The more problems they have in recruiting, the more they accuse the board of having their standards set too high. He suspected the wishes of the association to have the two school members on the board is for more than just information. He urged a do not pass on HB 175.

**Rosemary Harrison, Owner of a private practice in Speech Pathology and Audiology, Missoula,** said it was mentioned by the proponents of HB 175 that the school administrators of Montana needed more input into the process and needed little more control of what was going on. The Licensure Board and all other boards in the state are open to the public, and any issue that has come before the board has been open for any of the school administrators to participate in. She said an issue came before the Licensure Board this last summer that is very dear to the school administrators' hearts, and the Montana Speech and Hearing Association. She said there was a very large turnout from the association opposing the issue, but not one school administrator came to the meeting. A second meeting was held in October 1992, and again, not one school administrator came, nor did they present any written testimony. She presented a transcript of the proceedings that took place at the first meeting held in July 1992. **Ms. Harrison** said school administrators are not a consumer group, but rather a special interest group. It would be very inappropriate to place school members on a licensure board that is for consumer protection. **EXHIBIT 4**

Mary Anne Molineux, private practice in speech language pathologist, Helena, said their profession has very high standards to protect the consumers of Montana, and meet the standards with the rest of the country. She sympathizes with the school districts that are having difficulties recruiting speech language pathologists, but having them on their board to reduce their standards is not the way to deal with this problem in Montana. She encouraged the committee to oppose HB 175.

Diedre J. Cranmer, President of Montana Speech Association (MSHA), addressed a couple of issues that Mr. Frazier alluded to when he said by placing a school board person and an administrative person on the board would lead to a better understanding of what a speech pathologist does; she would submit to Mr. Frazier and the committee, all he has to do is procure a copy of the current licensure law. She alluded to Mr. Frazier's comment that schools are the largest user of these services and said it is true. She has gathered statistical data of current information from 1992 on speech pathologist and audiologist, and informed the committee that 62% of them work for the public schools in some capacity; 38% work somewhere else, i.e., private practice, government, BIA, OPI, etc.; and 11% work for hospitals and clinics. She said school members on the board would weigh heavily toward the public schools, which is not fair for the board. She urged the committee to vote no on HB 175.

Chris A. Huth, representing St. Peter's Hospital, MSHA, said the hospital deals not only with school age population, but it also the elderly, traumatic brain injuries, and stroke patients. She said school administrators or a school trustee would not have any input on what they do or say, plus it would reduce the standards required by these people that work in this area. She urged the committee to strongly vote against HB 175.

Mona Jamison, Lobbyist Montana Association of Speech Pathologists and Audiologist (MSHA), wanted to focus on a few issues that have not been made in previous testimony. She reviewed Title 2, chapter 8, the statute that the audit committee oversees as to what are the criteria that people in regulated professions are seeking to establish in a board, and what must be established to the audit committee, and ultimately to the Legislature before a new board can be created. She listed a few of the regulations: 1) the unregulated practice for the occupation creates a direct immediate hazard to the public health, safety, and welfare; 2) practice of the occupation requires a specialized skill; and 3) that the public will benefit from the proposed regulation of the occupation in the manner and degree of improved quality of service. This criteria along with the other ones listed in section 2-8-204, go to the public health underpinning of creating all of the boards that are contained in Title 2 of the law. The boards are created to regulate and control those occupations and to guarantee that the public and the consumer are protected. She said that more than likely, one of the employers of the group said something in conflict, and one is probably related to



employment, which she feels happened in this case with the school administrators vs. the underlying concept buried of the state's power to protect the public health. **Ms. Jamison** went through Title 2, which lists every board in existence in the state of Montana to see if there were other employers of those regulated professions present on the boards, she could not find one. She said the governor's authority as to his appointing power should not be eroded. Section 2-15-124, (2), requires that all quasi-judicial boards, of which this is one of many, be appointed by the Governor, he is the chief executive, and that power resides with him under the Constitution, and is further cemented by statute. She said HB 175 states that the appointing authority is the Montana School Board's Association, and said that is a private entity. She said the superintendent of Public Instruction is in conflict with the law and the Governor's authority. She said these two provisions are illegal. If this bill were to pass to allow employers of the various occupations that are regulated and set in Title 2, they will actually sit on the board and do the appointing. Ultimately, these people will be on the board themselves as part of the membership.

**Michelle Shue, MSHA, Billings**, said she has had the opportunity to work in the school system, private practice and hospitals. She is in strong opposition to the additional two member to the board from the school system. On a personal level, she asked the committee to not complicate her job any further by adding additional forces and influences to be able to maintain patient focus care. There are third party payers who want to influence the quality of service provision that she provides. She asked the committee to oppose HB 175.

**Sandy Meech, Public School speech pathologist, past president of MSHA, Great Falls**, asked the committee to oppose HB 175.

Informational Testimony:

None

Questions From Committee Members and Responses:

**Rep. Sonny Hanson** asked **Rep. Johnson** what the professions are of the current five members on the board? **Rep. Johnson** said the five members consist of: 1) 2 speech language pathologists; 2) 2 audiologist; and 3) at least one member as a consumer.

**Rep. Mills** asked **Rep. Johnson** if he knew of any school board trustee that is a licensed speech pathologist or fit the category required to be appointed. **Rep. Johnson** said a school trustee must be currently serving, and would have to be a speech pathologist. **Rep. Mills** said on page 2, line 11, the school administrator and school trustee must at all times be valid licensed speech pathologist and audiologist? **Rep. Johnson** said on the same line it states that all other members except the two school members must be licensed.

**Rep. Daily** asked **Rep. Johnson** what is the cost of these two members? **Rep. Johnson** said it is \$81 a year for each person, which includes \$46 for materials and \$35 for conference calls.

**Rep. Stella Jean Hansen** asked **Loren Frazier** why the schools are having problems hiring speech language pathologists and audiologists? **Mr. Frazier** said there is a scarcity of these people. School districts employ these people full time. The smaller schools have a difficult time, and usually have a cooperative where they work for several schools, i.e., eastern Montana where there are many rural schools. **Rep. Hansen** asked if the salaries were comparable with surrounding states? **Mr. Frazier** said he didn't know. **Rep. Hansen** asked if one of the reasons for the shortage is because the Legislature did away with the speech pathology department at the University of Montana? **Mr. Frazier** said it probably had an impact on it.

**Rep. Bachini** asked **Beverly Roy** why she and the other opponents feel that a professional person like herself would not have the consumers interest at heart. **Ms. Roy** said their apprehension was the two school people would be more concerned with their own area of expertise. She said more than anything they would be more concerned with fulfilling what they are required by law to provide rather than what is actually needed.

**Rep. Simon** asked **Rep. Johnson** if he was suggesting that the present board has adopted standards that are too high and reduced the number of people available to schools; and would this bill bring more of these services into the schools? **Rep. Johnson** said he had no hidden agenda, this bill adds two members to the board. **Rep. Simon** asked **Rep. Johnson** to address the need for two school members to be on the board? **Rep. Johnson** said the schools are the largest users of these services by 60%, and feel they should be better represented.

**Rep. Larson** asked **Loran Frazier** how will two additional members from the schools increase the supply of speech pathologist and audiologist? **Mr. Frazier** said it probably wouldn't. The school administrators placed this request because of the frustration for better understanding and input. **Rep. Larson** asked **Mr. Frazier** to explain the frustration to the committee. **Mr. Frazier** said if a school loses a speech pathologist or audiologist, those services are lost. There doesn't seem to be any way they can pick it back up. He said they do not know of any other alternative that they could utilize except through the addition of the two members on the board.

**Rep. Tuss** asked **Loran Frazier** to describe some of the efforts that he has made in the last two years to work with the board, and to gain an understanding; and what alternate approaches to the problem, i.e., what steps have been taken, and what has been implemented? **Mr. Frazier** said he is the new executive director for the association, and didn't know if the association had done anything along with the OPI. Some local effort has been made to

do this, but not through a joint effort or through the association.

**Rep. Simon** asked **Mr. Frazier** if he or any of his predecessors ever attended one of the speech pathology/audiology board meetings? **Mr. Frazier** said he didn't think so, but he also said he didn't think they had received any notice that there was a meeting.

**Rep. Cocchiarella** asked **Bruce Moerer** if he remembered when she was the chief sponsor of the bill to save the Communications, Science and Disorder (CSD) Department at the University of Montana, and if he remembered testifying as an proponent? **Bruce Moerer** said to his knowledge he did not, but they usually follow their K-12 bills, and said if they had been asked to testify they could have worked through it. He said sometimes they get involved in their own little world with the Legislature and don't have the opportunity to get out to do those things.

**Rep. Cocchiarella** asked the same question of **Loran Frazier**. **Mr. Frazier** wasn't sure, but didn't think he voted for it.

**Rep. Cocchiarella** directed the question to **Mona Jamison**, **Beverly Roy**, and the other opponents. **Ms Jamison** said she was deeply involved with it because she was the lobbyist. In all fairness, she could not remember how the testimony went to save CSD.

**Rep. Bachini** said the issue of saving CSD was a university issue. The Board of Education tries not to be involved with those issues unless they are asked.

Closing by Sponsor:

**Rep. Johnson** closed stating the schools just want better representation because they use 60% of the speech pathologists and audiologist's services. He said by looking at the current five members on the board; the consumer represents only one fifth of the board, which is the way **Rep. Bardanouve** wanted it to be when the bill was originally passed. There is a need for the users of this service to be represented. **Rep. Johnson** said he voted to keep the CSD that **Rep. Cocchiarella** talked about, and felt it was one of the reasons for the lack of speech pathologists in Montana. He said this bill does not reduce the license requirements for speech pathologists and audiologist in the state of Montana.

EXECUTIVE ACTION ON HB 175

Motion: REP. BACHINI MOVED HB 175 DO PASS.

Motion: REP. COCCHIARELLA MADE A SUBSTITUTE MOTION THAT HB 175 DO NOT PASS.

**Discussion:** Rep. Cocchiarella spoke to her motion. She said when they worked on the bill to save CSD, they knew from the practitioners that there would be a shortage in the state and the need for continuing education for their profession. The people in the state who are true consumers of these services have one representative on the board. If they want to amend this bill to say that the school administrator and the school trustee have to be a true consumer of the services would be a more fair approach. She felt that these people do not have the right to come through the back door and find a way to place different standards on the people that serve the public. She said the school administrator and school trustee want to impact and place criteria on what these people do in their profession. She said it is not good for the public, and hoped the bill would not be passed.

Rep. Bachini said he is against the do not pass motion.

Rep. Pavlovich said he is against the do pass motion, the bill should be tabled.

Rep. Larson said he is against the do not pass motion.

Rep. Stella Jean Hansen said the committee would be doing the state of Montana a big disservice by passing this bill.

**Motion:** REP. DAILY MADE A SUBSTITUTE MOTION TO TABLE HB 175.

**Motion/Vote:** The question was called. Roll call vote was taken. Motion CARRIED 16 - 2 with Reps. Bachini and Sonny Hanson voting no. EXHIBIT 5

**Vote:** HB 175 BE TABLED. Motion CARRIED 16 - 2.

ADJOURNMENT

Adjournment: 11:00 A.M.



STEVE BENEDICT, Chair



CLAUDIA JOHNSON, Secretary

SB/cj

HOUSE OF REPRESENTATIVES  
53RD LEGISLATURE - 1993  
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL

DATE 1-20-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993

wp.rollcall.man

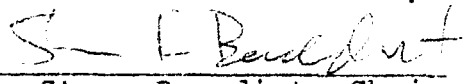
HOUSE STANDING COMMITTEE REPORT

January 20, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 147 (first reading copy -- white) do pass .

Signed: \_\_\_\_\_

  
Steve Benedict, Chair

**HB 175 INCREASING MEMBERSHIP OF BOARD OF SPEECH-PATHOLOGISTS  
TESTIMONY OF BEVERLY ROY  
JANUARY 20, 1993**

**INTRODUCTION**

Mr. Chairman, members of the committee, my name is Beverly Roy. I am a member of the Board of Speech-Language Pathologists and Audiologists.

**OPPOSITION**

The Board of Speech-Language Pathologists and Audiologists is OPPOSED to House Bill 175.

**HB 175 RESULTS IN A BIASED BOARD COMPOSITION**

The Board feels this bill would place it in a position where considering school district issues would replace considering consumer issues.

The Board is charged with protection of the health, welfare and safety of all consumers. Speech-language pathologists and audiologists are employed not only in school districts, but also in private practice, hospital facilities and medical clinics. This bill would unfairly over-represent school district interests, and would not be representative of the public speech pathology or audiology consumer in all areas of practice.

**APPOINTMENTS MADE BY ASSOCIATIONS AND STATE AGENCIES**

The Board is concerned that under the proposed scheme of this bill, appointments to the Board would not be made by the Governor. The Governor, and only the Governor, has the authority to appoint members to all other approximately 33 boards within the Professional and Occupational Licensing Bureau. The Board feels House Bill 175 would usurp the Governor's appointment procedure and authority. Associations and state agencies are presently allowed to submit recommendations to the Governor, but do not make appointments.

The Board does not feel that schools districts, or other employers, should be in a position to regulate the practice of speech-language pathology or audiology. The Board feels the licensees should be regulated under the current statutory scheme by members of their profession and not by their employers.

It appears that House Bill 175 is a reaction to the issue of registration of speech-language and audiology aides within the school districts. The Legislature has granted the Board rulemaking authority specifically for addressing issues within the profession, such as registration of aides. The rulemaking process already allows the public, including the school districts, a means to address their concerns on issues such as these. Rearrangement of the Board and the use of Board appointments should not be used to weigh the Board to a particular bias, or address issues which are properly handled through rule-making.

**THREE LEVELS OF BOARD APPOINTMENTS**



Under House Bill 175, there would be three agencies appointing board members - The Governor, the Superintendent of Public Instruction and the President of the Montana School Boards Association. As stated previously, only the Governor should make board appointments.

## **THE BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS WAS NEVER CONTACTED WITH REGARD TO SUBMISSION OF THIS BILL.**

The Board of Speech-Language Pathologists and Audiologists was not contacted with regard to this bill by the Board of Public Education until it was discovered quite recently that information and figures for a fiscal note would be needed. Certainly the Board was entitled to consider this bill and its impact on their public protection mandate before two new members were added through legislation.

## **FISCAL IMPACT**

The Board of Speech-Language Pathologists and Audiologists is required by statute to "direct and supervise the budgeting, record keeping, reporting and related administrative and clerical functions of the [board]." The Board would not be able to estimate and project budgets properly if it has to rely on outside sources for payments of some costs of two new board member.

The Board would have no way to be assured of payment for administrative costs from the school districts, under the plan for payment set forth in the bill at page 3, in a timely manner.

The proposed bill does not answer the questions of: What costs would be paid by the school district versus the Board?

When would payment be made for board meeting-related expenses? How would the payments be made?

There are also several costs that would not be absorbed by payment of compensation and travel expenses from the specific school districts. The Board would ultimately be responsible for these costs, possibly resulting in higher fees for all licensee, even those not represented by school district board members. These costs would include postage/ mailing, copying, telephone, Fax, administrative staff time, and legal staff time, none of which are covered by the bills proposed "compensation and travel expenses" payments from the school districts.

## **CLOSING**

In closing, the Board of Speech-Language Pathologists and Audiologists is in OPPOSITION to this bill, and urges the Committee members to vote NO.

I am available for any questions concerning the Board's OPPOSITION to House Bill 175. Carol Grell, legal counsel for the Board and Helena Lee, Administrative Assistant for the Board, are also available to answer any questions you might have.

294 active licensees

Estimation      200 - schools

50 - hospitals and clinics, 44 - private practice

EXHIBIT 2  
DATE 1-20-93  
HB 175

January 20, 1993

To: House Business Committee  
Montana Legislature

From: Shirley DeVoe

Re: OPPOSITION TO HB 175

My name is Shirley DeVoe and I am currently the Assistant Director of Student Services for the Helena School District (a member of the School Administrators of Montana) and a speech-language pathologist, holding license #2.

I had the opportunity to work with Representative Francis Bardanouve in 1975 when the Montana Legislature passed the original bill to establish the Board of Speech Pathology and Audiology. At that time, Rep. Bardanouve, working with our committee, indicated his sponsorship of the bill only as a consumer protection law. The state at that time had numerous "practitioners" working in the Montana schools who claimed to be speech therapists - after taking maybe one or two courses in speech. The committee and Rep. Bardanouve worked hard to promote the concept of consumer protection including the consumer member on the licensure board, a modified grandfather clause that gave clinicians in the state six years to meet the standards as outlined in the bill, and the inclusion of a continuing education guideline for members. Our state has been a leader in the nation with these added components to the law. While chairperson of the first board, we also went through a sunset review by the legislature, again re-affirming the law and need for consumer protection.

I realize the existing frustration of school administrators in the state as they have special education positions, including speech language pathologists, left vacant. I am disappointed, however, in their decisions to advocate for less than minimal qualifications for certified staff and supervision of speech-language pathology aides in order to fill positions.

I do not feel that lowering the credentialing standards will serve the needs of the communicatively handicapped population in Montana Schools. I feel this is a back door effort to gain control of a licensing board that, to date, has been able to maintain quality standards for those providing speech-language pathology and audiology services to Montana citizens.

I urge your defeat of HB 175.



EXHIBIT 3  
DATE 1-20-93  
HB 175

Rehabilitation Center

Community Medical Center  
2827 Fort Missoula Road  
Missoula, MT 59801  
(406) 728-4100

M E M O

TO: Carolyn Squires  
FROM: Kathy Love, Director of Speech-Language Pathology *KV*  
RE: House Bill 175  
DATE: January 19, 1993

Our department of eight speech-language pathologists opposes this bill. We strongly support the licensure board of Speech-Language Pathology as it currently stands. We in the hospital setting frequently work directly with school-based speech-language pathologists. We believe it crucial that current licensure standards remain in order to equally and fully serve all communicatively impaired individuals across Montana regardless of age or setting in which they seek services.

cc to all SLP staff at Community Rehabilitation Center:

Kathy Sims  
Alane Dobie  
Linda Fifer  
Clare Buckley  
Sandy Boehmler  
Sue Hall  
Michael Crews

BEFORE THE BOARD OF SPEECH LANGUAGE  
PATHOLOGISTS AND AUDIOLOGISTS  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

\*\*\*\*\*

In the Matter of the Proposed )  
Amendment of Rules Pertaining )  
to Definitions, Supervisor )  
Responsibility, Schedule of )  
Supervision, Non-Allowable )  
Functions of Speech Aides, and )  
Functions of Audiology Aides. )

MAR NO. 8-62-12

TRANSCRIPT OF PROCEEDINGS  
July 28, 1992  
Helena, Montana

BEFORE:

CAROL GRELL, Esq.  
Attorney at Law  
Arcade Building  
Helena, MT 59620  
Hearings Officer

COPY

This document is stored at the Historical Society at 225 North  
Roberts Street, Helena, MT 59620-1201. The phone number is  
444-2694.

EXHIBIT 5  
DATE 1-20-93  
HB 175

HOUSE OF REPRESENTATIVES  
53RD LEGISLATURE - 1993  
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE  
ROLL CALL VOTE

DATE 1-20-93 BILL NO. HB 175 NUMBER \_\_\_\_\_

MOTION: Motion to table

Motion Carried 16-2

NAME	AYE	NO
REP. ALVIN ELLIS	✓	
REP. DICK KNOX	✓	
REP. NORM MILLS	✓	
REP. JOE BARNETT	✓	
REP. RAY BRANDEWIE	✓	
REP. JACK HERRON	✓	
REP. TIM DOWELL	✓	
REP. CARLEY TUSS	✓	
REP. STELLA JEAN HANSEN	✓	
REP. BOB PAVLOVICH	✓	
REP. VICKI COCCHIARELLA	✓	
REP. FRITZ DAILY	✓	
REP. BOB BACHINI		✓
REP. DON LARSON	✓	
REP. BRUCE SIMON	✓	
REP. DOUG WAGNER	✓	
REP. SONNY HANSON, VICE CHAIRMAN		✓
REP. STEVE BENEDICT, CHAIRMAN	✓	

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Business & Ec. COMMITTEE

BILL NO. HB 175

DATE Jan. 20/1993 SPONSOR(S) J. Johnson

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Mufe Nevor	self		✓
German S. Johnson	MSHA		✓
Sandy Meach	MSHA		✓
Doreen Cranner	MSHA		✓
Margaret Molinsky	MSHA		✓
Christine A. Huth	MSHA		✓
Joel Spier	MSA self		✓
DB			
Shirley DeVoe	SELF		✓
Michelle Shue	MSHA self		✓
Helena Lee	Brd of Speech Path		✓
Beverly Roy	Brd of Speech Path & Aud.		✓
Carol Grell	Brd. Speech - Pathologists		X
Mona Jamison	MSHA - Lobbyist		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Business & E.C. COMMITTEE BILL NO. HB 175

DATE Jan 29, 1993 SPONSOR(S) J. Johnson

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Loran Frazier	S AM	X	
Bruce W. Meyer	MSA	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Business & Ec. COMMITTEE BILL NO. HB 147  
DATE Jan 20, 1993 SPONSOR(S) Ellis

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bonnie Tippy	MT Chiropractic Assoc	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D Barstrand DC	Board of Chiropractors	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.



Business & Ec.

**BILL NO.**

148

DATE Jan. 20, 1993 SPONSOR(S)

SPONSOR(S) Ellis

**PLEASE PRINT**

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.