

Louisiana Revised Statutes
Title 37. Professions and Occupations
Chapter 34. Speech-Language Pathology and Audiology

§ 2650. Legislative purpose

The legislature declares that it is a policy of this state that the practice of speech-language pathology and audiology is a privilege granted to qualified individuals and that, in order to safeguard the public health, safety, and welfare, to protect the public from incompetent, unscrupulous, and unauthorized persons, and from unprofessional conduct by speech-language pathologists, audiologists, and speech-language pathology assistants, it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

§ 2651. Definitions

As used in this Chapter:

(1) "Audiologist" means any person who represents himself to the public by title or description of services, methods, or procedures as one who offers to provide or provides services involving the application of principles, methods, and procedures of the science and profession of audiology. An audiologist, by definition of scope of practice, may sell and dispense hearing aids under these provisions.

(2) "Board" means the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.

(3) "Licensed audiologist" means an individual who meets the qualifications for licensure as an audiologist under R.S. 37:2659(A) and who holds a current, unsuspended, and unrevoked license issued by the board. Unless otherwise specified, "licensed audiologist" shall not mean a person who has a provisional or restricted license issued under this Chapter.

(4) "Licensed speech-language pathologist" means an individual who meets the qualifications for licensure as a speech-language pathologist under R.S. 37:2659(A) and who holds a current, unsuspended, and unrevoked license issued by the board. Unless otherwise specified, "licensed speech-language pathologist" shall not mean a person who has a provisional or restricted license issued under this Chapter.

(5) "Licensed speech-language pathology assistant" means an individual who meets the qualifications for licensure as a speech-language pathology assistant provided in R.S. 37:2659(D), holds a current, unsuspended, and unrevoked license issued by the board, works under the direct supervision of a licensed speech-language pathologist in accordance with standards promulgated by the board, and performs only those duties specified in the rules and regulations established by the board.

(6) "Person" means any individual, partnership, corporation, or other legal entity, except that only an individual shall be eligible for license or be issued a license under this Chapter.

(7) (a) "Practice of audiology" means providing, or offering to provide, to individuals or groups of individuals who have, or are suspected of having, disorders of the auditory system, any service in audiology, including prevention, identification, evaluation, interpretation, counseling, consultation, habilitation, rehabilitation, instruction, supervision, and research. The practice of audiology shall also include audiology services for disorders of the vestibular system upon referral of a physician. An audiologist may engage in any task, procedure, act, or practice that is necessary:

(i) For the evaluation of hearing and the monitoring of neural functioning.

(ii) For training in the use of amplification, including hearing aids and assistive listening devices.

(iii) For the making of earmolds.

(iv) For the fitting, dispensing, and selling of hearing aids.

- (b) An individual who meets the requirements of this Chapter for licensure as an audiologist and who engages in the fitting and selling of hearing aids shall:
- (i) Register with the board his intent to fit and dispense hearing aids.
 - (ii) Comply with federal Food and Drug Administration guidelines required for fitting and dispensing hearing aids.
 - (iii) Follow guidelines adopted by the board for a thirty-day trial period on hearing aids dispensed.
 - (iv) Comply with pre-purchase evaluation guidelines adopted by the board.
 - (v) Provide documentation of completion of at least thirty semester credit hours of professional coursework, twenty-one hours of which shall be in audiology. A minimum of six semester credit hours shall be in specific areas in amplification, including:
 - (aa) Physical and electroacoustic characteristics of hearing aids and other assistive amplification devices.
 - (bb) Earmold and in-the-ear hearing aid acoustics, materials, types, tubing, impressions techniques, and modifications.
 - (cc) Room acoustics, including the effects of noise on speech intelligibility, environmental modifications, and interaction with amplification devices.
 - (dd) Principles and methods of evaluation, including determination of need for and characteristics of appropriate amplification using case history, self-assessment inventories, and audiological assessment data.
 - (ee) Selection procedures and protocols, such as traditional and contemporary evaluations, prescriptive fittings, real ear measurements, and programmable hearing aids.
 - (ff) Rationale for selection of various hearing aid characteristics and types of fittings.
 - (gg) Procedural modifications for special populations, such as pediatric, geriatric, developmentally disabled, and physically disabled.
 - (hh) Rehabilitative procedures, such as hearing aid orientation, counseling of hearing impaired individuals and their families, speechreading, and auditory training.
 - (ii) Business management and marketing strategies.
 - (jj) Professional aspects of hearing aid services, such as recordkeeping and documentation, risk management, quality assurance, professional liability, equipment selection, and reimbursement systems.
 - (vi) Provide documentation of a minimum of three hundred fifty supervised clock hours of clinical practicum obtained during graduate training with at least eighty of those hours obtained in the evaluation, selection, and use of appropriate amplification systems and their related components, including:
 - (aa) Making, fitting, and acoustic modification of earmolds.
 - (bb) Electroacoustic tests of amplification systems.
 - (cc) Maintenance of amplification systems, earmolds, and assistive devices.
 - (vii) Complete nine months of postgraduate professional experience, begun after completion of the academic and clinical experiences, under the supervision of a licensed dispensing audiologist.
- (c) Any audiologist licensed to dispense hearing aids on or prior to the effective date of this Act may continue to dispense, provided he meets the guidelines for license renewal.

(d) Any audiologist who comes to this state from a state with similar dispensing qualifications as provided in this Chapter may apply to the board for reciprocity and thereafter meet the guidelines for license renewal.

(e) All dispensing audiologists shall affix an annual registration seal to the displayed audiology license.

(f) An individual who meets the qualifications for licensure as an audiologist but lacks the coursework and practicum requirement necessary for registration as a dispenser of hearing aids may fulfill these requirements by:

(i) Completing nine months of postgraduate professional experience under the supervision of a licensed dispensing audiologist in the performance of such duties as specified in the rules and regulations adopted by the board.

(ii) Proof of the successful completion of a study course by the National Institute for Hearing Instruments Studies, or its equivalent, as defined in the rules and regulations adopted by the board.

(g) The practice of audiology may include speech and language screening, limited to a pass/fail determination for the purpose of identifying and referring individuals suspected of having disorders of communication.

(8) "Practice of speech-language pathology" means providing, or offering to provide, to individuals or groups of individuals who have or are suspected of having disorders of communication, including speech, voice, language, or cognitive processes and disorders of oral-pharyngeal function, including dysphagia, any service in speech-language pathology including prevention, identification, evaluation, interpretation, counseling, consultation, habilitation, rehabilitation, instruction, supervision, and research. The practice of speech-language pathology may include performing a hearing screening limited to a pass/fail determination for the purpose of identifying or referring individuals suspected of having disorders of hearing.

(9) "Provisional license" means a license issued by the board to an individual who meets the qualifications for provisional licensure established under R.S. 37:2659(B) and is practicing speech-language pathology or audiology while completing the postgraduate professional experience or examination as required by this Chapter. The provisional license holder may perform the practice of speech-language pathology or audiology only while under the supervision of a licensed speech-language pathologist or audiologist in accordance with standards promulgated by the board.

(10) "Provisional speech-language pathology assistant license" means a license issued by the board to an individual who meets the qualifications for provisional licensure established in R.S. 37:2659(E), and works under the direct supervision of a licensed speech-language pathologist in accordance with standards promulgated by the board and performs only those duties specified in the rules and regulations established by the board.

(11) "Restricted license" means a license issued to an individual who is certified by the State Board of Elementary and Secondary Education as a speech, hearing, and language specialist or the equivalent as defined by the State Board of Elementary and Secondary Education or as defined in R.S. 37:2659(C), wherein, the holder is authorized to perform the practice of speech-language pathology only while under the direct supervision of a licensed speech-language pathologist, in accordance with standards promulgated by the board.

(12) "Speech-language pathologist" means any person who represents himself to the public by title or by description of services, methods, or procedures as one who offers to provide or provides services involving the application of principles, methods, and procedures of the science and profession of speech-language pathology.

§ 2652. License required; single or dual designation; display of license

No individual shall practice speech-language pathology or audiology in the state unless the individual holds a current, unsuspended, unrevoked license issued by the board in accordance with this Chapter. This license shall be kept conspicuously posted in the office or place of business at all times. The license shall be granted in either speech-language pathology or in audiology, independently, but nothing in this Chapter shall be construed to prevent a qualified individual from being licensed in both areas with a dual speech-language pathology/audiology designation.

§ 2653. Exemptions

A. The provisions of this Chapter do not apply to:

(1) The activities and services, and the use of an official title, by an individual in the employ of a federal agency to the extent that such services and activities of such individual are part of the duties of the individual's office or position with such agency.

(2) The supervised activities and services of a student or trainee in speech-language pathology or in audiology, or both, who is pursuing a course of study at an accredited university or college or working in a recognized center, if these activities and services constitute a part of the student or trainee's course of study, and if such individuals identify themselves as students or trainees and not as speech-language pathologists or audiologists.

(3) The activities of aides and others who are not licensed or provisionally licensed speech-language pathology assistants but who assist the speech-language pathologist or audiologist in the performance of the speech-language pathologist's or audiologist's duties. Nothing in this Paragraph shall be construed to relieve the supervising speech-language pathologist or audiologist from the legal, ethical, and moral responsibility for the services to the client.

(4) The activities of a physician or surgeon licensed under R.S. 37:1261 et seq., and his employees who are performing their duties relating to the measurement of hearing under the direct supervision and control of the physician or surgeon but they shall not be called "audiologists".

(5) The activities of a hearing aid dealer licensed under R.S. 37:2441 et seq. Nothing in this Chapter shall be construed to limit or otherwise affect the "practice of selling and fitting hearing aids" as defined in R.S. 37:2442(4).

(6) The performing of routine hearing screening, limited to a pass/fail determination, by a registered nurse for the purpose of identifying and referring individuals suspected of having hearing disorders.

B. No person shall be exempt under Paragraphs (1), (2), and (3) of Subsection A of this Section who does any work as a speech-language pathologist or audiologist for which a fee is charged to the recipient of the service or to a third party.

§ 2654. Board of examiners; creation; membership; appointment; terms; chair; quorum

A. The Louisiana Board of Examiners for Speech-Language Pathology and Audiology is hereby created within the Department of Health and Hospitals and is subject to the provisions of R.S. 36:803. The board shall consist of seven persons who are residents of this state, and who, except for the public and physician member, have been engaged in providing service, or in teaching, or research in speech-language pathology or audiology for at least five years prior to appointment and who are licensed speech-language pathologists or audiologists under this Chapter. At least two of the members shall be practicing audiologists, one of whom shall be a dispensing audiologist, at least two shall be practicing speech-language pathologists, one of whom shall be currently certified by the State Board of Elementary and Secondary Education as a specialist of speech-language pathology and currently employed in a school setting, one shall be either a practicing speech-language pathologist or a practicing audiologist, one shall be a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners who shall serve in an advisory capacity only and shall not be a voting member of the board, and one shall be a public member.

(1) No public member shall:

(a) Have ever actively engaged in the practice of speech-language pathology or audiology.

(b) Be employed by, own, or participate in the management of an agency or business entity that sells, manufactures, or distributes health care supplies or equipment or provides health care services.

(c) Be an elected official.

(2) The public member shall be an individual or a family member/spouse of an individual who is deaf, hard of hearing or speech impaired or a member of an advocacy group committed to the advancement of the well-being of the deaf, hard of hearing or speech impaired.

B. Members of the board shall be appointed by the governor for terms of three years each or until their successors have been appointed and take office. The public member shall be appointed to the board on or before August 15, 1995.

C. (1) Appointment to the board shall be made without regard to race, creed, sex, religion, or national origin of the appointee. The Louisiana Speech-Language-Hearing Association, shall within not less than thirty days prior to the expiration of each term of office, submit to the governor a list of at least three names for each respective professional service category of board member, except the physician member and the public member, selected by all licensed speech-language pathologists and audiologists in this state, from which the governor shall make his appointment to fill the office for the next succeeding term.

(2) The Louisiana State Medical Society shall, within not less than thirty days prior to the expiration of the term of office of the physician member of the board submit to the governor a list of at least three names of physicians from which the governor shall make the appointment of the physician member of the board for the next succeeding term. The Louisiana Speech-Language-Hearing Association shall, within not less than thirty days prior to the expiration of the term of office of the public member, submit to the governor a list of three names selected by all licensed speech-language pathologists and audiologists in this state from which the governor shall make his appointment to fill the office for the next succeeding term. The three names shall be selected from those nominees submitted by any individual or advocacy group which meets the qualifications and requirements listed under Paragraph A(2) of this Section.

D. Any vacancy on the board occurring for any cause except the expiration of the term, shall be filled by the governor for the unexpired portion of the term from a list of names submitted by the board or the Louisiana Medical Society for a physician vacancy on the board or for the public member from names submitted to the board by an individual or advocacy group which meets the qualifications and requirements of Paragraph A(2) of this Section.

E. No person shall be eligible to serve for more than two consecutive three-year terms. All members appointed by the governor shall be confirmed by the Senate.

F. There shall be a chair and a vice chair of the board, who shall be elected annually from among the members of the board. A chair shall serve no more than three consecutive full years. Four members shall constitute a quorum for the transaction of the business of the board provided that at least one speech-language pathologist and one audiologist are present.

G. Regular meetings of the board shall be held at such times and places as is prescribed and special meetings may be held upon the call of the chair, provided that at least one regular meeting be held each year.

H. No member of the board shall be paid any compensation for duties performed as a member of the board, but shall be reimbursed for all reasonable and necessary travel expenses in attending any meeting of the board within this state and may be reimbursed for all other reasonable and necessary expenses incurred in attending meetings of the board or on necessary business of the board which is authorized by the board.

§ 2655. Secretary-treasurer; selection; duties

There shall be a secretary-treasurer of the board who shall be elected annually from among the members of the board. The secretary-treasurer of the board shall receive, disburse, and account for all monies paid to or received by the board; shall institute a system of books and financial records; shall open an account in a bank designated by the board as its official depository; shall be the custodian of and shall collect all fees; and together with one of the officers of the board shall co-sign all checks disbursing funds of the board. The secretary-treasurer shall be responsible for keeping a full and complete record of all proceedings, which shall be open to inspection by any members of the board or authorized representative, at all reasonable times; and shall publish or cause to be published a list of licensed speech-language pathologists and audiologists. The general functions of the secretary-treasurer may be enlarged at the discretion of the board.

§ 2656. Powers and duties of the board of examiners

The powers and duties of the board are as follows:

(1) Specific powers.

(a) The board shall administer, coordinate, and enforce the provisions of this Chapter, establish licensure and other necessary administrative fees, evaluate the qualifications of applicants, supervise the examination of applicants, and it may issue subpoenas, examine witnesses and administer oaths and shall investigate persons engaging in practices which violate or are alleged to violate the provisions of this Chapter.

(b) The board shall conduct such hearings and keep such records and minutes as are necessary for an orderly dispatch of business.

(c) The board shall adopt necessary rules and regulations, including but not limited to rules and regulations which establish ethical standards of practice, which the board may adopt and promulgate as a code of ethics; and it may amend or repeal rules and regulations made by it. Rules and regulations so adopted shall apply to all individuals who hold a license to practice or assist in the practice of speech-language pathology and/or audiology in this state at the time the rule or regulation is adopted.

(d) The board shall employ and may discharge employees necessary to carry out the work of the board and, subject to the laws applicable to employees in the classified service, shall outline their duties and fix their compensation.

(e) The board shall establish continuing education requirements for individuals licensed under this Chapter as a condition of licensure renewal. Such continuing education may be through programs either provided by or approved by the board.

(f) The board may enter into such professional service contracts as necessary to carry out its responsibilities under this Chapter in accordance with R.S. 36:803.

(g) The board shall adopt standards governing supervision of individuals who are required to be supervised by a licensed speech-language pathologist and/or audiologist under R.S. 37:2651.

(2) General powers. The conferral or enumeration of specific powers, unless otherwise indicated, shall not be construed as a limitation upon the general powers of the board conferred by this Chapter.

§ 2657. Fees; compensation; expenses

The board shall retain all fees and other monies received by it. Such funds may be expended by the board without appropriation for costs of administration and other expenses. Additionally, such funds may be used for the establishment and operation of continuing education programs relating to speech, language, or hearing disorders. Any funds remaining unexpended and unencumbered at the end of each fiscal year shall be retained by the board for expenditure in succeeding years and no part thereof shall revert to the general fund of the state.

§ 2658. Seal

The board shall adopt an official seal by which it shall authenticate its proceedings. Copies of the proceedings, records, and actions of the board, and certificates purporting to relate the facts concerning such proceedings, records, and actions, when signed by the secretary-treasurer and authenticated by the official seal, shall be prima facie evidence in all courts of this state.

§ 2659. Qualifications for license

A. No individual shall be eligible for licensure by the board as an audiologist, unless the individual:

(1) Is of good moral character.

(2) Holds a doctoral degree, or equivalent, in audiology from an accredited educational program, as evidenced by the submission of an official transcript, which consists of course work approved by the board.

(3) Has completed supervised clinical practicum through an accredited educational program, as evidenced by official documentation from the institution, the content of which shall be approved by the board.

(4) Has passed an examination approved by the board pertinent to the license sought.

B.(1) No individual shall be eligible for licensure by the board as a speech-language pathologist unless the individual:

(a) Is of good moral character.

(b) Holds a master's degree, or equivalent, in speech-language pathology from an accredited educational program, as evidenced by the submission of an official transcript which consists of course work approved by the board.

(c) Has completed supervised clinical practicum through an accredited educational program, as evidenced by official documentation from the institution, the content of which shall be approved by the board.

(d) Has passed an examination approved by the board pertinent to the area of practice.

(e) Presents written evidence from an employer or supervisor of at least thirty-six weeks of full-time supervised postgraduate professional employment, or its part-time equivalent. This experience must follow the completion of the requirements set forth in Subparagraphs (1)(b) and (c) of this Subsection.

(2) Individuals holding a baccalaureate degree in speech pathology and a speech pathology license issued pursuant to the law in effect prior to August 15, 1995, may continue to renew such license as specified in the rules and regulations as established by the board.

C. Individuals who apply for dual licensure in audiology and speech-language pathology must meet the qualifications set forth in Subsections A and B of this Section.

D. The board may issue a provisional speech-language pathology license to an individual who:

(1) Except for the supervised postgraduate professional experience, meets the requirements for licensure as a speech-language pathologist as provided by Subsection B of this Section. An individual may not hold such license for more than three years from the date of original issuance.

(2) Except for the supervised postgraduate professional experience and the examination requirement, meets the requirements for licensure as a speech-language pathologist as provided by Subsection B of this Section. An individual shall fulfill the examination requirement within one year from the date of original issuance. An individual who has passed the examination may have two additional years to complete the postgraduate professional experience.

E. The board may issue a restricted license to an individual who previously held a restricted license, on or prior to August 15, 1995, and submits proof of such licensure. Such individual may maintain a restricted license in accordance with the requirements for renewal established in R.S. 37:2661.1.

F. No individual shall be eligible for licensure by the board as a speech-language pathology assistant unless the individual:

(1) Is of good moral character.

(2) Holds at least a bachelor's degree from an accredited educational institution, as evidenced by the submission of an official transcript and has completed the course work specified by the board.

(3) Has completed required supervised clinical practicum from an accredited educational institution or its cooperating programs, as evidenced by official documentation from the institution, the content of which shall be approved by the board, or has completed a combination of supervised clinical practicum from an accredited educational institution or its cooperating program as evidenced by official documentation from the institution, the content of which shall be approved by the board, as well as supervised on-the-job training, the content of which shall be approved by the board.

G. The board may issue a provisional speech-language pathology assistant license to an individual who, except for the supervised on-the-job training, the content of which shall be approved by the board, meets the requirements for licensure as a speech-language pathology assistant as provided by Subsection F of this Section. An individual may not hold such provisional license for more than three years from the date of original issuance.

§2659.1. Authorization to Obtain Criminal History Record Information

A. As used in this Section, the following terms shall have the following meanings:

(1) "Applicant" means an individual who has made application to the board for the issuance, renewal, or reinstatement of any form of licensure or registration which the board is authorized by law to issue.

(2) "Board" means the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.

(3) "Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

(4) "Criminal history record information" means information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising therefrom, including sentencing, criminal correctional supervision, and release. It shall not include intelligence information gathered for investigatory purposes or any identification information which does not indicate involvement of the individual in the criminal justice system.

(5) "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

(6) "Licensure" means any license, provisional license, certification, or registration that the board is authorized to issue.

B. In addition to any other requirements established by board rules, the board shall require an applicant, as a condition of eligibility for licensure:

(1) To submit a full set of fingerprints, in a form and manner prescribed by the board.

(2) To permit the board to request and obtain state and national criminal history record information on the applicant.

(3) To pay the reasonable costs to be incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

C. In accordance with the provisions and procedure prescribed by this Section, the board shall request and obtain state and national criminal history record information from the bureau and the FBI relative to any applicant for licensure or registration whose fingerprints the board has obtained pursuant to this Section for the purpose of determining the applicant's suitability and eligibility for licensure.

D. Upon request by the board and upon the board's submission of an applicant's fingerprints, and such other identifying information as may be required, the bureau shall survey its criminal history records and identification files and make a simultaneous request of the FBI for like information from other jurisdictions. The bureau may charge the board a reasonable processing fee for conducting and reporting on any such search.

E. Any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use by the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

F. Upon investigation of the application and other evidence submitted, the board shall notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or is unsatisfactory and rejected. If an application is rejected, such notice shall state the reasons for the rejection and the applicant's right to a compliance hearing in accordance with the rules and regulations promulgated by the board.

§ 2660. Waiver of requirements

The board may issue licenses under the following special conditions:

(1) (a) The board may, in its discretion, license as a speech-language pathologist and/or audiologist without examination, or a speech-language pathology assistant on payment of the prescribed fee, an applicant for licensure who is a speech-language pathologist and/or audiologist or a speech-language pathology assistant licensed under the laws of another state, territory, commonwealth, or District of Columbia, if:

(i) The requirements for licensure of speech-language pathologists and/or audiologists or speech-language pathology assistants were at the date of licensure substantially equal to the requirements then or subsequently in force in this state.

(ii) The state, territory, commonwealth, or District of Columbia, from whence the applicant for a license comes, accords similar privilege of licensure without examination to holders of certificates as licensed speech-language pathologists and/or audiologists under this Chapter.

(iii) The state, territory, commonwealth, or District of Columbia, from whence the applicant for a speech-language pathologist and/or audiologist comes, requires successful completion of an examination as a condition of such licensure.

(b) The board may, in its discretion, allow an applicant who may meet the requirements of reciprocity to practice until a license is issued or the application for reciprocity is denied by the board, provided that the applicant has submitted documentation of a current, unsuspended, unrevoked license.

(2) The board may waive the examination and the requirement of documentation of clinical practicum for applicants who hold a certificate of clinical competence from the American Speech-Language-Hearing Association.

(3) The board shall waive, upon request, the examination requirements for any applicant who is currently certified by the State Board of Elementary and Secondary Education as a specialist of speech-language pathology and currently employed in a school setting.

§ 2661. Fees

A. The board shall charge and collect a licensing fee not to exceed one hundred fifty dollars, an annual renewal fee not to exceed one hundred dollars, and other reasonable administrative fees, the amounts of which shall be fixed by the board. The board shall fix the amount of the fee so that the total fees collected will be sufficient to meet the expenses of administering this Chapter.

B. The fees fixed by the board shall be exclusive, and no parish or municipality shall have the right to require any person licensed under the provisions of this Chapter to furnish any bond, pass any examination, or pay any license fee or occupational tax as a condition precedent to engaging in the practice of speech pathology and audiology.

§ 2661.1. License renewal

A. Every individual licensed under this Chapter and whose license is renewable, including holders of provisional, restricted, assistant, and provisional assistant licenses shall:

- (1) Pay a renewal fee established by the board.
- (2) Submit timely application for renewal on a form prescribed by the board.
- (3) Show evidence of continuing education as required by the board.

B. An individual licensed under this Chapter who has allowed such license to lapse shall:

- (1) Pay a lapsed renewal fee not to exceed two hundred dollars.
- (2) Resubmit application for license on a form prescribed by the board.
- (3) Show evidence of continuing education as required by the board.

§ 2662. Disciplinary action

A. Any individual licensed under this Chapter may have their license suspended or revoked or be disciplined by the board upon proof that such individual:

(1) Has been convicted of any offense which constitutes a felony under the laws of this state, whether or not the conviction was in a court in this state.

(2) Has obtained his license by means of fraud, misrepresentation or concealment of material facts.

(3) Has engaged in abusive or fraudulent billing in connection with services provided.

(4) Has engaged in conduct likely to deceive, defraud or harm the public, or demonstrated a willful or careless disregard for the welfare or safety of a consumer.

(5) Has engaged in unprofessional conduct, as defined by the rules established by the board, or has violated the code of ethics adopted and published by the board.

(6) Has violated any lawful order, rule or regulation rendered or adopted by the board.

(7) Has provided professional services while:

(a) Mentally incompetent.

(b) Under the influence of alcohol.

(c) Has used any narcotic or controlled dangerous substance or other drug that is in excess of therapeutic amounts or without valid medical indication.

(8) Has violated any provision of this Chapter.

B. When the board is authorized to discipline an individual, the board may:

(1) Refuse to issue or renew a license.

(2) Issue a public or private letter of reprimand or concern.

(3) Require restitution of costs and expenses, not to include attorney's fees, in connection with the enforcement of this Chapter.

(4) Impose probationary conditions.

(5) Impose a fine for each violation not to exceed one thousand dollars.

(6) Suspend or revoke a license.

(7) Restrict the license by limiting or reducing the scope of practice.

(8) Otherwise discipline a licensee upon proof of violations of any provisions of this Chapter.

§ 2663. Disciplinary hearing; procedure, appeal

A. Any person, against whom a complaint has been filed under this Chapter shall be given thirty days notice, in writing by certified mail with return receipt, enumerating the charges and specifying the date, place, and time for public hearing thereon. In connection with any hearing, the board may issue subpoenas, compel the attendance and testimony of witnesses, and administer oaths the same as a district court in the parish where the hearing takes place. A stenographic record of all proceedings before the board shall be made and a transcript kept on file with the board.

B. Any licensee aggrieved by a decision of the board may appeal the decision within thirty days thereof to the district court

for the parish in which the board is domiciled. In such case the secretary-treasurer shall transmit to the district court a certified copy of the record. The procedure for the appeal shall be pursuant to the Administrative Procedure Act. [FN1]

C. The board is authorized to recover its attorney fees, costs, and expenses in connection with the enforcement of R.S. 37:2662 through 2666.

D. The state of Louisiana shall be a party to the prosecution of all such actions and hearings before the board pertaining to the suspension and revocation of a certificate, and the attorney general, or one of his assistants, is hereby authorized and directed to appear on behalf of the state.

§ 2664. Prohibitions

No person may:

- (1) Sell, barter, or offer to sell or barter a license.
- (2) Purchase or procure by barter a license with intent to use it as evidence of the holder's qualifications in the practice of speech-language pathology or audiology.
- (3) Alter a license materially.
- (4) Use or attempt to use a license which has been purchased, fraudulently obtained, counterfeited, or materially altered.
- (5) Willfully make a false, material statement in an application for a license or for renewal of a license.

§ 2665. Penalties

A. Whoever violates this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than six months or by fine or both, and each violation shall be considered a separate offense.

B. The board may enforce this Chapter by injunction or by any other appropriate proceeding. No such proceeding shall be barred by any proceeding had or pending pursuant to R.S. 37:2662, or by the imposition of any fine or term of imprisonment pursuant thereto.

§ 2666. Protected action and communication

A. There shall be no liability on the part of and no action for damages against:

(1) Any member of the board, or its agents or employees, or any member of an examining committee of speech-language pathologists or audiologists appointed or designated by the board, for any action undertaken or performed by such person within the scope of the duties, powers, and functions of the board or such examining committee as provided for in this Chapter when such person is acting without malice and in the reasonable belief that the action taken by him is warranted.

(2) Any person, committee, association, organization, firm, or corporation providing information to the board, its agents or employees, or to an examining committee of speech-language pathologists or audiologists appointed or designated by the board, whether a witness or otherwise. Such a person, committee, association, organization, firm, or corporation providing such information without malice and in the reasonable belief that such information is accurate shall not be held, by reason of having provided such information, to be liable in damages under any law of the state or any political subdivision thereof.

B. In any suit brought against the board, its employees or agents, any member of an examining committee appointed by the board, or any person or entity providing information to the board, when any such defendant substantially prevails in such suit, the court shall, at the conclusion of the action, award to any such substantially prevailing party defendant against any such claimant the cost of the suit attributable to such claim, including a reasonable attorney's fee, if the claim was frivolous, unreasonable, without foundation, or in bad faith.

C. For the purposes of this Section, a defendant shall not be considered to have substantially prevailed when the claimant obtains an award for damages or permanent injunctive or declaratory relief.

THE PROVISIONS OF THIS ACT SHALL APPLY ONLY TO PROCEEDINGS INSTITUTED AFTER THE EFFECTIVE DATE OF THIS ACT.