



Louisiana Board of Examiners for **SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY**

MISSION STATEMENT: *We exist because the legislature declared 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."*



Practice Act Education

The Louisiana Board of Examiners for Speech-Language Pathology and Audiology (LBESPA) has presented at the annual convention of all three of the state's professional associations (LSHA, SPALS and LAA) over the last two years in an effort to inform our professional communities regarding the activities of the Board. More specifically, there has been a concentrated push to inform and educate licensees concerning current issues the Board has been considering for the last several years. There are a multitude of significant issues impacting the Board and its mission to protect consumers. These challenges are a result of evolving academic and certification requirements and national trends in the communication professions, as well as in the overall regulatory world.

During the recent presentations at the June 2015 LSHA Convention in Lafayette, LBESPA members provided information on the activities of the Board for 2014-15. Topics discussed included number of licensees, trends in licensure categories, disciplinary actions, potential relocation of board office, updating the data base, presentations at universities and for other groups, discontinuation of LBESPA's Spring Continuing Education Activity and discontinuation of the Board's video library.

A second presentation at the LSHA convention, "Revisions of the Practice Act: Strategies for Change", provided historical information concerning audiology and speech-language pathology licensure in Louisiana. Louisiana's first Practice Act was passed in 1972 during Governor Edwards' first term. The Practice Act has been revised twice since 1972. Those changes occurred in 1978 and 1995.

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Board Members

Stephen J. Harris, L-AUD/SLP
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Glenn M. Waguespack, L-AUD
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LBESPA Welcomes New Board Members



Daphne R. Washington, MA, L-SLP, CCC-SLP

Daphne was appointed to the Board by Governor Bobby Jindal on November 21, 2014. Mrs. Washington was awarded her Bachelor's degree from Henderson State University in 1988 and her Master's degree from Louisiana Tech University in 1989. Currently, she is a speech-language pathologist and Professional in Residence at Louisiana Tech University serving as an instructor, clinical supervisor and manager of the augmentative communication program. Mrs. Washington is a member of the American Speech-Language-Hearing Association (ASHA), member of ASHA Special Interest Division 12 (AAC), and a Fellow of the Louisiana Speech-Language and Hearing Association (LSHA). She has worked in a variety of settings including university, public schools, early intervention, rehabilitation, assistive technology, skilled nursing facilities, and home health. She has worked in the field of augmentative/alternative communication for the past 20 years. During this time, she has evaluated and provided follow-up services for children and adults. In addition, she has conducted trainings/courses for pre-professionals and professionals in the fields of speech-language pathology, occupational therapy and physical therapy.



Theresa H. Rodgers, MA, L-SLP, CCC-SLP, EdSp (LD)

Theresa is a speech-language pathologist and special education consultant based in the metro Baton Rouge area. She was employed by the Ascension Parish School System for more than thirty-two years including the positions of special education supervisor and speech-language services coordinator. Theresa has also been the Chief Administrative Officer for a government entity, St. John the Baptist Parish.

Theresa was a member of the 2012-14 ASHA Board of Directors (BOD) serving as Vice President for Government Relations and Public Policy (GRPP). As VP for GRPP, she was also a member of the ASHA Political Action Committee BOD and liaised with the following committees: GRPP Board, Health Care Economics, Joint Committee on State-National Association Relationships, Medicaid, and School Finance. Named an ASHA Fellow in 2009, her service to ASHA has also included membership on the Continuing Education Board, the Council for Clinical Certification (chair in 2007 and 2008), Committee of Chairs of Standards and Ethics, SLP Advisory Council, and Legislative Council. She has served as a Council on Academic Accreditation site visitor and was a member of the Subject Matter Expert Panel during the development of the 2009 SLP Practice Analysis Survey. She is currently a member of the Board of Ethics.

Theresa is a former president of the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology (NCSB), the Council of State Association Presidents (CSAP), and the Louisiana Speech-Language-Hearing Association. She has served five previous non-consecutive terms on the Louisiana licensure board as well as five terms on the NCSB Board of Directors. Additionally, Theresa served a term on the International Commission on Healthcare Professions SLP/Audiology Standards Committee for the Commission on Graduates of Foreign Nursing Schools (under the Department of Homeland Security).

LBESPA Welcomes New Board Members



Tammy P. Crawford, MA, L-SLP, CCC-SLP

Tammy is from the Baton Rouge area where she received her Masters Degree from Southeastern Louisiana University in 1999 and has worked in the public school system sector since 1995. In 2009, she began and currently holds the position of Speech/ Technical Assistance Coordinator for Livingston Parish Public Schools. This is her first term serving on the LBESPA board as a licensed school based SLP. She has represented the SPALS executive committee as President, President-Elect and Past President for five years and also served many years as Regional II representative. Professional memberships include: LSHA, ASHA, CEC, SPALS and LASE. Tammy's overall enjoyment is that of being a mother to two-young Christian men, working with parents, therapists, teachers and students to assist everyone in achieving success and professional improvement in all areas of communication skills. Her highest special interest is to increase communication skill deficits that are challenging in children with Autism and preschool language development.



Anita Jeyakumar, MD, FACS

Dr. Jeyakumar is a Pediatric Otolaryngologist with a strong interest in Pediatric Ear Disease and Pediatric Hearing Loss. She obtained her MD from Meharry Medical College, did her Otolaryngology residency in University of Rochester, and her Pediatric Otolaryngology fellowship at the Cleveland Clinic, Ohio. She has been in practice since 2006.

Dr. Jeyakumar was on faculty at Washington University in Saint Louis and Saint Louis University from 2006-2011 where she was actively involved in pediatric cochlear implantation, and was the director of the pediatric cochlear implant team at Saint Louis University from 2009-2011. She has been actively involved in Resident Medical Education. She won the resident teaching award in 2009 from Washington University and was the Associate Program Director in Saint Louis University from 2009-2011. She is currently the Assistant Program Director for the Department of Otorhinolaryngology at Louisiana State University-Health Science Center.

Dr. Jeyakumar has won numerous awards for her emphasis on patient care, resident education, and clinical research. She has been named a Top Doctor by Castle Connolly from 2013-2015, and was awarded the 2015 GIN Scholar Award by the American Academy of Otolaryngology.

Dr. Jeyakumar has several scientific publications to her credit, including peer reviewed articles, book chapters, reviews and abstracts. She is a fellow of the American College of Surgeons, a member of the American Society of Pediatric Otolaryngology and member of the Society of University Otolaryngologists. She is an editor for national and international otolaryngology and pediatric journals.



BY: STEVE HARRIS

In today's world it is difficult to find anyone who does not use some form of social media to communicate or share personal and professional issues. One of the Board's primary goals is to provide information about its activities and to provide outreach to both professionals and the public.

The utilization of public service announcements (PSA), newspaper ads, and a Board Website are methods of getting the news out regarding the Board's mission:

"We exist because the legislature declared 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."

Public Service Announcements are static, expensive to produce and typically relegated to the wee hours of the night. Print media is expensive, static and limited geographically. The Board's website is, for the most part, limited to individuals from within the professions and are all one sided communication. Social media can garner millions of views, is easily updated and revised as situations change, inexpensive and considered as two-way communication. Some of the issues to be considered by the Board as it considers the use of social media are which platform would be the best, how often and who would be authorized to update, share and respond, post content and manage the account.

The Board is trying to determine if this is a worthwhile pursuit in which the potential positive outcomes outweigh any potential negative ones. In that effort the Board will be developing a survey asking stakeholders questions, such as, what social media platform(s) should be considered, what content would be useful, and what are potential pitfalls and benefits. LBESPA will also research other regulatory agencies who are utilizing or considering Social Media as a method of engaging and informing their constituents.

LBESPA PROPOSES REGULATION OF AUDIOLOGY ASSISTANTS

By: Glenn Waguespack

When the licensure law was last revised in 1995, regulation was implemented to license speech-language pathology assistants. At that time discussions were held regarding regulation of audiology assistants although no legislation was introduced for this purpose. Since that time, it has been brought to the attention of LBESPA that audiology assistants are being utilized in Louisiana. There is no apparent educational requirement, and the scope of practice varies depending upon the job setting and the supervising audiologist. Supervision is also a variable that has not been standardized, all of which place consumers of audiology services at risk for treatment by unqualified personnel.

LBESPA sent a survey regarding this issue to all licensed audiologists in the Spring. Inherent in the survey were questions pertaining to the educational level, practical experience prior to and during employment as an assistant, supervision requirements, and scope of practice. The scope of practice questions related not only to procedures and tasks which could be performed by the audiology assistant, but also to those procedures that could be performed with and without interpretation. Of the audiologists responding, the majority were in favor of regulation of audiology assistants. There was much variation regarding the educational requirement, the practicum requirement, supervision mandates, and the duties that might fall within the scope of practice for an audiology assistant. It is obvious that LBESPA needs additional input from audiologists in Louisiana before legislation can be drafted regarding this level of licensure.

NOTE: Steve Harris and Glenn Waguespack, LBESPA Audiologists, participated in a discussion regarding audiology assistants at the Louisiana Academy of Audiology meeting in New Orleans in September. The purpose of the presentation was to present survey results and obtain input from audiologists in attendance regarding their views of best practice for audiology assistants in Louisiana.

LBESPA MEMBERS CONTINUE TO PLAY ACTIVE ROLE IN NATIONAL COUNCIL OF STATE LICENSURE BOARDS (NCSB)

NCSB, the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology, was formed 30+ years ago to assist state boards in ensuring consumer protection by formulating and implementing state statutes in speech-language pathology and audiology. Although all states have now implemented regulation of the professions, NCSB continues to function in an advisory role to facilitate communication among licensure boards.

Since the mid-1990's, members of LBESPA have played an active role in the organization. Theresa Rodgers and Glenn Waguespack are both Past Presidents of NCSB, and Glenn continues to serve on the Board of Directors as Editor. Kerri Phillips, a former LBESPA member, is the current President-Elect of NCSB, and as such, is responsible for planning the program for the annual conference to be held this October. Theresa and Glenn developed a module for board member training, and what was originally begun as a half-day of training, has now become a full day of training held the day before the annual conference. The training begins with a presentation on statutory authority conducted by the LBESPA attorney, Ayn Stehr. Following are a mock disciplinary hearing, exercises in drafting sample legislation, and a discussion of scenarios that represent potential violations of the state board statute and/or rules and regulations. The scenarios are designed to provide attendees with practical information regarding the appropriate steps for evaluating and resolving complaints. Board member training has been well-received, and portions of the Louisiana statute and rules and regulations have provided a model that has been adopted by other state boards.

This year the conference will be held in Charlotte, North Carolina. All LBESPA professional members and the public member are expected to attend, and a written report regarding the conference is included as part of the minutes for the next meeting. At the meeting this year, Jolie Jones, LBESPA Executive Director, will participate as a panelist for a round table discussion, while both Theresa and Glenn are program presenters in addition to their role with the board member training.

The Louisiana licensure law was first enacted in 1972 as regulation for private practitioners, but during its first revision in 1978, it was expanded to include licensure in all job settings. This universal licensure is the standard to which all state boards aspire; unfortunately, there are many states that have yet to achieve this goal. Louisiana has been a trend-setter with respect to licensure and regulation, and through its association with NCSB, has been able to share its successes with other state regulatory bodies. More information regarding NCSB can be found on its web site at www.ncsb.info.

Coming January 2016!

The Board is excited to announce that we will present a new and improved website and content management system in January 2016! The website will unveil a new design, as well as be more user-friendly for licensees, applicants, and consumers. Each applicant and licensee will now have a personalized dashboard, which will assist in tracking application status and staying up-to-date with your licensure. Upon launch, we will accept applications online or traditional paper applications. We will have an interactive continuing education section, which will allow each licensee to upload and track continuing education certificates through their dashboard. Board members and staff are also looking forward to a more simplified online renewal process this year!



Deaf Child Bills of Rights

BY: LAURA GRESHAM

The Louisiana Legislature recently passed revisions to the Deaf Child Bill of Rights. Now entitled Act 250, this law went into effect August 1, 2015. Major revisions to the law include listing Deaf-Blind individuals along with Deaf and Hard of Hearing individuals, clarifying IDEA protections for those students and mandating that the deaf, deaf-blind, hard of hearing students have a communication plan included in their Individual Educational Program (IEP) or Individual Accommodation Plan (IAP).



The Deaf Education Alliance (DEA), an organization composed of parents, community members, educators, related service providers and other professionals, was instrumental in getting this bill passed and is working closely with the Louisiana Department of Education as the key stakeholders to implement the revisions in the bill. The original Deaf Child Bill of Rights was established in 1992. The DEA found that the original law lacked strong enough language to mandate rights and equal access for our deaf children. Immediate issues of concern to guide public schools in implementing the law are: revising the Handbook for Personnel who Work with Students who are Deaf, Deaf-Blind and Hard of Hearing, and the dissemination and implementation of a comprehensive communication plan to be used by all public schools. A standardized communication plan will help IEP teams to address the varied communication needs of their deaf, hard of hearing and deaf-blind students and be accountable to the law.

The Deaf Education Alliance will hold a summit at the Clarion Conference Center in Gonzales, LA on September 25 & 26th continuing their goal of bringing deaf education to the forefront of education improvement in Louisiana. For more information visit www.ileead.org.

LBESPA Discontinues Annual Workshop BY: JOLIE JONES

LBESPA recently voted to discontinue offering its annual continuing education workshop. The board originally began offering its continuing education workshop in 1995 to ensure licensees would be able to find high quality continuing education opportunities at an economical rate. LBESPA has taken great pride in offering presentations from some of the wonderful talent found in our great state, as well as having well known speakers from across the country. LBESPA has provided this valuable continuing education event for the past 19 years. Only a small percentage of licensees have taken advantage of this event and because there are reasonably priced continuing education opportunities now available, the board has decided to discontinue its workshop. The Board also discontinued its Media Library effective December 30, 2014.

The board does place tremendous value on face to face seminars and encourages you to attend local state offerings such as LSHA, SPALS and LAA annual conventions. Other great continuing education opportunities can be found through ASHA, AAA, Audiology Online, speechpathology.com, and Passy-Muir to name a few.

As a reminder, activities that are sponsored by ASHA, LSHA, SPALS, AAA, schools, universities, hospitals, or state agencies are considered acceptable offerings and do not require pre-approval. If you are interested in attending an activity that does not fall under one of these sponsors, you may be required to submit a request for pre-approval to the board office.



LBESPA BOARD MEMBERS ATTEND FARB TRAINING

BY: STEVE HARRIS

Louisiana Board of Examiners for Speech-Language Pathology and Audiology (LBESPA), members and staff, attended a presentation, "Comprehensive Regulatory Training", by Dale Atkinson, Director of the Federal Association of Regulatory Boards (FARB) in Baton Rouge on May 20, 2015. FARB promotes consumer protection and provides a forum for information exchange for associations of regulatory boards. FARB is primarily an association of regulatory boards.

FARB's mission is to promote excellence in regulation for public protection by providing expertise and innovation from a multi-professional perspective.

In addition to LBESPA's attendance several other Louisiana regulatory boards participated including the Board of Examiners of Dietetics and Nutrition, the Social Work Board, the Physical Therapy Board, the Psychology Board, the Massage Therapy Board and their board attorneys, as well as, eight Louisiana Assistant Attorneys General.

The following are some of FARB's key objectives:

- To exchange information and engage in programs and joint activities with member boards and associations.
- To provide a forum for cooperation in solving the mutual problems of participating associations across jurisdictions and professions.
- To engage in activities to improve the standards of professions, the delivery of services, and the services of regulatory licensing agencies.
- To provide educational opportunities and legal updates for lawyers who represent regulatory boards.

The FARB presentation provided all attendees with outstanding opportunities to understand common challenges regulatory agencies face, as well as, potential solutions offered through FARB's model documents and white papers. In addition, licensure board members and staff were provided with trend data and issues impacting regulatory agencies across the country.

One area of high interest was a discussion of the significance of the U.S. Supreme Court's recent decision in *North Carolina State Board of Dental Examiners v. FTC* (2015). This case addressed concerns that regulatory boards are typically served by members of the profession who are actively engaged in the profession and thus not protected by the "state-action antitrust immunity" doctrine. The high number of state attorney generals and board attorneys in attendance had much to do with the discussion regarding this issue.

Without a doubt this was an outstanding educational opportunity for members and staff of LBESPA. The information obtained and the networking opportunities with other regulatory boards will be utilized to enhance LBESPAs operations, policies and procedures.



2015

Inter-professional Presentation on Cochlear Implants

By:
Dr. Anita Jeyakumar

LBESPA's 2015 workshop featured a presentation on cochlear implants. The formal part of the presentation was led by Dr. Maura Cosetti and Dr. Anita Jeyakumar. The doctors discussed adult and pediatric cochlear implantation, respectively, and reviewed modern advances in the field of cochlear implantation. Each of the 3 cochlear implant companies discussed up-coming advances in their products, including the ability to swim with cochlear implants, and MRI compatible cochlear implants. The highlight of the workshop was an open forum, where families of children with cochlear implants, as well as adults with cochlear implants candidly discussed the challenges and benefits they had experienced in their journeys. The families and adults are to be especially congratulated for their willingness to step in the lime light and share their stories in order to facilitate the care of future patients.



DISCIPLINARY ACTION

Continued from cover...

June 4, 2015 – The practice of Kimberly Cooke, L-SLP#5501, was restricted through a Consent Agreement and Order.

October 18, 2014 – The license of Sarah Burks, Speech-Language Pathology Assistant #3954, was disciplined through a Consent Agreement and Order for practicing without appropriate supervision.

August 9, 2014 – The license of Angela Driggers, L-SLP#4262, was disciplined through a Consent Agreement and Order for failure to maintain adequate records of professional services rendered.

August 9, 2014 – The license of Brittany McCarty, Speech-Language Pathology Assistant #7182, was disciplined through a Consent Agreement and Order for practicing without a license and practicing beyond the scope of a speech-language pathology assistant. The Consent Agreement and Order was amended on June 4, 2015 to allow additional time for completion due to extenuating circumstances.

June 11, 2014 – After a disciplinary hearing, the Board rendered a Decision regarding Pamela Ross, L-SLP #986, for fraudulent billing and failure to professionally terminate services. Thereafter, the license was revoked on October 18, 2014 for non-compliance of portions of the stipulations issued in the Board's Decision.

March 7, 2014 – The license of Amy N. Ballard, L-SLP #5759 was suspended for non-compliance of a Consent Agreement and Order signed on February 22, 2013 for practicing with a lapsed license.

August 6, 2011 – The license of Deborah J. Hutchin, L-SLP #940 was revoked for failure to comply with the Consent Agreement and Order signed on October 2, 2010 for failure to provide required services to students in accordance with their IEPs and failure to maintain adequate records of professional services rendered.

Practice Act Education

One of the most significant modifications to the Practice Act occurred in 1978. This version of the Practice Act made Louisiana one of the early exemption-free states. Virtually all practice settings required licensure as a result of the amendments put forth during the 1978 legislative session.

In 1995 a number of noteworthy changes were also enacted. First, following passage of the 1995 Practice Act audiologists are now able to dispense hearing aids under their audiology license and are no longer required to hold dual licensure as a hearing aid dealer. Second, the licensure category of Speech-Language Pathology Assistants was created in an effort to avert loss of licensure requirements for school based settings. LBESPA has twice conducted surveys regarding the utilization of speech-language pathology assistants and the data are positive. Third, a Public Member was added to the composition of the Board in an effort to add strength to the Board's mission, consumer protection. Fourth, continuing education for licensure renewals was mandated. Finally, expanded disciplinary actions and procedures were included to provide the Board with additional and more effective tools. Prior to the 1995 revisions, the only options the Board had at its disposal following a disciplinary hearing were suspension or revocation of a license.

Each revision of the Practice Act has addressed important matters which have warranted modifications. During the time periods between the initial and subsequent revisions of the Practice Act, the Rules and Regulations required modifications to maintain currency with the practice. First, adjustments were necessary to reflect the new language and requirements in the law. Second, revisions were required as operating procedures changed. These changes were typically the result of trends and the evolving requirements and standards for entry-level professionals, including revised language to reflect passing criteria of the new Praxis in conformity with updates from Educational Testing Service. Necessary alterations to the Rules and Regulations since the 1995 revision have included coursework requirements consistent with the doctoral degree in Audiology, a Code of Ethics for SLP Assistants, provision of tele-supervision, expedited licensing process for military personnel or spouses of military personnel, and provision for emergency preparedness.

Many revisions, such as the possibility of licensing audiology assistants, the elimination of specific hearing aid dispensing requirements and the post-graduate professional experience for audiology, as well as examining clinical practicum requirements and *Continued on page 11...*

CONTINUING EDUCATION AUDITS

BY: Glenn Waguespack

Each renewal period a small percentage of licensees receive a letter advising them that their continuing education hours will be audited. They are asked to provide documentation of CE hours earned for that period. According to the Rules and Regulations, a number of these hours can be earned in the area of licensure, while some can be earned in a related area. While there are many avenues available for licensees to earn continuing education, there needs to be clarification regarding what constitutes both acceptable documentation and acceptable continuing education activities.



LBESPA is grateful to the many school districts for their assistance in making continuing education available to their employees. However, the items on the agenda submitted as proof of CE hours do not all fall under the umbrella of professional development. According to the Glossary of Education Reform, professional development refers to the furtherance of education and knowledge in a subject area—e.g. learning new scientific theories, expanding knowledge, or learning how to teach subject-area content and concepts more effectively. While most agendas do contain items related to professional development, there are those that reference the greeting of new therapists, announcements, and discussion of assignments. These do not fall under the definition of professional development nor do they relate to licensure in the area or in a related area. As such, they should not be submitted as part of a three-hour workshop for speech-language pathologists and audiologists. Perhaps submission of a time-ordered agenda would assist the person conducting an audit in determining the topics that constitute true professional development. Questions regarding continuing education activities can be sent to the Board office at www.lbespa.org.

Hidden curriculum (2014, August 26). In S. Abbott (Ed.), *The glossary of education reform*. Retrieved from <http://edglossary.org/hidden-curriculum>.

LBESPA PROVIDES LICENSURE INFORMATION FOR TRAINING PROGRAMS

For a number of years members of the licensure board have been available to speak with students in training programs across the state. A presentation entitled “How to Transition from School to Work” was initially developed by Theresa Rodgers and has been modified as the rules have changed. In addition to the power point presentation, students are provided with applications for licensure and all other information necessary to ensure they understand the difference between licensure and certification, as well as, to develop an understanding of the need to apply for licensure before beginning work in Louisiana. University training programs may request that a board member present the licensure information by contacting the board office.

Supreme Court Rules against North Carolina Dental Board Decision Raises Questions about State Sovereignty and Vulnerability of Licensure Boards to Antitrust

Article by: Theresa H. Rodgers, Board Member

The North Carolina State Board of Dental Examiners, comprised of six dentists, a dental hygienist and a consumer member, began in 2003 to respond to complaints from dentists by investigating teeth-whitening services provided by nondentists, issuing dozens of cease and desist letters to these service providers. The Federal Trade Commission (FTC) issued an administrative complaint against the North Carolina Board maintaining that the dental board acted to exclude nondental teeth whiteners from the market in the state. The dental board argued that it is a state entity charged with regulating the practice of dentistry, which includes teeth-whitening services.

Under the state action antitrust immunity doctrine, parties may claim immunity from antitrust laws if certain criteria are met. The dental board asserted it was not subject to the “active State supervision” criterion. It was also argued that federal antitrust laws were not intended to interfere with state actions as a sovereign regulator. The FTC’s claims were upheld throughout the various appeal levels including the Fourth Circuit which ruled that the North Carolina State Board of Dental Examiners was not entitled to antitrust immunity because the Board’s activities were not actively supervised by the state (North Carolina State Board of Dental Examiners v. Federal Trade Commission, Case No. 12-1172 [4th Cir. May 31, 2013]).

In a 6-3 vote, the U. S. Supreme Court’s February 25, 2015 decision was consistent with that of lower courts in siding with the FTC’s claim that the North Carolina dental board was subject to antitrust laws, due in part to lack of oversight by the state, with the court electing to focus on the question of oversight of public and private regulatory boards. The court agreed that the actions of the board, such as sending the cease and desist letters to nondentist whitening businesses, prevented fair market competition. Further, members of the dental board were found to be vulnerable to conflicts of interest between the duties of the board and the commercial interests of its members, and were viewed to have a commercial stake in the regulation of nondentist teeth-whitening businesses.

It should be noted that seventeen Briefs of Amici Curiae (information submitted by individuals/groups who are not a party to the case) were submitted to the U. S. Supreme Court including the Brief for the National Governors Association, the National Conference of State Legislatures, and the Council of State Governments as Amici Curiae Supporting Petitioner. One of the arguments made within this Brief is that states hold board and commission members to high standards. Multiple examples are delineated including the Louisiana Code of Governmental Ethics. “The Code prevents board and commission members from engaging in behavior like

‘participat[ing]... in a transaction involving’ the board in which the members, their immediate families, or their investments ‘have a substantial economic interest.’” (p.17)

As LBESPA evaluates various factors in drafting potential revisions to the practice act and rules and regulations, it is important that the board remain cognizant of the recent SCOTUS (Supreme Court of the United States) decision. Nevertheless, the Louisiana Board of Examiners for Speech-Language Pathology and Audiology is confident that it is fulfilling its responsibility to protect the public health, safety and welfare in an appropriate manner.

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Kulsrud, Z. (2015, March 03). Supreme Court Issues Ruling in North Carolina Dental Board, Federal Trade Commission Case. Retrieved August 7, 2015 from: <http://www.dentistryiq.com/articles/2015/03/supreme-court-issues-ruling-in-north-carolina-dental-board-federal-trade-commission-case.html>

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Practice Act Education

updating scopes of practice of each profession need to be considered. In addition, governance over unlicensed practice, addition of criminal background checks for consistency with national standards, updating and expanding information concerning telepractice and resolution of potential conflicts with sections of the law and the existing language in the rules and regulations are all areas of concern that require attention.

The Board hopes to put forth a proposed bill for the 2016 legislative session but there are hurdles to address prior to finalizing this endeavor. It should be noted that opening up the Practice Act is not a pursuit without risk. Careful consideration will be given to the potential harm and gains prior to any action. Board members will continue to reach out to all stake holders as it moves forward in this process. The input, support and assistance of individual licensees and professional associations are critical to accomplishment of this task.

Remaining Board Meeting Dates:



- October 16, 2015
- December 4, 2015 (New Orleans)

LICENSE COUNT:

AUDIOLOGY	51
AUDIOLOGY/ H.A. DISP	281
PROV/SLP	155
PROV/SLP/ASSISTANT	24
RESTRICT SPEECH/PATH	132
SLP ASSISTANT	219
SPEECH LANG PATH	3070
.....	
Total Licensed	3932
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Louisiana Board of Examiners for



SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY

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