

January 26, 2021

Re: Written testimony in opposition to SB 10

From: Kansas Speech-Language-Hearing Association (KSHA)

Dear Chairman Olson and members of the Senate Commerce Committee,

Thank you for the opportunity to address SB 10, relating to occupational licensure and regulation.

The Kansas Speech-Language-Hearing Association (KSHA) is a professional organization comprised of over 1000 Speech-Language Pathologists and Audiologists across the state of Kansas. **KSHA strongly opposes SB 10, the Right to Earn a Living Act**, because it eliminates the necessary health, safety, and welfare protections for consumers allowing individuals who have not met the minimum standards for licensure to provide services to the state's most vulnerable citizens.

This act would allow unlicensed individuals to pursue their chosen profession and seeks repeal of an occupational regulation that limits their ability to practice.

Speech-language pathologists and audiologists are licensed by the Kansas Department of Aging and Disability Services. These professionals must apply for licensure by demonstrating their professional qualifications, which include a Master's degree (for SLPs) or Doctorate degree (for Audiologists), in addition to a minimum number of hours of supervised clinical experience. Maintenance of licensure requires 20 hours of continuing education every two years.

Regulatory oversight, legislated through occupational licensure, is the accepted practice for consumer protection. The professions of audiology and speech-language pathology are regulated through licensure in all 50 states and the District of Columbia. The public relies on the expertise of licensure boards and advisory committees and their staff to ensure that those in practice are held to the highest standards of the profession. Modifications to licensure requires a thorough review by the KDADS Speech & Audiology Advisory Board and should only be conducted when accepted national standards are modified. Conducting a review of the licensure standards for the purpose of eliminating licensure is unnecessary and costly.

KSHA is concerned about the potential negative effects of this right to work bill, including its proposals to mandate that agencies repeal regulations unless an extremely high evidentiary standard is met and to permit a private cause of action for individuals to challenge occupational licensing regulations. We are concerned that SB 10 could have an adverse effect on the health, safety, and welfare of citizens who trust the state to protect the public from low-quality or harmful services and could also compel the state to expend taxpayer dollars unnecessarily.


This evidentiary burden is extremely high, and the "demonstrably necessary" standard suggests that proof of actual harms from the absence of the regulatory requirements would be needed to meet it. This would impose an impracticable burden on KDADs to collect appropriate data, as there is, in fact, no existing data available that gathers evidence of public harm from each level of restriction and compares the level of harm from requiring, for example, bonding and insurance versus an occupational license requirement. In addition, some licensing

laws appropriately set baseline levels of professional competence above mere avoidance of inflicting harm on members of the public.

State licensure provides consumer protection and recourse against incompetent practitioners or those acting in an unethical manner so that they may be removed from practice.

SLPs and Audiologists WANT to be licensed in this state and removing these minimum qualifications puts Kansas citizens at risk.

Sincerely,



Susie Ternes, AuD, CCC-A
Executive Director



Meredith Harold, PhD, CCC-SLP
Board President